

# General Licensing and Registration Committee

13 September 2021

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

Ordinary Decision



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### Report of Alan Patrickson, Corporate Director of Neighbourhoods and Climate Change

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

#### **Electoral division(s) affected:**

Countywide

#### **Purpose of the Report**

- 1 To request General Licensing and Registration Committee's (GLRC) approval of a revised version of Durham County Council's Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the "taxi policy" and their recommendation for adoption by Council. The post-consultation revised policy is attached as Appendix 2. The revised policy has been produced following the 12-week public consultation that took place between June and September 2020.
- 2 The revised draft for consideration by GLRC is an updated version of the original proposed policy that was consulted on last year and includes additional changes and proposals that resulted from some of the consultation responses. The current policy is shown in Appendix 3. The revised version used for consultation purposes is shown in Appendix 4.

#### **Executive summary**

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

- 4 Consultation (on the existing policy and any proposed changes) is integral to the overall policy review process, leading to the adoption of a revised policy by Council. Full public consultation took place and following the consultation, the responses were collated, assessed, and considered by officers from Licensing Services and by Legal Services.
- 5 Post consultation, several additional changes to the initial proposals were incorporated into an amended, post consultation draft policy for consideration by Members. In addition to the less significant and less contentious amendments and proposed changes, several matters were identified for highlighting and consideration.

### **Recommendation(s)**

- 6 General Licensing and Registration Committee is recommended to:
  - (a) consider this report together with the updated, post consultation draft policy.
  - (b) Consider and decide on the identified policy options associated with specific highlighted matters including e.g. vehicle age and emissions, along with associated officer comments and recommendations;
  - (c) accept the updated, revised version and agree to recommend the policy, including all post-consultation revisions and agreed policy options, to full Council with a view to future adoption later this year;
  - (d) consider arrangements for dealing with serious matters that may require the immediate revocation of hackney carriage and private hire driver's licences;
  - (e) recommend to Council that the Officer Scheme of Delegation within the Constitution is changed to delegate authority to the Head of Community Protection to immediately revoke licences; and to sanction the introduction of a Fast-Track re-application process for licence reinstatement following an officer revocation in cases where such reinstatement is appropriate.

## Background

- 7 **The Policy Review** - The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in April 2016. The Policy provides that the Council will review it at least every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly. It was amended in 2018 because of changes to immigration legislation.
- 8 Following its last revision, several matters in the policy had been identified that needed to be considered as part of a revision. The initial proposed revision included several significant and potentially contentious matters associated with both licensed vehicles and their drivers including:
  - (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
- 9 The pre- and post-consultation proposed changes to the policy are listed in the Table of Changes in Appendix 2.
- 10 As a result of the Covid-19 epidemic and the initial countrywide lockdown, the original planned date for the start of public consultation on the taxi policy proposals was postponed from June to September 2020. This delayed consultation period ended on Sunday 29<sup>th</sup> November 2020.

## Consultation

- 11 Licensing Services had proposed to consult on the existing Hackney Carriage and Private Hire Licensing Policy for a period of not less than 12 weeks beginning in June 2020. As a result of the Covid-19 pandemic and a national lockdown, this consultation period was postponed and began in September ending at the end of November 2020.
- 12 The policy together with the proposed changes was subject to a broad consultation involving the taxi trade, trade representatives, taxi service users and all relevant authorities and organisations.
- 13 The consultation was widely advertised and promoted and was available to all on the Council's website.
- 14 At the end of the consultation period, responses were collated and appraised leading to the production of a revised draft policy for presentation and reporting to the General Licensing and Registration Committee (GLRC), following SMT and CMT approval.
- 15 Proposed amendments to the policy resulting from the consultation and review/reporting process are presented in this report. Following consideration, decision making and its agreement, the GLRC are being asked to make a recommendation on the revised (amended) policy to Full Council for its adoption by the end of 2021.
- 16 The delay in consultation coupled with on-going Covid-related work delayed the receipt, collation, assessment and reporting of the findings of the consultation to senior and corporate management prior to the Christmas period. This meant that original target dates for reporting this matter to the General Licensing and Registration Committee and then Full Council for adoption could not be met.
- 17 It was anticipated that the revised policy would be adopted by Council by the end of April 2021, however, with the permission and acceptance of CMT, the operation of this non-statutory policy was extended to allow for later/delayed reporting to senior and corporate management, GLRC and Council on dates to be rescheduled during 2021. At the time of this request, the post April committee dates for 2021 were not known, therefore an initial three-month extension was requested and was agreed.
- 18 The consultation responses were received via an on-line, web-based survey and by emails sent to the Licensing Services general inbox. The Taxi Licensing Survey/Consultation Questionnaire is shown in Appendix 5 along with the background consultation information provided to the

public and specified consultees. A list of all consultees is also shown in Appendix 5.

