



## **Local Government Act 1972**

**I Hereby Give You Notice** that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 20 September 2023** at **10.00 am** to transact the following business:-

1. To confirm the minutes of the meeting held on 19 July 2023 (Pages 5 - 20)
2. To receive any declarations of interest from Members
3. Chair's Announcements
4. Leader's Report
5. Questions from the Public
6. Petitions
7. Report from the Cabinet (Pages 21 - 28)
8. Review of Hackney Carriage and Private Licensing Policy - Report of Chair of General Licensing and Registration Committee (Pages 29 - 162)
9. Motions on Notice

### **Councillor A Surtees to Move**

This Council requests that ALL wards of County Durham are levelled up with the same investment and service delivery as Framwellgate and Newton Hall Ward.

## **Councillor C Martin to Move**

Council notes that many people who experience long-term homelessness and transient housing may have multiple and complex needs, including mental health difficulties, family breakdown, trauma, past criminal offending, and substance dependency. Homelessness (in particular street homelessness) has serious adverse effects on mental and physical health.

Council supports the production of a revitalised homelessness strategy and believes that access to good quality housing is a human right.

Council believes that a key part of the strategy should include a 'Housing First' approach, so that those with multiple and complex needs are supported to prevent and relieve homelessness, in line with Housing Link's principles of Housing First. Providing this intense support to people with multiple and complex needs provides good value to the tax payer, as it is proven to be effective in reducing longer term demands on healthcare, policing, and other public services.

Therefore, Council would welcome a long-term commitment to commissioning of Housing First provision as the effective and efficient homelessness reduction strategy for multiple and complex needs in any new homelessness strategy brought for Council for approval.

Council requests that the portfolio holder and council officers, working with stakeholders, write to local MPs and the Secretary of State to support additional funding to deliver a joined-up policy of increasing Housing First provision across all councils in the UK.

## **Councillor S Deinali to Move**

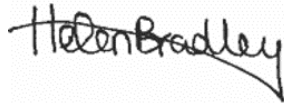
This Council condemns the Conservative Governments decisions since 2010 to cut capital spending on school improvements and its failure to adequately fund schools across County Durham.

The Council will write to the Secretary of State for Education outlining these views.

10. Questions from Members

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 12th day of September 2023

A handwritten signature in black ink that reads "Helen Bradley". The signature is written in a cursive style with a long, sweeping underline.

Helen Bradley  
Head of Legal and Democratic Services

**To: All Members of the County Council**

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## DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 19 July 2023** at **10.00 am**

**Present:**

### **Councillor J Nicholson in the Chair**

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, R Bell, C Bihari, J Blakey, D Boyes, D Brown, L Brown, J Chaplow, I Cochrane, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, K Earley, J Elmer, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, D Hall, C Hampson, D Haney, A Hanson, K Hawley, P Heaviside, T Henderson, S Henig, J Higgins, C Hood, A Hopgood, L Hovvels, D Howarth, J Howey, G Hutchinson, A Jackson, M Johnson, N Jones, P Jopling, C Kay, C Lines, L Maddison, R Manchester, C Marshall, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, M McGaun (Vice-Chair), D McKenna, M McKeon, I McLean, S McMahan, J Miller, P Molloy, D Nicholls, D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, I Roberts, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, J Scurfield, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, G Smith, T Smith, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, F Tinsley, S Townsend, C Varty, M Walton, M Wilkes, M Wilson, S Wilson and D Wood

Apologies for absence were received from Councillors A Bell, C Bell, R Charlton-Lainé, C Hunt, P Taylor, E Waldoock and A Watson

Prior to the commencement of the meeting the Chair announced with great sadness two deaths, former County Councillor, Sedgefield Borough Councillor and Alderman Bob Fleming and former Durham City Councillor and Mayor of Durham Mildred Brown.

Bob served on Durham County Council between 1997 and 2001 and on Sedgefield Borough Council from 1987 to 1991 and 1995 to 2007. Bob also served on Great Aycliffe Town Council for 36 years and was awarded the honour of Freeman of the Town in 2015.

Mildred represented the Sherburn Ward on Durham City Council from 1983 to 2003 and was Mayor of Durham City in 1988 to 1989.

Members stood for a moments silence out of respect to Bob and Mildred.

## **1 Minutes**

The minutes of the meeting held on 21 June 2023 were confirmed by the Council as a correct record and signed by the Chair.

## **2 Declarations of Interest**

There were no declarations of interest in relation to any items of business on the agenda.

## **3 Chair's Announcements**

The Chair informed Council that since the last Council meeting in June she had attended various events including a French education visitors delegation who carried out visits to schools on 27 June and a visit by Parkside/Tubingen students to County Hall on 29 June. The Chair had also attended the Future Business Magnates Awards on 30 June and Haswell Mencap on 5 July for the official opening of their sensory garden and Patch to Plate project.

In addition to this, year-long celebrations had begun to mark 75 years of an East Durham town. Durham County Council had received a grant of £92,302 from the National Lottery Heritage Fund to carry out a programme of events to commemorate 75 years of Peterlee being established as a 'New Town'.

On Saturday 1 July, Peterlee 75 was launched at Castle Dene Shopping Centre with 'Peterlee: The Place to Be', a unique photography exhibition tracing the origins and early development of the town. Over the next year, the Peterlee 75 celebrations would continue with a series of events, exhibitions, concerts, and workshops in and around the town, inviting people to reflect on Peterlee's history and have a say on its future. The programme would involve the whole community from the centre of the town to surrounding areas, including the villages from which Peterlee was founded.

Additionally, this year marked the 75th Anniversary of Newton Aycliffe.

Newton Aycliffe was designated as a new town in April 1947, but the actual birth of the town was widely regarded as being 1948.

The key dates in relation to the birth of the town were 28 June 1948 which marked the "cutting of the first sod" ahead of the construction of the first houses, and 9th November 1948 which was when the keys were handed over to the first resident of the town. A number of events had already been held as part of the celebrations.

Finally, the Chair thanked Councillor O Gunn and Councillor F Tinsley for extending an invitation to a 100<sup>th</sup> birthday event within their electoral division..

## **4 Leader's Report**

Councillor A Hopgood, Leader of the Council reminded Members that this was the last full Council before the summer recess and, while she was sure all Members were all looking forward to a break, the next six weeks could be a difficult time for many families.

Keeping children entertained could be a challenge at the best of times, and Councillor Hopgood reminded Members of the many events and activities taking place across the county to support families over the coming weeks.

The council's Fun and Food programme offered free holiday activities with healthy food for children and young people. Sessions were hosted by schools and voluntary groups, as well as services from across the council.

Children and young people aged 18 and under could take advantage of free-swimming sessions at all of the council's leisure centres throughout every school holiday.

There would also be a wide range of low-cost family friendly activities running throughout the summer at various venues, from libraries and parks to locations such as Killhope Lead Mining Museum.

Finally, there would be lots of free family entertainment at Seaham Food Festival, which took place on Saturday 5 and Sunday 6 August. With a stunning coastline as the backdrop, there was also the opportunity to enjoy the beach as well.

Councillor Hopgood hoped all Members would be able to share this information with residents and advise them that details were available on the council's website and wished all Members a restful recess.

Councillor C Marshall thanked the Leader for her report and asked the Leader if she could give some reassurance around the proposed new leisure facilities in Seaham and Chester le Street. The Leader replied that a report would be brought to Cabinet in the autumn. The facilities were always proposed as being part of phase two which had been agreed under the previous administration. All Members were welcome to attend meetings of Cabinet and ask questions.

## **5 Questions from the Public**

There were no questions from the public.

## **6 Petitions**

There were no petitions for consideration.

## **7 Report from the Cabinet**

The Council noted a report from the Cabinet which provided information on issues considered at its meeting held on 14 June 2023 (for copy see file of Minutes).

The Chair informed Council that no questions had been received on the report from Cabinet.

## **8 Treasury Management Outturn Report 2022/23**

The Council noted a report of the Corporate Director of Resources which provided an overview of the councils treasury management outturn performance for 2022/23, including a summary treasury position, details of borrowing activity during the year and the position as at 31 March 2023, an overview of investment activity and details of investments held at 31 March 2023, performance against the key treasury management indicators and performance against the key prudential indicators (for copy see file of Minutes).

Councillor R Bell, Deputy Leader and Portfolio Holder for Finance thanked officers for the comprehensive update on treasury management activity and added it was pleasing to note that the Council had fully complied with all the requirements of the Treasury Management Policy and Strategy agreed in February 2022.

## **9 Youth Justice Plan 2023/24**

The Council noted a report of the Corporate Director of Children and Young People's Services which presented the Youth Justice Plan 2023/24 (for copy see file of Minutes).

Councillor T Henderson, Portfolio Holder for Children and Young People's Services informed Council it was pleasing that the Plan for 2023/24 had not required any significant amendment from 2022/23 and thanked officers and staff for the work which had gone in to producing the Plan.

Councillor Deinali thanked officers for the Plan and for the work done to ensure young people had the support and interventions needed to reach their potential. It was evident that a lot of work had gone into the Plan which had the welfare and wellbeing of young people at its centre.



## 10 Overview and Scrutiny Annual Report

The Council noted the Overview and Scrutiny Annual Report 2022/23 (for copy see file of Minutes).

Councillor R Crute, Chair of the Corporate Overview and Scrutiny Management Board informed the Council that the report covered the period of the former Chair of the Corporate Overview and Scrutiny Management Board and invited the former Chair of the Corporate Overview and Scrutiny Management Board, Councillor C Martin to present the report.

Councillor C Martin, former Chair of the Corporate Overview and Scrutiny Management Board presented the report to Council.

Councillor Martin informed Council that the report recapped the fantastic work scrutiny had done over the year. Councillor Martin thanked officers for the production of the report, the Monitoring Officer, all of the officers who had supported Overview and Scrutiny and the Chairs and Vice Chairs for leading on the work and all those involved in contributing to scrutiny, providing a critical friend to the Executive.

Councillor Martin thanked Councillor C Lines as his Vice Chair of Corporate Overview and Scrutiny Management Board who had been very supportive and had pushed hard to deliver the agenda of overhauling the scrutiny process.

Councillor Martin highlighted some of his achievements as Chair and raised his biggest regret from this time period.

Councillor Martin informed Council that his ambition was for scrutiny to have a bigger role in developing policy to get Members ahead of the policy making process so they could set out what good policy looked like for their communities and also provide effective challenge.

Effort had been put in to do more focused work on developing the council's budget, doing some deep dives into some particular areas and providing some specific recommendations that fed into the budget.

While the full outturn report had been considered by scrutiny Councillor Martin considered it to be an oddity that scrutiny spent a lot of time discussing the approaching budget, but very little on how the council actually delivered that budget across the whole organisation.

Councillor Martin considered that Members would not be doing their job properly in scrutiny unless the executive were uncomfortable with the

debates they were having and he had no doubt that that the agendas he encouraged and facilitated during his tenure did that.

Councillor Martin's biggest regret was not having more opposition members as part of the leadership of scrutiny, although he was proud that he was the first chair of scrutiny to have a vice chair from the opposition.

In concluding, Councillor Martin wished the best of luck to the new leadership of scrutiny.