19 The results of the consultation including statistical data and information, survey responses, associated officer commentary, response and discussion is provided in Appendix 6.

20 A summary of survey information taken from the on-line survey hosted by the Council's website is as follows:

- The Taxi Licensing Survey 2020 yielded 65 on-line responses, of which 48 (74%) had some background in employment or ownership within the taxi industry
- Just over a third of respondents found the draft policy difficult to understand, two thirds did not
- Nine in ten thought the draft policy provided enough protection for children and vulnerable adults
- Just over a third thought the draft policy included everything they thought should be in such a policy, whilst just over a quarter disagreed
- Around half thought one or more of the requirements of the new national standards for taxi and private hire licensing should be left out of the new policy
- Over half strongly disagreed with the proposals on vehicle emissions and the age of licensed vehicles. However, this was the overriding opinion of the taxi industry; the public agreed with the proposal
- Over half agreed with the proposals in respect of previous convictions and offences as developed by the Institute of Licensing
- Nearly two thirds agreed with the proposed intelligence led and random drug and alcohol testing
- Over half agreed with the proposal for drivers to do refresher training on the prevention of child sexual exploitation every three years. However, the taxi industry was equally for and against the proposal
- Nearly two thirds agreed with that all drivers should be trained in disability awareness

- Over half agreed that all taxis and private hire vehicles should have internal CCTV fitted as standard
  - Over half disagreed that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme. However, this was the overriding opinion of the taxi industry, the public agreed with the proposal
- 21 Following the consultation, the responses were collated, assessed, and considered by officers from Licensing Services and by Legal Services. Of the relevant, policy-related responses received, some were discounted as being erroneous in some respect. For example, some proposals could not be considered for legal reasons. Some responses related to non-policy matters such as procedural, legal, administrative or enforcement issues.
- 22 Matters that were not of a policy nature or which concerned subjects outside the remit of Council policy also could not be taken forward for further consideration. However, where such administrative proposals had merit, changes to current procedures, systems and processes were considered and some administrative changes have resulted. Responses that could not be taken forward for consideration in terms of future policy development are recorded in Appendix 6.
- 23 Relevant responses which sat within the remit of taxi licensing policy that were compelling, persuasive, or convincing and which offered a reasonable alternative or addition to that which had been initially proposed lead to further changes to the draft policy. *See post-consultation revised draft policy in Appendix 2 and Assessment of Taxi Policy Survey Responses in Appendix 6.*
- 24 In the post-consultation revised policy (Appendix 2), some text is shown in red. The red text represents changes to policy originally proposed for consideration and which were consulted on. Some of the text is in purple. The purple text represents subsequent changes to policy, proposed after the consultation and which resulted from officer appraisal of the consultation responses. The current policy wording is in black.
- 25 In the 'Assessment of Taxi Survey Responses' (Appendix 6), some text is shown in purple. The purple text represents changes to policy being proposed after the consultation resulting from officer appraisal of the consultation responses. Some of the text is in red. This red text includes matters that are being put forward for particular or specific in-depth consideration by Members at GLRC.

- 26 For example, over half of all respondents strongly disagreed with the proposals on vehicle emissions and the age of licensed vehicles. However, this was the overriding opinion of the taxi industry with 74% of all responses coming from the licensed trade. This subject elicited many comments and several alternative proposals. Further assessment of this matter has taken place and alternative options are put forward for consideration. *See 4.0 Vehicle Emissions and Manufacture Criteria Pages 7 and 8 of the draft policy and Vehicle Age and Emissions Policy Options in Appendix 7.*
- 27 **Implications for decision-making** – (*See 7.0 Delegations, pages 9 and 10 and Committee Referrals and Officer Revocations pages 61 and 62 of the draft policy*). In connection with licensing enforcement matters, currently DCC operates a process whereby full separation between *investigator and decision-maker* is achieved via the committee referral process. Licensing Officers do not have the delegated authority to revoke licences although, officers can issue suspension notices. The Council operates a system where only committees may revoke, so that if officers consider that a driver poses an imminent risk to public safety, they can only suspend the licence and then refer the suspended individual to Members for further consideration. This process inevitably takes time to progress and does not readily or effectively cater for the immediate revocation of a licence.
- 28 The new DfT National Guidance advises that before any decision is made, the licensing authority must consider the available evidence and the driver should be given the opportunity to state his or her case. Of significant importance in relation to current DCC systems and processes is that if a period of suspension is imposed, it cannot be extended or changed to revocation later.
- 29 Although this existing system does achieve separation of roles and having a sub-committee panel dealing with referrals and operating due process avoids allegations of malice on appeal, there are problems associated with such a process:
- Legal opinion from recent case law indicates that decisions taken should be final, in that a referral process to a committee for further decision making (to revoke or not) may be unlawful. Again, the new national standards make it clear that if a period of suspension is imposed, it cannot be extended or changed to revocation later
  - During busy periods and with increasing workloads for members and officers, feeding work through to sub-committees can lead to lengthy, undue delays thereby failing to provide for the immediate revocation of licences.

30 The new Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 which Councils must have regard to, require that all licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. The Standards recommend that this is delegated to a senior officer with responsibility for the licensing service.

31 The standards also recommend:

- Member referral for contentious matters
- Officers make decisions for “less contentious matters” via a “transparent scheme of delegation”.

Regardless of which approach is adopted, all authorities should plan for dealing with serious matters that may require the immediate revocation of a licence. Similarly, regardless of the approach objective should remain the same – to separate the investigation of licensing concerns and the management of the licence process.

32 There is no legal harm in having revocations, decided by officers. But having a senior, independent officer dealing with it, and operating due process, would avoid allegations of malice on appeal. Many councils already operate such a decision-making process which is supported by relevant case law. See Table 1. Arrangements for immediate licence revocations by Councils in the Northeast Region in Appendix 8.

33 A change to the Council’s constitutional arrangements and delegations of authority would be needed to enable the revocation of taxi driver licences by officers.

34 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.

35 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 would implement and operate a Fast-Track re-application process for licence reinstatement following an officer revocation in such cases.

36 Appendix 9 ‘Comparison of Assessment of Previous Convictions in the National Standards with Policy Proposals’ compares matters contained in National Standards with the revised Policy Proposals (see Taxi and

PH Vehicle Standards; Annex, P35 'Assessment of Previous Convictions').

- 37 Appendix 10 - shows the recommendations set out by the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (July 2020) and where these are referenced within the proposed Durham County Council Hackney Carriage and Private Hire Licensing Policy.

### **Highlighted proposals for consideration by Members of GLRC**

- 38 In addition to the more general and arguably, less contentious proposals contained within the pre- and post-consultation revised policies, several matters of importance were identified during and after the consultation process.
- 39 The following matters are specifically highlighted and drawn to the attention of Members. The GLRC is asked to make decisions on their appropriateness for inclusion in the final draft that, following GLRC acceptance, will be recommended to and put before Council.
- a. Vehicle Emissions and Manufacture Criteria – whether to accept and recommend the original proposals which included an age policy or to extend and update our existing policy based purely on manufactures emission standards. An alternative proposal for consideration is offered in the revised post consultation policy and in Appendix 6. The original proposal did not receive strong support from the taxi trade during the consultation process. Regionally, despite differences in Council policies, there is a drive for authorities to include this form of policy to reduce emissions and improve air quality
  - b. Locality tests – whether to keep locality (topographical) testing and a requirement for both hackney carriage and private hire drivers; or to discontinue its application for both or either type of licenced driver
  - c. Removal of the policy requirements to carry fire extinguishers and first aid kits in licensed vehicles– whether licensed vehicles should have to carry these items.
  - d. zero or reduced fee charges for electric vehicles, balanced out with higher fees for more polluting vehicles or by subsidy – whether changes to licence fees would be appropriate taking into consideration funding arrangements for taxi licensing and Licensing Services
  - e. Adoption of a new policy on offences – whether to adopt the IOL policy standards in full or in part. We have simplified and clarified the current policy in relation to convictions etc. and consider that the proposed level of detail will provide enough detail for all policy users including Members, officers, and the public. We have