Councillor C Lines, Vice Chair of Corporate Overview and Scrutiny Management Board thanked Councillor Martin for his strong and fair leadership as Chair of the Corporate Overview and Scrutiny Management Board that allowed all Members to contribute fully to discussions and debate.

Councillor C Marshall informed Council that scrutiny was a way in which all non-Cabinet Members had the opportunity to challenge and influence the decision makers. Councillor Marshall placed on record his Group's thanks to every Member who had contributed to the work of scrutiny and thanked Councillor Martin for the role he played.

**Resolved:**

That the report be received.

## **11 Annual Report of the Standards Committee 2022/23**

Councillor J Nicholson, Chair of the Standards Committee presented the annual report of the Standards Committee for the period 2022/23.

Councillor Nicholson informed Council that the report set out the Membership of the committee for the period, including the two new Parish and Town Council Co-opted Members who were appointed by Council in March 2023. The report also referred to the interim appointment of Karen Milburn as Independent Person who had provided invaluable support whilst recruiting new Independent Persons. Councillor Nicholson had written to Ms Milburn on behalf of the Committee to thank her for her support to the Committee and the Monitoring Officer during her short tenure. The recruitment exercise for Independent Persons was conducted during the last quarter of the period and Councillor Nicholson was pleased to report that at the start of the new Municipal year there were three new Independent Persons alongside Alan Fletcher who was appointed in 2021.

The Committee's Work Programme, which was consistent with the terms of reference was set out in the report at paragraph 14, and attached at Appendix 2. The Committee had continued to monitor standards and governance issues nationally. Council would recall that in December 2022 it

had agreed to sign up to the LGA 'Debate not Hate' campaign. Since then the Committee had continued to receive regular updates in relation to the campaign and had supported the Monitoring Officer to provide case studies to the LGA on the support available to councillors who encountered abuse and intimidation.

In respect of complaints there had been an increase in the number of complaints received during the year when compared with 2021/22. The majority of complaints continued to relate to Town and Parish Councils, however there had been a slight increase in the number of complaints against County Councillors. Whilst the number of complaints had increased, there was a decrease in the number of complaints where local resolution was recommended and an increase in the number of complaints where the outcome was 'no further action'. There had been no requirement to convene a Standards Committee Hearing Panel during the period.

Looking ahead the Committee had agreed a Work Programme for 2023/24 which would continue to be a living document, which could be updated to reflect any developments within the Committee's remit throughout the year. The Committee looked forward to welcoming the new Independent Persons to their meetings following their recent induction training.

Finally, Councillor Nicholson thanked the Monitoring Officer and her team for their continued work with the Committee in assisting to ensure that high standards were achieved by all locally elected members, and she asked the Council to note the report.

**Resolved:**

That the report be noted.

## **12 Corporate Parenting Panel Annual Report**

The Chair invited Councillor M Simmons, Chair of the Corporate Parenting Panel to present the report and informed Council that Billie Tasker and Luke Joseph, two young people co-opted onto the Corporate Parenting Panel were in attendance to speak to the report, supported by Rob Walker, Project Worker for Investing in Children.

Councillor M Simmons, Chair of the Corporate Parenting Panel presented the Corporate Parenting Panel Annual Report for endorsement.

Councillor Simmons thanked officers from the Corporate Parenting Panel (CPP) along with all the young people who made the Annual Report possible.

The Annual Report covered the period April 2022 to March 2023 and covered a wide range of work taking place across the service to support the young people in care, as well as care leavers.

Councillor Simmons alluded to some of the achievements CPP were particularly proud of, including the focus on personalised care, ensuring each young person had an individual care plan detailing how they needed to be looked after to help them get the best from their lives.

Awareness raising work had been undertaken with staff in children's homes and with foster carers to remind them how young people liked to be treated. Young people were now on the interview panels for all foster carers and children's home staff to ensure they helped appoint the best people to the jobs.

Updates had been made to Family Time rooms to help young people have the best possible experiences with their family members, in more natural surroundings

A care leavers scrutiny committee had been developed and the care experienced young inspectors programme helped explore how services were received by young people.

CPP had a commitment to continue to support young people with their transport arrangements.

Finally, the Mockingbird Foster care model which helped support foster families in a way similar to other family networks had been implemented.

The Ofsted inspection results earlier in the year were certainly an achievement, with us being graded as 'good' overall with the impact of leaders on social work practice being 'outstanding'. In addition, Ofsted noted our Corporate Parenting Strategy as ambitious.

Work was continuing to address the 2023-24 priorities identified in the annual report, which included savings and life skills, and Councillor Simmons looked forward to providing a progress update in the next annual report.

Throughout the year CPP met with young people from the Children in Care Council, who held the Panel to account on the progress being made against priorities, and rightly so.

Councillor Simmons was extremely proud of the work of the Corporate Parenting Panel, and the commitment within the service to ensure the best possible experiences and outcomes for the young people who were in our care.

Billie Tasker, a representative from the Children in Care Council addressed Council. For Durham to have young people attend meetings of the Corporate Parenting Panel showed young people how forward thinking Durham was as not all regions had this provision in place. Billie referred to the statement she had published in the Annual Report specifically where she mentioned the Panel had encouraged her to present her ideas and feelings in an unorthodox manner, encouraging young people to present in a way they felt comfortable. Billie informed Council that she had prepared some poetry for the meeting to express her work with the Council, how she felt about it and how she felt about having her voice heard. Billie then recited her poetry.

Luke Tasker, a representative from the Children in Care Council addressed Council. Luke thanked Council for inviting him to speak again. Luke informed Council that it had been amazing over the last year to work as part of the CPP and representing the Children in Care Council.

Luke thanked everyone for the hard work they had put in over the last year and thought the Annual Report reflected on all efforts and the success being seen from that hard work.

From the support for unaccompanied asylum seekers, which had been amazing, to the support around the entry to care packs, that were now called 'supply packs' which had been incredible, it showed how much the council listened to young people and take their ideas on board with ideas that could benefit life for young people from just an idea which he had taken to Children in Care Council under a year..

The CPP helped to promote that young people as more than 'children in care' and were young people with a range of skills, abilities and talents. To support this, service leads shared proud moments, and at each CPP meeting to showcase some of our achievements, no matter how big or small. As Luke was part of the Advisory Board he got the opportunity to travel to London to speak with the Council of Children in Care and always promoted Durham and the work it did as it was a lot different to other councils who did not include young people in their work as much as Durham did.

The Chair thanked and praised both Billie and Luke for their presentations. Their voice was important to all in County Durham and to everybody who came into the care system.

Councillor S Deinali thanked Billie and Luke for their presentations and thanked officers and staff for a thorough Annual Report. Councillor Deinali also thanked all staff who worked with and helped to ensure the safety and

wellbeing of children in care in County Durham. It was good that priorities were based around what young people wanted and needed.

Councillor O Gunn thanked the Corporate Parenting Panel for the Annual Report which exemplified and focussed on work which had been developed over many years in terms of Corporate Parenting. Councillor Gunn considered that without the input of the Children in Care Council this development would have been much slower.

Councillor Hopgood, Leader of the Council thanked Billie and Luke for their presentations and thanked Councillors Simmons, Walton, all Members on the Corporate Parenting Panel and the Children in Care Council for their work.

**Resolved:**

(a) That the content of the Corporate Parenting Panel Annual Report be noted.

(b) That the Corporate Parenting Panel Annual Report, which provided oversight of the work undertaken during 2022-23, and the priorities for the year ahead be endorsed.

**13 Local Government Boundary Commission Review**

The Council noted a report of the Corporate Director of Resources which detailed the next steps in relation to the Local Government Boundary Commission England in respect of future electoral divisions (for copy see file of Minutes).

**14 Call-in of Executive decision made on 14 June 2023 - Home to School Transport Services - Consultation Outcomes**

The Council considered a report of the Corporate Director of Resources regarding consideration of the Executive Decision made on 14 June 2023 in respect of Home to School Transport Services – Consultation Outcomes for which Call-in was exercised and considered at the Corporate Overview and Scrutiny Management Board meeting held on 28 June 2023 (for copy see file of Minutes).

The Head of Legal and Democratic Services presented the report and outlined the procedure to be followed for the debate, explaining that the usual Rules of Debate would apply.

The Chair invited the Corporate Director of Children and Young People's Services to provide background and context to the decision made by Cabinet on 14 June 2023. Members had no questions for the Corporate Director of Children and Young People's Services.

Councillor R Crute, Chair of the Corporate Overview and Scrutiny Management Board (COSMB) informed Council that the decision made by Cabinet at its meeting held on 14 June 2023 with respect to the Home to School Transport Policy was referred to COSMB in line with the Constitution and the Council's procedure for Call-in. At the COSMB meeting held on 28 June 2023 a number of comments were made about the Cabinet decision but specifically in relation to the proposed increase in concessionary travel fares with many Members expressing concerns about the impact this would have on some households already struggling with the ongoing cost of living crisis, record levels of Council Tax combined with rising mortgage costs caused by a prolonged period of high interest rates. Following a vote at COSMB a decision was made to refer the matter to Council for deliberation. In accordance with Council Procedure Rules and for a debate to take place a Motion was needed to be moved and seconded. Councillor Crute **Moved**:

That this Council requests Cabinet to reconsider its decision made on 14 June in relation to Home to School Transport on the grounds set out in Paragraph 16 of the report to Council.

In **Seconding** the Motion Councillor S Deinali informed the Council that although only nine schools would be impacted by the uplift to £2 many residents in the communities surrounding the schools would be impacted. County Durham had some of the most disadvantaged areas in the United Kingdom, and while some families were eligible for free transport there were those who were on the breadline, low income working households who were not eligible for benefits and not eligible for free transport. These were the families who would be impacted most. In addition to concerns about the uplift, recommendations to move away from single person transport to collective hubs and the move to personal budgets were also a concern. The extra stress and pressure on families could have an immense impact causing distress and unnecessary disruption. Councillor Deinali considered that the decisions made by Cabinet had not been fully thought through with regards to the level of impacts on families in County Durham.

Councillor C Lines, Vice-Chair of COSMB informed Council that he had followed the review of Home to School Transport as it had progressed and had the opportunity to contribute to the review through the consultation, through the Children and Young People's Overview and Scrutiny Committee and twice at Cabinet. Councillor Lines felt that the call-in request contained a glaring inaccuracy about the uplift and failed to outline how the decision did not adhere to the principles of decision making as set out at Article 10 of the Council's Constitution. The Cabinet decision was neither contrary to the Council's Policy Framework nor not wholly consistent with the Council's budget.

Councillor O Gunn considered free and easily accessible school transport was a lifeline for many young people and families in County Durham. There were significant financial pressures on the Council and there was a need to address financial priorities, however it was clear from the recommendations for Home to School Transport that for the Cabinet, Home to School transport was not a priority.

Councillor L Mavin informed Council that the current model for home to school transport was financially unsustainable with increased costs from £14m in 2019/20 to £29m in 2023/24, more than 100% increase. Increasing demand had put additional strain on available resources. Growing populations, changing demographics and more students now required transport assistance leading to higher costs for the Council including the need for additional vehicles and drivers. There was no requirement for this decision to be sent back to Cabinet because a fully costed proposal had already been agreed.

Councillor C Fletcher presented the views of the Belmont Student Council Democratic Group who considered that the suggested walking route from Sherburn to the Belmont Community School building through Renny's Lane to Birkdale Gardens was unsafe and unsuitable for children aged 11 to 16. The alternative route was also unsafe due to the lack of a footpath next to the Road B1283. The Democratic Group had requested that Council reconsider the report and Councillor Fletcher informed Council she supported the Motion.

Councillor L Fenwick expressed concern at children with special educational needs being sent to transport hubs and considered that children and families would be hugely impacted by the proposed changes to home to school travel.

Councillor E Scott informed Council that the proposal was not a £2 uplift to fares as had been stated in the Call-in letter, it was a proposed 37p uplift to £2.

Councillor P Jopling informed Council that the issue of increasing costs of school transport budgets was a national issue for all councils. There were currently 370 pupils in County Durham travelling on their own in taxis and there were 544 passenger assisted allocated to transport journeys. Each young person travelling in this way costed an average of £20,000 a year. Travelling in groups could have numerous benefits for children, including social and emotional development, providing opportunities to interact and engage with peers and fostering the development of important social skills by travelling together.



Councillor F Tinsley considered that the decision needed to be brought back to Cabinet. Councillor Tinsley expressed concern that Cabinet had agreed a charge to the standard and maintained concessionary scheme of £2 to align to the bus service improvement plan offer for 2023/24. However, the bus service improvement plan figure of £2 only existed until 31 October 2023 then it would increase by 25% to £2.50 and come November 2024 this would return to commercial rates. This would be a spiralling future impact for families.

Councillor P Heaviside considered the report submitted to Cabinet was a testament to the diligent efforts put forward over a period of 18 months. The evidence gathered during this period had allowed the proposed policy change which would positively impact children from low income families or those with special education needs. One of the key recommendations was the provision of free transport for eligible children which recognised that transportation costs could be a burden for families, especially those facing financial difficulties. Additionally, children with special education needs would continue to receive free transport services.

Councillor A Reed, Chair of Children and Young People's Overview and Scrutiny Committee informed Council that the home to school transport consultation period had taken place between 27 February 2023 and 9 April 2023 and there had also been three opportunities for all Members of the Council to raise concerns about the proposals. The proposed charge of £2 equated to a 37p increase. All children eligible to receive free travel based on their family income or special education needs would continue to be provided with free transport.

Councillor M McKeon considered home to school transport to be an important lifeline for young people. Going above and beyond the statutory requirement had been a necessary adaptation for a rural county like Durham.

In response to a question from Councillor D Sutton-Lloyd, the Head of Legal and Democratic Services confirmed that the Call-in was valid.

Councillor A Hopgood, Leader of the Council informed the Council there was no change to SEND provision and that anybody eligible for SEND provision of free home to school transport would continue to receive this. The use of transport hubs would be in consultation with schools and parents and would only proceed when all parties agreed that it was an opportunity for the child for development. Nothing would be implemented against the wish of a parent who didn't want their child to attend a transport hub. The Corporate Director of Children and Young Peoples Services had confirmed that the proposal did not affect rural areas.

Councillor A Jackson informed Council that the Council was not moving away from single person travel where this was required on a need-based decision. It was important that transport identified for each child met their needs.

Councillor M Wilkes, Portfolio Holder for Neighbourhoods and Climate Change informed Council that, if not addressed, the cost of home to school transport to all residents of County Durham would equate to over 10% of the entire Council Tax raised.

Councillor J Elmer informed Council that the home to school transport service needed to be financially sustainable, which at the moment it was not. Councillor Elmer considered that the Service had thoroughly reviewed all options with a goal of finding a pathway which minimised impact and had carefully engaged with all stakeholders.

Councillor P Molloy considered the proposals to be a common sense approach and could not support the Motion.

Councillor R Bell, Deputy Leader and Portfolio Holder for Finance informed Council that the 37p increase in fare referred to 452 pupils at 9 schools, none of which were rural. The Council was putting an additional £7.98m into the budget next year which equated to 3.9% on the Council Tax which would affect all in the County.

Councillor J Miller expressed concern at the impact the proposal would have on families and on children and informed Council that he would be supporting the Motion.

A named vote was requested.

Councillor A Surtees informed Council that parents who had children of school meals will have encountered a 17p increase per child, per meal by September 2023 with another increase due in April 2024 which would put even more pressure on family finances. Increases in nursery costs and child care costs would also be experienced.

Councillor S McDonnell informed the Council that an enormous amount of work had been expended by the procurement on home to school transport teams. Every opportunity had been available to all Members of the Council to contribute towards the review.

Councillor R Crute considered the case had been well put to refer the matter back to Cabinet. The decision to Call-in was made by Councillor Crute in consultation with the s151 officer and the monitoring officer and was a valid referral. COSMB had a duty to hold Cabinet to account in line with the Council's Constitution.

Upon a vote being taken

### **For the Motion**

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, C Bihari, D Boyes, J Chaplow, R Crute, S Deinali, K Earley, L Fenwick, C Fletcher, J Griffiths, O Gunn, D Hall, C Hampson, A Hanson, K Hawley, S Henig, J Higgins, L Hovvels, D Howarth, M Johnson, C Kay, L Maddison, R Manchester, C Marshall, B McAloon, D McKenna, M McKeon, I McLean, S McMahon, J Miller, D Nicholls, P Pringle, J Purvis, S Quinn, I Roberts, J Scurfield, K Shaw, G Smith, T Smith, A Surtees, F Tinsley, S Townsend, M Wilson, S Wilson, D Wood and R Yorke.

### **Against the Motion**

Councillors R Bell, J Blakey, D Brown, L Brown, J Cosslett, B Coult, M Currah, T Duffy, J Elmer, D Freeman, D Haney, P Heaviside, T Henderson, C Hood, A Hopgood, J Howey, G Hutchinson, A Jackson, N Jones, P Jopling, C Lines, C Martin, E Mavin, L Mavin, S McDonnell, M McGaun, P Molloy, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, J Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, A Shield, J Shuttleworth, M Simmons, A Simpson, W Stelling, A Sterling, D Stoker, T Stubbs, D Sutton-Lloyd, M Walton, M Wilkes and S Zair.

The Motion was **Lost**.

## **15 Motions on Notice**

The Chair thanked Councillor Surtees for the opportunity to defer her Motion to the next Council meeting in September.

## **16 Questions from Members**

### **Councillor R Ormerod**

Will the Leader of the Council join me in expressing deep concern and opposition to LNER's plans to close the ticket office at Durham rail station?

Councillor A Hopgood, Leader of the Council thanked Councillor Ormerod for his question and replied she would join Councillor Ormerod in expressing deep concern at the plans. Each Cabinet Member had written with particular regard to their Portfolio about the impact this would have and the disadvantage it would cause to travellers and would supply Councillor Ormerod with copies of these letters.

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**Electoral division(s) affected:**

All

**Purpose of the Report**

To provide information to the Council on issues considered by the Cabinet at its meetings held on 12 and 26 July and 29 August 2023 to enable Members to ask related questions by no later than midday 3 working days before the day of the meeting

**Contents**

**12 July 2023**

Item 1 – Medium Term Financial Plan(14), 2024/25 – 2027/28, Review of the Local Council Tax Reduction Scheme and Council Tax Discretionary Discounts and Premiums Policy Key Decision: CORP/R/23/01

Item 2 -Review of Customer Access Point Service Offer Key Decision: CORP/R/23/06

Item 3 - Community Engagement Review

Item 4 - 2022/23 Final Outturn for the General Fund and Collection Fund

Item 5 - Council House Delivery Programme Update

Item 6 - Digital Strategy for County Durham

Item 7 - Council Employment Services – Future Delivery

**26 July 2023**

Item 1 - Office Accommodation Strategy Update [Key Decision: REG/03/2023]

**29 August 2023**

Item 1 - Amendments to the Charitable Scheme Brandon Colliery Miners' Welfare Hall

12 July 2023

**1 Medium Term Financial Plan(14), 2024/25 – 2027/28, Review of the Local Council Tax Reduction Scheme and Council Tax Discretionary Discounts and Premiums Policy – Councillor Richard Bell, Deputy Leader and Cabinet Portfolio Holder for Finance and Councillor Amanda Hopgood, Leader of the Council [Key Decision: CORP/R/23/01]**

We considered a report of the Corporate Director of Resources which provided an update on the development of the 2024/25 budget and the Medium Term Financial Plan (MTFP(14)) covering the period 2024/25 to 2027/28. The report also considered a review of the Local Council Tax Reduction Scheme for 2024/25 and proposed changes to the Council Tax Discretionary Discounts and Premiums Policy.

**Decision:**

We:

- (a) noted the savings attached at Appendix 2 which were previously approved in MTFP(13);
- (b) noted and approved that consultation progresses on the new savings proposals developed for MTFP(14) as set out at Appendix 3, alongside the equality impact assessments contained at Appendix 5;
- (c) approved that consultation begin on the implementation of additional council tax flexibilities for empty and second homes as set out in the report;
- (d) approved that consultation begins in relation to proposed reductions in grant support for Town and Parish Councils;
- (e) noted the updated MTFP forecasts and the requirement to identify additional savings of £56.014 million for the period 2024/25 to 2027/28 but also note that this forecast could change significantly based upon decisions on council tax, the outcome of future government funding settlements, the Fair Funding Review and the ongoing impact of demand for services and inflationary pressures upon the council;
- (f) noted that at this stage it was forecast that additional savings of £12.135 million were required to balance the 2024/25 budget;
- (g) agreed the high level MTFP(14) and 2024/25 budget setting timetable contained in the report;
- (h) agreed the approach outlined for consultation on the 2024/25 budget and MTFP(14);
- (i) agreed the proposals to build equalities considerations into decision making; and
- (j) agreed that Cabinet recommend to Full Council that the Local Council Tax Reduction Scheme should remain unchanged for

2024/25. d to: (a) note the savings attached at Appendix 2 which were previously approved in MTFP(13);

**2. Review of Customer Access Point Service Offer - Councillor Susan McDonnell, Cabinet Portfolio Holder for Customer Services [Key Decision No. CORP/R/23/06]**

We considered a report of the Corporate Director of Resources which outlined proposals to consider adjustment to the face-to-face service offer in four of our least used Customer Access points (CAPs) considering reduced demand and in line with preserving channel choice. The report also set out the consultation and equalities impact assessment (EIA) on the proposals, which were linked to the achievement of savings targets included in MTFP(13).

**Decision:**

We:

- (a) Noted the content of the report and the information contained within; and
- (b) Approved the proposed demand led adjustment to service offer across Barnard Castle, Chester le Street, Consett and Stanley CAPs with effect from 1 October 2023.

**3. Community Engagement Review - Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economy and Partnerships**

We considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an update on the findings from the countywide public consultation on ERS consultant's proposals for the council's community engagement function sought agreement to the recommendations for a revised function.

**Decision:**

We

- (a) noted the outcomes from the countywide consultation exercise;
- (b) agreed the proposed new Local Network model as the council's main community engagement function;
- (c) agreed the proposed timescales for phased implementation and transitional arrangements; and
- (d) agreed to receive an update on delivery progress including new governance arrangements and terms of reference in September 2024.