considered the alternatives suggested by respondents and have concluded that no compelling reasons for departure from our proposed policy has been put forward. Our proposals do not mirror the IOL standards in all respects, but the proposed policy is in line with the new Statutory Taxi and Private Hire Vehicle Standards. We are however proposing to highlight the complete set of IOL standards as an additional source of reference. We have proposed to incorporate the IOL standards in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification

- f. Disability awareness refresher training to be included in the proposed policy and if so, at what frequency – Currently disability awareness training is not part of the application process. It is proposed that for new applications, all prospective drivers to have undergone disability awareness training and for existing licensed drivers, e.g. From 31st March 2022, all licensed drivers must undergo disability awareness refresher training before their licence is renewed, if they have not already received disability awareness training (or disability awareness refresher training) within the previous 3 years.
- g. CCTV in taxis - Taking into consideration all responses and arguments relating to the question about whether all taxis and private hire vehicles should have internal CCTV fitted as standard, we propose to keep the existing policy in relation to the fitting of CCTV in licensed vehicles as it is and not to mandate its installation as standard in all licensed vehicles – no change to proposals is recommended despite apparent support from the general public for its inclusion as a mandatory feature of taxi licensing.
- h. Contract exemption for displaying decals etc. – although we propose no change to policy Members may wish to consider reducing the number of days required to be considered for an exemption e.g. 40 or 30.

## **Main implications**

- 40 Until the results of the consultation have been reported to GLRC for acceptance in an updated and revised format, the policy cannot be presented for consideration and for adoption by Council.
- 41 A failure to review, revise and update the Council's taxi licensing policy would result in the expiry of the existing policy with no replacement. Without any extension, this would result in the Council's inability to properly administer, manage, and regulate the taxi licensing process. This would lead to unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be

compromised. The Council would be open to charges of maladministration and to legal challenges.

## **Conclusion**

42 GLRC acceptance of this report's recommendations will enable the updated, revised policy to be reported to Council later than had been anticipated but before the end of 2021, in accordance with the previously adopted five-yearly, revision plan.

## **Background papers**

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy
- Post-consultation Taxi Policy Briefing Note

## **Other useful documents**

- Durham University Hackney Carriage and Private Hire Licensing Policy Review: Preparatory Report - May 2020
- DCC Taxi trade consultation letter
- Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010)
- Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020
- Durham Taxi Emissions Assessment AECOM Limited 2019

## **Authors**

Joanne Waller

Tel: 03000 260923

Owen Cleugh

Tel: 03000 260925

Craig Rudman

Tel: 03000 260090

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## **Appendix 1: Implications**

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### **Legal**

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.

### **Finance**

None.

### **Consultation**

A full public consultation process has been undertaken in respect of the review of this policy.

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

The existing Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment. The draft (revised) policy has also been subject to a screening assessment prior to reporting to Committee which is included as Appendix 11.

### **Climate Change**

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

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

## **Risk**

A failure to review, revise and update the Council's taxi licensing policy would result in the expiry of the existing policy with no replacement. This would result in the Council's 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.

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

## **Procurement**

None.

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**Appendix 2: Post Consultation Revised Draft Hackney Carriage  
and Private Hire Licensing Policy**

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**Neighbourhoods and Climate Change**

**Community Protection Services**

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

## Version control

To help identify where changes have been made since the last policy, those changes have been typed in red and in bold type. When the policy is finalised, these will appear in black type in line with the format of the document. The sections which have been removed from the existing policy, can be found in appendix 9. Again, when finalised, appendix 9 will be removed from the document.