**4. 2022/23 Final Outturn for the General Fund and Collection Fund - Councillor Richard Bell, Deputy Leader and Cabinet Portfolio Holder for Finance**

We considered a report of the Corporate Director of Resources which provided information on the final revenue and capital outturn for the General Fund for 2022/23, the final outturn for the Council's Council Tax and Business Rates Collection Fund for 2022/23, the use of and contributions to earmarked, cash limit and general reserves in year and at year end together with the closing position regarding balances held at 31 March 2023 and achievement of Medium Term Financial Plan (MTFP) (12) savings targets in 2022/23.

**Decision:**

We noted:

- (a) the final revenue outturn overspend of £5.366 million which represents 1.05% of the revised net expenditure budget of £510.986 million;
- (b) the net decrease in the cash limit reserves of £3.509 million during 2022/23 with closing cash limit reserves of £8.056 million. These sums would continue to be held as earmarked reserves and be available for Service Groupings to manage their budgets effectively;
- (c) the closing general reserve balance of £26.017 million (£20.532 million prior to transfer from MTFP Support Reserve), which was within the council's general reserves policy of retaining a balance of between 5% and 7.5% of the net budget requirement (£26 to £38 million);
- (d) the closing balance on earmarked reserves (excluding cash limit and schools' reserves) of £188.482 million – an in year reduction of £35.482 million;
- (e) the closing balance on DSG / schools related reserves of £28.463 million – an in year reduction of £2.756 million;
- (f) the outturn position for the Collection Funds in respect of Council Tax and Business Rates.
- (g) the amount of savings delivered during 2022/23 of the MTFP (12) period.
- (h) the inflationary pressures that had been managed within contingencies and via the Budget Support Reserve during 2022/23 and the requirement to manage via reserves and service cash limits going forward.

We agreed:

- (a) that the capital budget underspend of £22.024 million be carried forward into 2023/24;
- (b) that service groupings continue to regularly review capital profiles throughout 2023/24, reporting any proposed revisions to Cabinet as necessary.



## **5. Council House Delivery Programme Update – Councillor James Rowlandson, Cabinet Portfolio Holder for Resources, Investment and Assets**

We considered a report of the Corporate Director of Regeneration, Economy and Growth which provided an update on work undertaken to develop a viable council house delivery programme since initial approval was given by Cabinet in October 2020 to deliver 500 council homes by 2026. The report provided information on how the Council had responded to a number of challenges, including inflationary pressures in the construction sector, rising interest rates, and the quality and size of some of the allocated sites in Phases 1 and 2, which had presented additional challenges for the delivery of the programme.

The report provided an updated business case for the delivery of both general needs and bungalow accommodation, provided an updated business plan model and outlined new governance and delivery arrangements and sought approval for the development of three sites to commence the programme

### **Decision:**

We

- (a) approved the Council House Delivery Programme Business Case, encompassing strategic, economic, financial and management considerations as set out at paragraphs 21 to 72 of the report;
- (b) approved the Council House Delivery Programme as set out at paragraphs 73 to 74, which reconfirms the progression of sites contained in Phase 1 and 2 of the Programme, subject to viability considerations;
- (c) approved the Council House Delivery Programme Governance Approach as set out at paragraph 72 and Appendix 5 and to agreed delegated powers to:
  - i. the Head of Corporate Finance & Commercial Services and the Head of Planning and Housing in consultation with the Cabinet Member for Resources, Investment and Assets (acting as the Council House Delivery Operational Programme Board) to approve sites for delivery that are viable; and
  - ii. the Corporate Director for Regeneration and Economic Growth and the Corporate Director for Resources in consultation with the Cabinet Member for Resources, Investment and Assets (acting as the Council House Delivery Oversight and Approvals Board) to approve sites for delivery that are not viable;
- (d) approved the Council House Delivery Programme procurement strategy, as set out at paragraphs 82 to 85, to award a framework agreement following an initial restricted procurement process. The framework will have a minimum of three suppliers appointed and will

- have both direct award and further competition call off mechanisms permitted;
- (e) approved the Rural Delivery Framework as set out paragraphs 75 to 77 and at Appendix 6, which sets out a specific range of delivery approaches on the basis that the Council does not have suitable land holdings in the rural west of the County; and
  - (f) approved the consideration of non-viable sites as long as the overall HRA remains viable in line with the governance approach set out at paragraph 81 and Appendix 5.

**6. Digital Strategy for County Durham – Councillor Susan McDonnell, Cabinet Portfolio Holder for Digital, Customer Services and Procurement**

We considered a report of the Corporate Director of Resources which sought approval and adoption of a new and updated Digital Strategy for the county.

**Decision:**

We

- (a) approved the adoption of the updated digital strategy; and
- (b) approved the publication of the updated digital strategy on the Council's website as an interactive document.

**7. Council Employment Services – Future Delivery – Councillor Ted Henderson, Cabinet Portfolio Holder for Children and Young People's Services and Councillor Elizabeth Scott, Cabinet Portfolio Holder for Regeneration and Partnerships**

We considered a joint report of the Corporate Director of Children and Young People's Services and Corporate Director of Regeneration and Growth which provided an update on issues surrounding the approaching project end date for Council delivered employment services funded by the European Social Fund (ESF). Specifically, the report:

- (a) Highlighted the anticipated reduction/shift in service provision countywide from January 2024.
- (b) Identified the scale of the financial implications as European funded employment projects come to an end including the impact upon targeted cohorts, it will also identify potential future programmes, alongside structures required to deliver best value.
- (c) Identified the proposal to increase core council funding by £1million, to support improving progression activities, partially mitigate the impact of the end of ESF, and to ensure the Council continues to meet its statutory obligations and support for identified 15–25-year-old cohorts.

- (d) Explored opportunities and funding required to continue the delivery of Employment Services alongside the new expectations attached to UKSPF (UK Shared Prosperity Funding).

**Decision:**

We

- (a) Supported the inclusion of a Base Budget pressure of £1m in the 2024/25 budget to provide additional core funding to the Employability Service.
- (b) Noted proposals to the County Durham Economic Partnership Plus board for the council to be commissioned to deliver £4.9m of UK SPF funding to deliver employability support projects.
- (c) Noted the requirement to restructure employment support services within the significantly reduced budget

**26 July 2023**

1. **Office Accommodation Strategy Update – Councillor James Rowlandson, Cabinet Portfolio Holder for Resources, Investments and Assets and Councillor Richard Bell, Deputy Leader and Cabinet Portfolio Holder for Finance [Key Decision: REG/03/2023]**

We considered a joint report of the Corporate Director of Regeneration, Economy and Growth and the Corporate Director of Resources which set out a specific option for the council to meet its accommodation needs and deliver best value.

**Decision:**

We resolved that the recommendations in the report be approved.

**29 August 2023**

1. **Amendments to the Charitable Scheme Brandon Colliery Miners' Welfare Hall**

Acting in its role as Trustee of the Charitable Scheme known as Brandon Colliery Miners' Welfare Hall we considered a joint report of the Corporate Director of Regeneration and Economic Growth and Corporate Director of Neighbourhoods and Climate Change which sought approval to approach the Charity Commission to alter the scheme and to delegate authority to the Corporate Director of Regeneration and Economic Growth to complete the actions needed to alter the scheme.

**Decision:**

As Trustees of the Brandon Colliery Miners' Welfare Hall Scheme we agreed that delegated authority be given to the Corporate Director of Regeneration and Economic Growth, Corporate Director of Resources and relevant Portfolio Holder(s) to take such steps as may be necessary to ensure that Brandon Community Association receive a legal interest in Brandon Village Hall.

### **Background Papers**

Cabinet Agenda and Reports

[Cabinet Agenda and Reports - 12 July 2023](#)

[Special Cabinet and Reports - 26 July 2023](#)

[Special Cabinet and Reports - 29 August 2023](#)

Councillor A Hopgood,  
Leader of the Council  
12 September 2023

County Council

20 September 2023

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



**Ordinary Decision**

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**Report of Chair of General Licensing & Registration Committee**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To present the revised Durham County Council Hackney Carriage and Private Hire Licensing Policy, referred to as the “taxi policy”, to council and to seek its adoption.

**Executive summary**

- 2 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.
- 3 The current taxi policy attached as Appendix 2 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.
- 4 A draft revised policy has been developed following extensive consultation with interested parties and this is attached as Appendix 3.
- 5 The revised policy requires council approval before it can come into effect.

**Recommendation(s)**

- 6 Council is recommended to:
  - (a) consider and agree to adopt the revised taxi policy as contained in Appendix 3;
  - (b) change the Officer scheme of delegation to delegate authority to the Head of Community Protection to deal with serious matters by the immediate revocation of hackney carriage and private hire driver licences; and to sanction the introduction of a fast-track re-application process for re-instatement where appropriate.

## Background

- 7 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. A copy of the existing Policy is attached at Appendix 2 to the report.
- 8 Following its last revision, several matters had been identified that needed to be considered as part of a policy review.
- 9 Consultation is integral to the overall policy review process. As such, a full, 12-week public consultation took place between September 2020 and November 2020 and following the consultation, the responses were collated, assessed, and considered by officers.
- 10 Proposals were presented to the General Licensing and Registration Committee (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.
- 11 At their meeting on 13 September 2021, GLRC considered the proposals and resolved to agree the following revisions to the policy for recommendation to council:

- (a) introduce revised engine emission standards for new applications and renewals.
- (b) that locality testing should continue for Hackney Carriage drivers but should be discontinued for Private Hire Drivers, with both being kept under review.
- (c) disability awareness training should be included as a requirement in the policy for new drivers and that refresher training should be a requirement for existing drivers before their licence was renewed.
- (d) that authority be delegated to Officers to immediately revoke licences with the introduction of a fast-track re-application process for reinstatement where appropriate.
- (e) the IOL standards should be included in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification.
- (f) intelligence led and drug and alcohol testing should be included in the Policy.
- (g) introduction of driver improvement schemes.
- (h) exemption from displaying a licence plate would remain within the policy but the exemption period be agreed in consultation with the Chair and Vice-Chair of the Committee on receipt of an application.
- (i) the requirement to carry a fire extinguisher and first aid kits in licensed vehicles would remain within the policy.
- (j) consideration of fee/charging arrangements for electric vehicles be deferred.
- (k) include the requirement for refresher awareness training every three years.
- (l) drivers and vehicle owners would be not mandated to install CCTV.

12 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. A second consultation exercise was therefore undertaken between 20 June and 17 July 2022.

- 13 The results of this consultation were presented to GLRC on 17 November 2022. At that committee meeting, Members modified the proposed policy in relation to the following:
- (a) Introduction of new emission standards for:
- (i) 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, 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.
- (b) Requirements for carrying fire extinguishers and first aid kits would be optional and not mandatory.
- 14 GLRC agreed to recommend the revised taxi policy to Council on 7 December 2022. At full Council the report was deferred, and a motion passed that the Cabinet Portfolio Holder would meet with representatives of Durham Taxi and Private Hire Association (DTPHA). This meeting took place 5 January 2023.
- 15 Following the meeting with trade representatives, a further report was presented to GLRC on 6 March 2023 which included the option for Committee to extend the deadline for the licensing of Euro 5 vehicles. Members agreed to the continued licensing of Euro 5 vehicles until March 2026.
- 16 At the meeting of the GLRC on 6 March 2023, further discussion and debate took place regarding the knowledge and locality tests in relation to hackney carriage drivers.
- 17 Recognising the differences in the way in which hackney carriages and private hire vehicles can operate, Members had previously agreed to remove this application requirement but only for private hire driver licences. As private hire vehicles must be prebooked through an



operator this would allow the driver more time in which to plan the route in advance.

- 18 Hackney carriage vehicles may operate from taxi ranks or stands and can pick people up from the street without being pre-booked.
- 19 Recognising the wider use of satellite navigation units in taxis following advancements in technology over recent years, a recommendation to remove the requirement for hackney carriage driver licence applicants to have to sit a locality test as part of the application process was moved, seconded, and agreed following a vote.
- 20 Members of GLRC have not recommended any other measures to replace the removal of the locality testing but this matter will be kept under regular review.
- 21 The final version of the taxi policy as attached in Appendix 3, was considered, and agreed by GLRC on 5 June 2023. The revised policy reflects the amendments agreed by GLRC on 6 March 2023 and 17 November 2022.

## **Main considerations**

- 22 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.
- 23 The revised taxi policy has been subject to an initial Equality Impact Screening Assessment which has taken into consideration the final draft taxi policy and previously proposed revisions to the policy as agreed by GLRC and is attached in Appendix 4. No overall impacts have been identified across the equality strands.

## **Conclusion**

- 24 Further consultations on the policy have taken place in accordance with the wishes of the council and the outcome of the consultation exercises and the subsequent meeting with trade representatives has been considered as part of the review of the existing taxi policy.
- 25 The recommendation of the GLRC is for the draft policy to be adopted and it is intended that this policy will come into operation on 1 October 2023.

## Background papers

- 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 revised taxi policy has been subject to an initial Equality Impact Screening Assessment which has taken into consideration the final draft taxi policy and previously proposed revisions to the policy as agreed by GLRC and is attached in Appendix 4. No overall impacts have been identified across the equality strands.

### **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: Current Durham County Council's Hackney Carriage and Private Hire Licensing Policy**

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Attached as separate document.

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**Regeneration and Local Services**

**Environment, Health and Consumer Protection Services**

# **Hackney Carriage and Private Hire Licensing Policy 2016**

**(As amended April 2018)**

*Altogether better*



<b>Version Date</b>	<b>Version ref</b>	<b>Revision History</b>	<b>Reviser</b>	<b>Approved by</b>	<b>Review Date</b>
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



## Contents

<b>Contents .....</b>	<b>3</b>
<b>1. Introduction .....</b>	<b>5</b>
<b>2. Hackney Carriage and Private Hire Licensing .....</b>	<b>5</b>
<b>3. Vehicle Emissions and Manufacture Criteria .....</b>	<b>6</b>
<b>4. Scope .....</b>	<b>6</b>
<b>5. Taxi Licensing Objectives.....</b>	<b>6</b>
<b>6. Promotion of Taxi Licensing Objectives .....</b>	<b>7</b>
<b>7. Partnership Working .....</b>	<b>8</b>
<b>8. Duties and Obligations under the Equality Act 2010 .....</b>	<b>8</b>
<b>9. Conditions .....</b>	<b>9</b>
<b>10. Enforcement.....</b>	<b>9</b>
<b>11. Other Regulatory Regimes .....</b>	<b>100</b>
<b>12. Decision Making .....</b>	<b>10</b>
<b>13. Complaints Procedure .....</b>	<b>10</b>
<b>14. Vehicles .....</b>	<b>10</b>
<b>15. Vehicle Insurance .....</b>	<b>15</b>
<b>16. Drivers.....</b>	<b>15</b>
<b>17. Private Hire Operators.....</b>	<b>16</b>
<b>18. Licence Fees .....</b>	<b>16</b>
<b>19. Hackney Carriage Fares Policy .....</b>	<b>16</b>
<b>20. Review.....</b>	<b>17</b>
<b>Appendices .....</b>	<b>19</b>
<b>Appendix 1: Drivers.....</b>	<b>21</b>
<b>1. Eligibility.....</b>	<b>21</b>
<b>2. Continuing Suitability / Renewal Process.....</b>	<b>22</b>

<b>3. Standard Conditions of a Private Hire Driver Licence</b> .....	<b>23</b>
<b>Appendix 2: Determination of Applications for Driver and Operator Licences</b> .....	<b>25</b>
<b>1. Guidelines on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence</b> .....	<b>25</b>
<b>2. Application for a Drivers / Operators Licence following a conviction / caution and the ongoing suitability of licence holders</b> .....	<b>26</b>
<b>3. Other Relevant Factors</b> .....	<b>31</b>
<b>Appendix 3: Vehicle Licences</b> .....	<b>34</b>
<b>1. Standard Conditions</b> .....	<b>34</b>
<b>2. Hackney Carriage Vehicles</b> .....	<b>37</b>
<b>3. Private Hire Vehicles</b> .....	<b>38</b>
<b>4. Wheelchair Accessible Vehicles</b> .....	<b>38</b>
<b>Appendix 4: Special Vehicle Licence Conditions</b> .....	<b>40</b>
<b>1. Standard Conditions for Special Vehicles</b> .....	<b>40</b>
<b>2. Conditions for Stretch Vehicles</b> .....	<b>40</b>
<b>3. Licence Conditions for Horse-Drawn Vehicles</b> .....	<b>41</b>
<b>4. Other Vehicles</b> .....	<b>41</b>
<b>Appendix 5: Private Hire Operator</b> .....	<b>42</b>
<b>1. Standard Conditions</b> .....	<b>42</b>
<b>Appendix 6: Glossary</b> .....	<b>46</b>
<b>Appendix 7: Immediate Suspensions and Revocations</b> .....	<b>50</b>
<b>Appendix 8: Enforcement Procedures and Escalation</b> .....	<b>52</b>
<b>1. Enforcement Aims</b> .....	<b>52</b>
<b>Appendix 9: C.C.T.V Installed in any Licensed Vehicle</b> .....	<b>54</b>

## **1. Introduction**

- 1.1. The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing.
- 1.2. The Council, in adopting the licensing policy, recognises both the needs of residents for safe, convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County.
- 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.
- 1.4. The development, review, application and implementation will be the responsibility of the Environment, Health and Consumer Protection Service.
- 1.5. 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.
- 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 ranks or be hailed / flagged down in the street by members of the public.
- 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 appointed ranks.
- 2.4. The aim of licensing the hackney carriage and private hire vehicle trades is 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. Vehicle Emissions and Manufacture Criteria**

- 3.1. New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 5” or higher.
- 3.2. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.

### **4. Scope**

- 4.1. This policy, which replaces all previous policies, shall apply throughout the administrative area of Durham County Council from the date of adoption.
- 4.2. In developing this policy the Council has taken account of the Licensing Objectives, listed within paragraph 5, relevant legislation and Government guidance including the best practice guidance issued by the Department for Transport and Office of Fair Trading
- 4.3. The Council has taken into account the views of the following when preparing this policy:
  - a) Current licence holders
  - b) Elected Members of the Council
  - c) Durham Constabulary
  - d) Local businesses and their representatives
  - e) Residents and their representative bodies
  - f) Local transport providers
  - g) Disability Groups
  - h) Planning Authority
  - i) Service users
  - j) The Automobile Association
- 4.4. A full list of those consulted in preparing this Policy is available from Licensing Services.

### **5. Taxi Licensing Objectives**

- 5.1. The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- a) To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
  - b) To ensure that all licensed drivers and private hire operators are fit and proper persons
  - c) To provide clarity for licensees with respect to the Council's requirements and the decision making process
  - d) To promote a professional and respected hackney carriage and private hire trade
- 5.2. These objectives will be taken into account 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 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. This will include consideration of the person's medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham.
  - 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 prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions and/or in connection with reports or incidents of poor conduct.
- 6.2. When considering applications and taking enforcement action against existing licence holders, the Council as the Licensing Authority will have regard to Environment, Health and Consumer Protection (EHCP) Enforcement Policy.

## **7. Partnership Working**

- 7.1. The Council will seek to work in partnership with the following agencies, groups and individuals to promote the licensing objectives:
- a) Local Hackney Carriage and Private Hire Trade
  - b) Countywide Taxi Working Group
  - c) Durham Constabulary
  - d) Internal Council Departments
  - e) Disability Groups
  - f) Regional Licensing Groups (NESLiG)
  - g) Any other appropriate formation which may contribute to the promotion of the objectives

## **8. Duties and Obligations under the Equality Act 2010**

- 8.1. 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
- 8.2. 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.
- 8.3. 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 codes, approved by Parliament it is admissible under the Act and Courts must take them into account where relevant.
- 8.4. 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.
- 8.5. 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.

- 8.6. It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- 8.7. Licensed drivers are under a duty to carry a passenger's guide, 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 for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.
- 8.8. Under the Equality Act 2010, the council will make and hold a list of wheelchair accessible vehicles (i.e. designated vehicles). The Act requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to 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 in order to assist council's in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle services.
- 8.9. Persons who breach duties imposed by the Equality Act may be guilty of a criminal offence.
- 8.10. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

## **9. Conditions**

- 9.1. 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.
- 9.2. Standard conditions relating to licences are included in the appendices. In addition the Council may impose additional conditions where considered necessary or appropriate in all circumstances.

## **10. Enforcement**

- 10.1. Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the Councils enforcement policy.

## **11. Other Regulatory Regimes**

- 11.1. 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.

## **12. Decision making**

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

## **13. Complaints Procedure**

- 13.1. Durham County Council expects high standards of conduct and behaviour from the hackney carriage and private hire trade and all licence holders should maintain these standards at all times. However, it is recognised that there may be occasions when members of the public or the trade may make complaints.
- 13.2. Complaints will be dealt with in accordance with the Council's Complaints procedures.
- 13.3. Durham County Council recognises that some complaints can be frivolous, vexatious and repetitious. Such complaints will not normally be pursued.
- 13.4. Members of the trade will be expected to assist officers when carrying out their investigations.
- 13.5. Following completion of the investigation all parties will normally receive written confirmation of any action taken.
- 13.6. If any party is not satisfied with the outcome of the investigation the Council has a Corporate Complaints Procedure.

## **14. Vehicles**

- 14.1. 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.



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

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

- 14.4. From the adoption of this policy all licensed vehicle will be subject to the requirements of paragraph 3.0 of this policy.
- 14.5. Any advertising other than self-promotional information must be approved by the Licensing Team Leader. Examples of the advertising and its proposed placement must be forwarded to the Licensing Team Leader for their consideration and approval.
- 14.6. 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 does not lend itself to any other interests outside the owner or operator’s private hire or hackney carriage company.

### **Testing**

- 14.7. 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 an MOT test certificate. However, proprietors must be aware if the vehicle licence is surrendered, suspended, revoked or not renewed the vehicle must have an MOT certificate in place.

- 14.8. Six months from the date of being licensed a vehicle will be required to be presented for a further test.

14.9. Licence holders will be sent correspondence from Licensing Services in advance of the expiry of their licence and they should contact Licensing Services Administration to arrange an appointment to submit their renewal application and to arrange a vehicle fitness test. Upon meeting all the requirements of the test, a Certificate of Compliance, which lasts for one year will be issued.

**NB** To ensure the application process is complete before the expiry of the vehicle licence, applicants are encouraged to contact the Licensing Services on receipt of their reminder to arrange appointments for both the vehicle test and to submit their renewal application.

14.10. All licensed vehicles over 10 years old will be required to be tested three times each year.

14.11. 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.

14.12. Where a vehicle fails its test on three consecutive occasions (including annual, six monthly, re-tests and third party inspections e.g. DVSA) or in circumstances it fails on a regular basis (although not necessarily consecutively) the proprietor and/or driver may be referred to the Council's Licensing Committee.

14.13. Vehicle licence holders who fail to present their vehicles for test or 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.

#### **Window Tints**

14.14. 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.

#### **Temporary Replacement Vehicles**

14.15. 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 of time. Temporary replacement vehicles, which will not be subject to colour conditions, may be licensed for a period not exceeding two months.

- 14.16. 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.

An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit the licence will be suspended. If the vehicle is not repaired and presented for test within two months from the date of inspection the licence will be revoked. Unless the Authority confirms otherwise, the vehicle may not be used as a hackney carriage or private hire vehicle from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer

### **Special Vehicles**

- 14.17. 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.
- 14.18. 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 arrangements must be made by the applicant. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.
- 14.19. 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.

### **Exemptions**

- 14.20. 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.
- 14.21. 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 (the duration of which must be not less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery to be considered.

- 14.22. 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.

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 (the duration of which must be not less than 60 days) is considered to be routine private hire work and will not satisfy the criteria for consideration of the exemption, for the avoidance of doubt contracts issued by: the NHS, Durham County Council passenger transport team will not satisfy the criteria for exemption.

- 14.23. 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 in writing, providing evidence to support the application.
- 14.24. Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy.
- 14.25. Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 14.26. 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.

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.

### **Stretched Limousines**

- 14.27. “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.

## **15. Vehicle Insurance**

- 15.1. 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 a number of licensed vehicles, proprietors must also produce the schedule showing the list of insured vehicles.
- 15.2. Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 15.3. 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.

## **16. Drivers**

- 16.1. Only on receipt of a complete application can the Council issue a hackney carriage or private hire driver's licence to an applicant, provided he or she meets the criteria for new drivers as outlined in this policy and is considered to be a fit and proper person.
- 16.2. 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.
- 16.3. Applicants intending to operate a wheelchair accessible vehicle must complete a course approved by the Council. The course shall 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. This training must be undertaken by new applicants prior to being licensed.

N.B. Existing drivers who operate wheelchair accessible vehicles and have not undertaken the training, must do so on applying to renew their driver's licence. This must be completed within 6 months of the date of application to renew.

- 16.4. The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police, Council employees and other public officials. Failure to do so may result in a referral to the Council's Licensing Committee.

- 16.5. 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.
- 16.6. 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.
- 16.7. 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.

## **17. Private Hire Operators**

- 17.1. Only on receipt of a complete application, can the Council issue a private hire operator's licence to an applicant, provided he or she meets the criteria outlined in this policy.
- 17.2. 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.
- 17.3. A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **18. Licence Fees**

- 18.1. 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.
- 18.2. Where refunds are due to any licence holder or applicant, they will be calculated on a pro rata basis and an administration charge deducted.

## **19. Hackney Carriage Fares Policy**

- 19.1. 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 sufficient incentive to provide a service at the times when it is demanded

- 19.2. 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.
- 19.3. 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.

## **20. Review**

- 20.1. This policy will be reviewed every five years. However, the Council will make such revisions as it considers appropriate and publish it accordingly.
- 20.2. 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.

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# Appendices

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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 applicants continuing suitability.

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).

Upon grant a driver will be issued two identification cards (badges) these must both be displayed at all times 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 and easily seen by any passenger.

### 1. Eligibility

The Council will, in considering whether an applicant is a fit and proper person to hold a driver licence 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. Driving assessment tests and providers shall be subject to Council vetting and approval.

The suitability and satisfactory nature of taxi driver assessment tests and of assessment providers shall be determined by the Council in accordance with current guidance issued by DCC. Approval of assessment providers shall also be subject to current guidance issued by DCC.

#### c) Driver Knowledge and Locality Tests

Applicants for both private hire and hackney carriage driver licences will be required to undertake both the Council's knowledge and locality tests. The knowledge test will 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.

**d) Medical Fitness**

Applicants are required to provide evidence, in the form of a prescribed certificate, available from the Council, signed by a medical practitioner with access to the applicant's medical records, stating that the applicant satisfies all the requirements of the DVLA Group II medical standards of fitness to drive. All costs associated with obtaining the medical certificate are to be met by the applicant.

**e) CSE Awareness**

Applicants will be required to attend a Child Sexual Exploitation (CSE) awareness training course.

**f) 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 a Disclosure & Barring Service (DBS) check. 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 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 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.

## **2. Continuing Suitability / 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) Annual DVLA check
- b) DBS update service
- c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. this is to include motoring fixed penalties and antisocial behavior notices and attendance of any speed awareness courses.
- d) Checks carried out as a result of information or intelligence received by Licensing Services.
- e) Periodic medical examination

- f) CSE awareness training
- g) Right-to-work / immigration checks

**NB** From the adoption of this policy existing licensed drivers will be required to undergo a DBS check no later than one year from their most recent check, they must then subscribe to the update service, failure to do so will result in the suspension of the licence.

(A valid medical certificate, together with any supporting documents which show the DVLA Group II standard is met, such as: exercise test reports, must be produced at the following times):

- a) Upon initial application
- b) On the event of their 45th birthday
- c) Every fifth year after the 45th birthday
- d) On their 65th birthday and then annually
- e) At the request of Licensing Services

**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 a reminder letter in advance of the expiry of their licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

To avoid delays, Applicants are encouraged to contact Licensing Services at least 10 working days prior to the expiry.

### **3. Standard Conditions of a Private Hire Driver Licence**

The licensed driver shall:

- a) Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
  - (i) Change of address
  - (ii) Change of name
  - (iii) Change of office from which they operate
  - (iv) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence

- (v) Accepting a fixed penalty notice or caution, or receiving a Criminal Behaviour Order (CBO), attendance at any speed awareness course
  - (vi) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability
  - (vii) Details of any motoring fixed penalty endorsements received
- b) Notify the Council as soon as possible, and also confirm in writing within 72 hours, of any traffic accident they are involved in whilst driving a licensed vehicle.
  - c) Provide a DBS disclosure upon request.
  - d) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.
  - e) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended)
  - f) Behave in a professional manner at all times when working.
  - g) Keep their vehicles clean and suitable for use by members of the public at all times.
  - h) Where necessary, assist passengers into and out of vehicles.
  - i) Offer passengers reasonable assistance with luggage.
  - j) Bring to the attention of passengers any dangers associated with egress from the vehicle
  - k) Ensure that the manner in which they carry out their business is such that no disturbance is caused to other road users, businesses and local residents.
  - l) Behave in a civil and orderly manner and be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee.
  - m) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
  - n) Display the identification badges issued to them in the manner prescribed within this policy.
  - o) Report the loss of their private hire driver identification badge to the Council immediately.
  - p) 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.
  - q) Provide a receipt to a passenger upon request, the receipt shall 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 licencees 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 is to include 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.

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 particular order):

- 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

## **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 licences and licence holders.

### **Minor traffic offences**

Where two or more convictions for the following offences within any one year period are disclosed an application will normally be refused / revoked until one year from the date of the most recent conviction has elapsed.

Minor traffic offences would include:

- CU80** Using a mobile phone while driving a motor vehicle
  
- MS10** Leaving a vehicle in a dangerous position
- MS20** Unlawful pillion riding
- MS30** Play street offences
- MS60** Offences not covered by other codes
- MS70** Driving with uncorrected defective eyesight
- MS80** Refusing to submit to an eyesight test
- MS90** Failure to give information as to identity of driver etc.
  
- MW10** Contravention of Special Road Regulations (excluding speed limits)
  
- PC10** Undefined contravention of pedestrian crossing regulations
- PC20** Contravention of pedestrian crossing regulations with moving vehicle
- PC30** Contravention of pedestrian crossing regulations with stationary vehicle
  
- SP10** Exceeding goods vehicle speed limits
- SP20** Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30** Exceeding statutory speed limit on a public road
- SP40** Exceeding passenger vehicle speed limit
- SP50** Exceeding speed limit on a motorway
  
- TS10** Failing to comply with traffic light signals



<b>TS20</b>	Failing to comply with double white lines
<b>TS30</b>	Failing to comply with a Stop sign
<b>TS40</b>	Failing to comply with direction of a constable or traffic warden
<b>TS50</b>	Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)
<b>TS60</b>	Failing to comply with school crossing patrol sign
<b>TS70</b>	Undefined failure to comply with a traffic direction sign

- Aiding, abetting, counseling or procuring any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

### **Major traffic offences**

Where a conviction for one or more of the following offences is disclosed, an application will normally be refused / revoked until two years from the date of the most recent conviction has elapsed.

In cases resulting in a period of disqualification an application will be refused unless three years from the date of the most recent conviction has elapsed.

Major traffic offences would include:

<b>AC10</b>	Failing to stop after an accident
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours
<b>AC30</b>	Undefined accident offences
<b>BA10</b>	Driving while disqualified by order of Court
<b>BA30</b>	Attempting to drive while disqualified by order of Court
<b>CD10</b>	Driving without due care and attention
<b>CD20</b>	Driving without reasonable consideration for other road users
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users
<b>CU10</b>	Using a vehicle with defective brakes
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
<b>CU30</b>	Using a vehicle with defective tyre(s)
<b>CU40</b>	Using a vehicle with defective steering
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers
<b>DD10</b>	Causing serious injury by dangerous driving
<b>DD40</b>	Dangerous driving
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle
<b>DD90</b>	Furious driving

- DR10** Driving or attempting to drive with alcohol level above limit  
**DR20** Driving or attempting to drive while unfit through drink  
**DR30** Driving or attempting to drive then failing to supply a specimen for analysis  
**DR31** Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity  
**DR40** In charge of a vehicle while alcohol level above limit  
**DR50** In charge of a vehicle while unfit through drink  
**DR60** Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
**DR61** Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive  
**DR70** Failing to provide specimen for breath test  
**DR80** Driving or attempting to drive while unfit through drugs  
**DR90** In charge of a vehicle when unfit through drugs
- IN10** Using a vehicle uninsured against third party risks
- LC20** Driving otherwise than in accordance with a licence  
**LC30** Driving after making a false declaration about fitness when applying for a licence  
**LC40** Driving a vehicle having failed to notify a disability  
**LC50** Driving after a licence has been revoked or refused on medical grounds
- MS50** Motor racing on the highway
- TT99** To signify disqualification under totting-up procedure. If the total of penalty points reached 12 or more within 3 years, the driver is liable to be disqualified
- UT50** Aggravated taking of a vehicle
- Aiding, abetting, counseling or procuring any of the above offences
  - Causing or permitting any of the above offences
  - Inciting any of the above offences
  - Or similar offences or offences which replace the above offences

An application will normally be refused / revoked following a conviction for:

- CD40** Causing death through careless driving when unfit through drink  
**CD50** Causing death through careless driving when unfit through drugs  
**CD60** Causing death by careless driving with alcohol level above the limit  
**CD70** Causing death by careless driving then failing to supply a specimen for analysis

- CD80** Causing death by careless, or inconsiderate driving  
**CD90** Causing death by driving: unlicensed, disqualified or uninsured drivers
- DD80** Causing death by dangerous driving

**Town Police Clauses Act 1847, Part Two of the Local Government (Miscellaneous Provisions) Act 1976 & Criminal Justice & Public Order Act 1994**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences under the Equality Act 2010 and other offences of a discriminatory nature**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences involving the possession drugs**

An application will normally be refused / revoked where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than three years have elapsed since the date of the most recent conviction where there is more than one conviction

**Offences involving the possession drugs with the intent to supply**

An application will normally be refused / revoked where:

- a) Less than five years has elapsed where there is one conviction
- b) An application will be refused where there is more than one conviction

**Indecency and sexual offences**

An application will normally be refused / revoked where:

- a) There is a conviction for any sexual or indecency offence, including the possession of images.

### **Soliciting**

An application will be refused / revoked where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction

Where a person declares they are on, or have been, on the sex offenders register an application will be refused / revoked.

### **Violence**

An application will be refused / revoked following a conviction for:

- a) Murder
- b) Manslaughter
- c) Or similar offences or offences which replace the above offences

An application will normally be refused / revoked unless five years has elapsed since the date of a conviction for any of the following offences:

- a) Assault occasioning actual bodily harm
- b) Racially aggravated common assault
- c) Common assault
- d) Harassment (Protection from Harassment Act 1997)
- e) Battery
- f) Affray
- g) s.2 Protection from Harassment Act 1997 offence
- h) s.2 Public Order Act 1986 (violent disorder)
- i) s.4 Public Order Act 1986 (fear of provocation of violence)
- j) s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- k) s.5 Public Order Act 1986 (harassment, alarm or distress)
- l) Riot
- m) Obstruction
- n) Criminal damage
- o) Violent disorder
- p) Resisting arrest
- q) Or similar offences or offences which replace the above offences

An application will normally be refused / revoked unless ten years has elapsed since the date of a conviction for any of the following offences:

- a) Arson
- b) Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)

- c) Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- d) Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- e) Grievous bodily harm (s.20 Offences Against the Person Act)
- f) Robbery
- g) Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- h) Racially-aggravated s.4 Public Order Act 1986 (fear of provocation of violence)
- i) Racially-aggravated s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- j) Racially-aggravated s.5 Public Order Act 1986 (harassment, alarm or distress)
- k) Racially-aggravated s.2 Protection from Harassment Act 1997 (harassment)
- l) Racially-aggravated s.2 Protection from Harassment Act 1997 (putting people in fear of violence)
- m) Assault on Police
- n) Possession of offensive weapon
- o) Possession of firearm
- p) Or similar offences or offences which replace the above offences

### **Dishonesty offences**

An application will normally be refused / revoked unless 3 years has elapsed since the date of a conviction for any of the following offences:

- 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) Failing to declare convictions etc. on application
- k) Or similar offences or offences which replace the above offences

## **1. Other Relevant Factors**

The Council may take into account 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) Inclusion on any register maintained for the purposes of safeguarding the public
- e) Police intelligence/information
- f) Drug/Alcohol use and Detoxification
- g) Other relevant information disclosed
- h) Any complaints or the accumulation of complaints regarding a licence holders conduct
- i) Surrender of a licence prior to an appearance before the Licensing Committee
- j) Matters contrary to the requirements of this policy

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

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

### **1. Standard Conditions**

- 1.1. The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
- 1.2. Notwithstanding condition 1.5 (below) the vehicle will only be licensed to carry the number of passengers specified on the V5 registration document.
- 1.3. 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.
- 1.4. 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.
- 1.5. Occasional (tip-up) seats must be arranged to rise automatically when not in use.
- 1.6. A fully operational heating and ventilation system must be fitted and maintained for the driver and passengers. All body parts and trimmings must be fitted and maintained in good working order both internally and externally.
- 1.7. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- 1.8. 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.
- 1.9. 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)



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

- 1.10. The vehicle must display the internal plate, internal driver I.D. door crests and complaint information stickers, as supplied and required by the Council, at all times. The door crests shall be fixed to the front nearside and offside doors of the vehicle in a central position (attachment by magnets is not acceptable). All vehicles must display no smoking signs as required by law.
- 1.11. Advertising may be displayed inside the vehicle and on the rear doors, panels and boot, subject to an application being made by the vehicle proprietor and subsequently approved by the Council. It should not obscure the Council signage or vehicle top sign.
- 1.12. All vehicles shall undergo an inspection by the Council's appointed testing station(s) six months from grant or as required.
- 1.13. 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.
- 1.14. 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.
- 1.15. Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- 1.16. CCTV shall be permitted in vehicles. Where such devices are fitted within the vehicle conditions at Appendix 9 shall apply
- 1.17. No animals other than those owned by fare paying passengers shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
- 1.18. 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.

- 1.19. 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.

- 1.20. The vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. The appliance shall 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. Every fire extinguisher to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.21. The vehicle must carry a "first aid" kit which must contain:

- A leaflet giving general advice on first aid, for example HSE
- basic advice on first aid at work
- 20 individually wrapped sterile plasters
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins
- 2 large and 6 medium sized, individually wrapped sterile unmedicated wound dressings
- 2 pairs of disposable gloves

**NB** The first aid kit to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.

- 1.22. The vehicle must be able to carry a reasonable amount of luggage which must be able to be stored securely. Where a vehicle is fitted with a removable parcel shelf it must remain in place when carrying luggage. The luggage compartment or any attached roof rack/box must be free from the proprietors or drivers 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.

- 1.23. There must be at least four doors. All doors must be capable of being opened from the inside.

- 1.24. The interior of the passenger compartment must be maintained in a clean condition and in good repair and where fitted any parcel shelf shall remain in place at all times.

- 1.25. The flooring of the passenger compartment must be covered with a non-slip material.

- 1.26. If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
- 1.27. 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.
- 1.28. All vehicles must carry within, a vehicle check book which must be dated and signed by the driver to the effect that they have taken reasonable steps to ensure that the vehicle they are driving is roadworthy and complies with this policy. The book must record the mileage at the time the check is carried out.
- 1.29. No licensed vehicle may be used for the unaccompanied carriage or delivery of alcohol or any tobacco products.

## **2. Hackney Carriage Vehicles**

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

- 2.1. 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)
- 2.2. 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.
- 2.3. 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)
- 2.4. A current fare table must be displayed in a position that is clearly visible in the passenger compartment.
- 2.5. Display a roof sign, this sign must include the word TAXI and must be clearly illuminated (during both daylight and at night time) when the vehicle is available for hire. An exception to this condition will be afforded to purpose built taxi vehicles bearing a pre fitted sign.
- 2.6. Display a "for hire" sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire. An exception to this being purpose built vehicles where the 'for hire' sign is pre fitted.

### **3. Private Hire Vehicles**

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

- 3.1. Private hire vehicles may be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
- 3.2. 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.
- 3.3. Any taximeter fitted to a private hire vehicle shall be securely fitted, maintained in full working order and table of fares must be displayed in a position that is clearly visible in the passenger compartment displayed in the vehicle.
- 3.4. 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.
- 3.5. 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.

### **4. 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.

- 4.1. 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.
- 4.2. 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).
- 4.3. The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54<sup>3</sup>/<sub>4</sub>”).

- 4.4. 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.
- 4.5. Facilities for the loading of a wheelchair and occupant must be available at all times for use at the nearside or rear passenger doors. This ramp must comply with all Equality Act recommendations as to design and installation.
- 4.6. 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.
- 4.7. 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.
- 4.8. 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.
- 4.9. All anchorages and restraints must not cause danger to any passenger.
- 4.10. The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

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

### **1. 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

- 1.1. Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
- 1.2. 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.
- 1.3. The Council will require the vehicle to undertake a MOT test Twice yearly

### **2. 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

- 2.1. 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.
- 2.2. The vehicle must be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres must be of an approved rating as specified by the manufacturer, meet legal requirements and have a minimum tread depth of 2mm.
- 2.3. 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)
- 2.4. The Council's exemption disc will at all times be displayed on the front windscreen.
- 2.5. The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.
- 2.6. The vehicle's Exemption Certificate/Notice must be carried in the vehicle at all times and produced on request to any Police Officer or Authorised Officer of the Council.
- 2.7. The driver of such vehicles must wear a shirt and tie.

### **3. 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:

- 3.1. 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.
- 3.2. 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
- 3.3. 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.
- 3.4. Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

### **4. Other Vehicles**

- 4.1. 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.
- 4.2. Vehicles must be fitted with seatbelts that meet BSI standards.
- 4.3. 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.

A licence will be valid for a period of 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 receive a correspondence in advance of the expiry of their licence and on receipt must telephone the Licensing office to arrange a suitable appointment to submit their renewal application.

To avoid delays, Applicants are encouraged to contact the Licensing Services at least 10 working days prior to the expiry.

### **1. Standard Conditions**

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

1.1. Operators must keep legible, hand written or computerised 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
- b) proposed journey
- c) The name and address or telephone number of the hirer
- d) The agreed time and place of the proposed pick up
- e) The destination including address or street name
- f) The name of the driver
- g) The licence number of the vehicle allocated for the booking.
- h) Any agreed fare

1.2. The operator shall keep legible, hand-written or computerised records of the particulars of all Private Hire vehicles operated by him which shall include:

- a) Vehicle 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



- 1.3. The operator shall keep legible, hand-written or computerised records of the particulars of all drivers employed or otherwise engaged by him which shall include:
  - a) The name and address of the driver and any change of address of a driver during the course of his 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
- 1.4. 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.
- 1.5. The operator shall retain from every licensed driver employed or otherwise engaged by him, 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.
- 1.6. The operator shall retain a copy of all vehicle licences in respect of vehicles used in his business.
- 1.7. The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
- 1.8. 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.
- 1.9. Where the premises are open to the public the operator shall provide a copy of the public liability insurance to the Licensing Authority public.
- 1.10. Behave in a civil and orderly manner and be polite, helpful and respectful to passengers and Council employees, failure to behave in such a manner may result in a referral to the Council's Licensing Sub Committee.
- 1.11. Notify the Council as soon as possible, and also 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 or motoring offence.

- e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO), attendance at any speed awareness course.
- f) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability.
- g) Details of any motoring fixed penalty endorsements received.

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## Appendix 6: Glossary

1. **“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.
2. **“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.
3. **“Private Hire Operator”** means a person licensed to make provision for the invitation or acceptance of bookings for private hire vehicles.
4. **“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.
5. **“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.
6. **“Integrated Transport System”** means complete / total transport is available.
7. **“Licensing Committee”** means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
8. **“The Council”** means the Authority responsible for the administration and regulation of taxi legislation and regulation.
9. **“DVSA”** means Driver and Vehicle Standards Agency.
10. **“Livery”** means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.
11. **“Enforcement Policies”** mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.

12. “**Licensing Authorities Constitution**” means the body of fundamental principles or established precedents by which the organisation is governed.
13. “**Stakeholder**” means a person with an interest or concern in something.
14. “**Driver Proficiency Test**” means drivers expert test as laid down by The Driver and Vehicle Standards Agency (DVSA) for taxi drivers.
15. “**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.
16. “**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.
17. “**DVLA Check**” means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
18. “**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.
19. “**Relevance of Convictions**” means convictions that may be taken into consideration when assessing matters.
20. “**Relevant Offences**” mean criminal matters of a nature that may be taken into account when applications are being assessed.
21. “**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.
22. “**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.
23. “**LPG**” means Liquefied Petroleum Gas.
24. “**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 an MOT certificate must be in place before the vehicle can be used for social, domestic and pleasure purposes.

25. **“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.
26. **“Vehicle Compliance Pass Certificate”** means the Council’s compliance test confirming the vehicle meets the standards required by the Local Authority.
27. **“Appointed Testing Station”** means an appointed garage where the vehicle tests are carried out.
28. **“Vehicle Exemption Certificate Notice”** means a notice granting exception from the liability or obligation imposed on others.
29. **“Authorised Officer”** means a person who has the power or right to enforce.
30. **“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.
31. **“The Guidance”** means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.
32. **“Licensed Vehicle”** means both a Hackney Carriage and Private Hire Vehicle.
33. **“Fit & Proper”** will mean an individual will be deemed to be of the greatest integrity, safe (i.e. no risk to the public), honest and trustworthy in every respect. Whilst no definitive interpretation exists in law the accepted test of “Fit & Proper” is “whether one would allow a loved one (parent, spouse, child etc.) to travel alone with the individual. In order to provide greater reassurance to the residents of and visitors to County Durham, Durham County Council wishes to extend this test beyond mere safety.

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## **Appendix 7: Immediate Suspensions and Revocations**

Where the holder of a licence to drive a hackney carriage or private hire vehicle (or a joint driver) discloses to the Council that they have a medical condition which affects their compliance with the DVLA Group II standard the Licensing Enforcement Team Leader will suspend their licence until such time as a valid medical certificate, together with any supporting documents, which show the DVLA Group II standard is met, has been received. Only on receipt of such information will the suspension will be lifted.

Where information is received that the holder of a hackney carriage or private hire licence has behaved in a manner or has been arrested, bailed, charged convicted or cautioned for a serious criminal offence the nature of which causes the Council to have concerns regarding the safety of the public that licence holder will have their licence suspended with immediate effect. This suspension can be appealed however the appellant may not drive any licensed vehicles until any such appeal has been fully disposed of. Where an appeal is successful the licence will be reinstated. Similarly where a licence holder is not prosecuted or is found not guilty of any offence the licence may be reinstated following an appearance at the Councils Licensing Committee.



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## Appendix 8: 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 complaints regarding driver conduct not amounting to offences for which prosecution action can be taken.

### 1. 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 Warning** – This option may be considered for a single breach of conditions or an isolated and non-serious incident of questionable conduct observed by officers, police or members of the public. A copy of the warning will be recorded and held on the drivers file; the warning will remain on file for the lifetime of the licence and may be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Final Written Warning** – This option may be considered for subsequent breaches of conditions or further incidents of non-serious questionable conduct observed by officers, police or members of the public. A copy of the final written warning will remain on file for the lifetime of the licence and will be referred to in any future enforcement actions including referrals to the Licensing Committee.

**Committee Referral** – This option will be considered for repeated breaches of conditions or questionable conduct. This option will also be considered for the most serious breaches of conditions and conduct raising significant concern. Previous warnings may be referred to following referrals to the Licensing Committee.

#### 1.1. Committee Referrals

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 poorest conduct.

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 require a driver to sit/resit the Councils Knowledge and Locality test(s)
- d) To require a driver to undertake training in a subject appropriate to the reason(s) for their referral.
- e) To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)
- f) To revoke a licence to drive hackney carriages, private hire vehicles or (joint driver)

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 9: 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 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 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 ask us if you would like this document summarised in another language or format.**

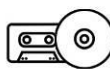
العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)  
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)  
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)  
Français (French) Türkçe (Turkish) Melayu (Malay)

**licensing@durh**

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**Braille**



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**Appendix 3: Revised Durham County Council's Hackney Carriage and Private Hire Licensing Policy**

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Attached as separate document.

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**Neighbourhoods and Climate Change**

**Community Protection Services**

# **Hackney Carriage and Private Hire Licensing Policy 2023 to 2027**

## 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
March 2023	V6	Recommended Final Version	Joanne Waller Head of Community Protection; Neighbourhoods and Climate Change	County Council	March 2026 Pending

## Contents

1.	Introduction .....	5
2.	Hackney Carriage and Private Hire Licensing .....	6
3.	Hackney Carriage and Private Hire Drivers .....	6
4.	Vehicle Emissions and Manufacture Criteria .....	7
5.	Taxi Licensing Aims and Objectives .....	8
6.	Promotion of taxi licensing objectives .....	8
7.	Delegations .....	9
8.	Partnership Working .....	10
9.	Duties and Obligations under the Equality Act 2010.....	11
10.	Conditions.....	12
11.	Enforcement .....	12
12.	Other Regulatory Regimes .....	12
13.	Decision Making .....	13
14.	Complaints Procedure .....	13
15.	Vehicle Licence Holders .....	13
16.	Vehicle Insurance.....	18
17.	Transfer of Interest.....	18
18.	Changes to 'Person Concerned' with the Keeping, Employing and Letting of Vehicles.....	18
19.	Drivers .....	19
20.	Private Hire Operators .....	20
21.	Licence Fees .....	20
22.	Hackney Carriage Fares Policy.....	20
23.	Review .....	20
24.	Contact Us .....	21

<b>Appendix 1: Drivers .....</b>	<b>23</b>
Eligibility .....	23
Continuing Suitability and Renewal Process .....	27
Voluntary return of licence (surrender of licence).....	29
Standard Conditions of a Private Hire Driver Licence .....	29
<b>Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences.....</b>	<b>31</b>
Guidelines on the relevance of arrest, conviction, caution, or any other relevant information including complaints and intelligence .....	31
Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders .....	32
Motoring offences .....	33
Other Relevant Factors.....	36
<b>Appendix 3: Vehicle Licences .....</b>	<b>37</b>
Standard Conditions .....	37
Hackney Carriage Vehicles .....	42
Private Hire Vehicles .....	43
Wheelchair Accessible Vehicles .....	43
<b>Appendix 4: Special Vehicle Licence Conditions .....</b>	<b>45</b>
Standard Conditions for Special Vehicles .....	45
Conditions for Stretch Vehicles.....	45
Licence Conditions for Horse-Drawn Vehicles .....	46
Other Vehicles .....	46
<b>Appendix 5: Private Hire Operator .....</b>	<b>47</b>
Standard Conditions .....	47
<b>Appendix 6: Glossary .....</b>	<b>51</b>
<b>Appendix 7: Enforcement Procedures and Escalation .....</b>	<b>54</b>
Committee Referrals and Officer Revocations .....	54
<b>Appendix 8: C.C.T.V Installed in any Licensed Vehicle .....</b>	<b>56</b>

## 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> April 2024, we will not accept renewal applications for licensed vehicles meeting Euro 4 or lower\*
- After the 1<sup>st</sup> April 2026, 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 Tests** - *Applicants for hackney carriage driver licences will be required to undertake the Council's knowledge tests.* Applicants for private hire driver licences will also 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 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 4: 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>	8 <sup>th</sup> September 2023 (Prior to Adoption by Council)

## 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 took place the draft of the proposed revised policy in December 2020 prior to reporting to GLRC. A further screen assessment took place in February 2021 and on 8<sup>th</sup> September 2023 prior to reporting to full Council.

### **The following proposed changes/amendments have been considered and subjected to the screening process:**

- (a) the introduction of vehicle 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.

**Specifically:**

(a) introduce revised engine emission standards for new applications and renewals.

(b) that locality testing should continue for Hackney Carriage drivers but should be discontinued for Private Hire Drivers, with both being kept under review.

(c) disability awareness training should be included as a requirement in the policy for new drivers and that refresher training should be a requirement for existing drivers before their licence was renewed.

(d) that authority be delegated to Officers to immediately revoke licences with the introduction of a fast-track re-application process for reinstatement where appropriate

(e) the IOL standards should be included in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification.

(f) intelligence led and drug and alcohol testing should be included in the Policy.

(g) introduction of driver improvement schemes.

(h) exemption from displaying a licence plate would remain within the policy but the exemption period be agreed in consultation with the Chair and Vice-Chair of the Committee on receipt of an application.

(i) the requirement to carry a fire extinguisher and first aid kits in licensed vehicles would remain within the policy.

(j) consideration of fee/charging arrangements for electric vehicles be deferred.

(k) include the requirement for refresher awareness training every three years.

(l) drivers and vehicle owners would be not mandated to install CCTV.

**Further screening assessment in relation to the final proposals concerning emission standards:**

- (a) Introduction of new emission standards for:
- (i) 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 April 2024, we will not accept renewal applications for licensed vehicles\* manufactured to the emissions standard Euro 4 or lower.
    - after 1 April 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.
- (b) requirements for carrying fire extinguishers and first aid kits would be optional and not mandatory.

**And screening of the following later amendments:**

- 7 Recognising the wider use of satellite navigation units in taxis following advancements in technology over recent years, a recommendation to remove the requirement for hackney carriage driver licence applicants to have to sit a locality test as part of the application process was moved, seconded, and agreed following a vote.
- 8 Members of GLRC have not recommended any other measures to replace the removal of the locality testing but this matter will be kept under regular review.

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
- 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)

Renewal applications for wheelchair accessible vehicles (WAVs) will not be subject to the above vehicle emission requirements. This is a positive impact of the proposed policy. This means that taxi firms will not be forced to remove the older wheelchair accessible vehicles even though they may be more polluting than newer vehicles. This will encourage the maintenance and renewed licensing of WAVs helping the provision of such licensed vehicles in the county.

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No? = unsure	Positive Impact Indicate: Y = Yes, N = No? = unsure
Age	N	N
Disability	N	Y see above in relation to WAVs
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.

Negative impact in terms of equality is not anticipated.

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. Renewal applications for wheelchair accessible vehicles (WAVs) will not be subject to the above vehicle emission requirements. This is a positive impact of the proposed policy. This means that taxi firms will not be forced to remove the older wheelchair accessible vehicles even though they may be more polluting than newer vehicles. This will encourage the maintenance and renewed licensing of WAVs helping the provision of such licensed vehicles in the county.

## 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

### Sign Off

Lead officer sign off: Craig Rudman	Date: 08/09/2023
Service equality representative sign off: Mary Gallagher	Date: 08/09/2023

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)

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