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
<b>July 2021</b>	<b>V5</b>	<b>Revised and Updated Final Version</b>	<b>Joanne Waller head of Community Protection Regeneration and Local Services</b>	<b>County Council</b>	<b>April 2021 Pending</b>

Contents

<b>1.</b>	<b>Introduction .....</b>	<b>5</b>
<b>2.</b>	<b>Hackney Carriage and Private Hire Licensing .....</b>	<b>6</b>
<b>3.0</b>	<b>Hackney Carriage and Private Hire Drivers .....</b>	<b>6</b>
<b>4.0</b>	<b>Vehicle Emissions and Manufacture Criteria .....</b>	<b>7</b>
<b>5.0</b>	<b>Taxi Licensing Aims and Objectives .....</b>	<b>8</b>
<b>6.0</b>	<b>Promotion of taxi licensing objectives .....</b>	<b>9</b>
<b>7.0</b>	<b>Delegations .....</b>	<b>9</b>
<b>8.0</b>	<b>Partnership Working .....</b>	<b>10</b>
<b>9.0</b>	<b>Duties and Obligations under the Equality Act 2010 .....</b>	<b>11</b>
<b>10.0</b>	<b>Conditions .....</b>	<b>12</b>
<b>11.0</b>	<b>Enforcement .....</b>	<b>13</b>
<b>12.0</b>	<b>Other Regulatory Regimes .....</b>	<b>13</b>
<b>13.0</b>	<b>Decision Making .....</b>	<b>13</b>
<b>14.0</b>	<b>Complaints Procedure .....</b>	<b>13</b>
<b>15.0</b>	<b>Vehicle Licence Holders .....</b>	<b>14</b>
<b>16.0</b>	<b>Vehicle Insurance .....</b>	<b>18</b>
<b>17.0</b>	<b>Transfer of Interest .....</b>	<b>19</b>
<b>18.0</b>	<b>Changes to ‘Person Concerned’ with the Keeping, Employing and Letting of Vehicles .....</b>	<b>19</b>
<b>19.0</b>	<b>Drivers.....</b>	<b>19</b>
<b>20.0</b>	<b>Private Hire Operators.....</b>	<b>21</b>
<b>21.0</b>	<b>Licence Fees .....</b>	<b>21</b>
<b>22.0</b>	<b>Hackney Carriage Fares Policy .....</b>	<b>21</b>
<b>23.0</b>	<b>Review.....</b>	<b>21</b>
<b>24.0</b>	<b>Contact Us.....</b>	<b><a href="#">222</a></b>

<b>Appendix 1: Drivers</b> .....	<b>24</b>
Eligibility.....	24
Continuing Suitability / Renewal Process.....	28
Voluntary return of licence (surrender of licence) .....	30
Standard Conditions of a Private Hire Driver Licence.....	30
<b>Appendix 2: Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences</b> .....	<b>32</b>
Guidelines on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence .....	32
Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders.....	34
Motoring offences.....	34
Other Relevant Factors .....	37
<b>Appendix 3: Vehicle Licences</b> .....	<b>39</b>
Standard Conditions.....	39
Hackney Carriage Vehicles .....	45
Private Hire Vehicles .....	46
Wheelchair Accessible Vehicles .....	<a href="#">466</a>
<b>Appendix 4: Special Vehicle Licence Conditions</b> .....	<b>49</b>
Standard Conditions for Special Vehicles .....	49
Conditions for Stretch Vehicles .....	49
Licence Conditions for Horse-Drawn Vehicles.....	50
Other Vehicles.....	50
<b>Appendix 5: Private Hire Operator</b> .....	<b>51</b>
Standard Conditions.....	51
<b>Appendix 6: Glossary</b> .....	<b>55</b>
<b>Appendix 7: Enforcement Procedures and Escalation</b> .....	<b>60</b>
Committee Referrals / Officer Revocations .....	60
<b>Appendix 8: C.C.T.V Installed in any Licenced Vehicle</b> .....	<b>62</b>
<b>Appendix 9: Table of Deletions</b> .....	<b>64</b>

## 1. Introduction

- 1.1. **Durham County Council 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 both to the local economy and vibrancy of the County. This policy, which replaces all previous 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 on 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 standards that must be met by the hackney carriage and private hire trade licenced 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 licenced 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 licenced 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 licenced 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 licenced by another Local Authority.

## 3.0 Hackney Carriage and Private Hire Drivers

**3.1 An applicant must satisfy the Council that they are a fit and proper person to become licenced. Once licenced 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.**

#### **4.0 Vehicle Emissions and Manufacture Criteria**

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

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

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

- After the 31<sup>st</sup> March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower
- After the 31<sup>st</sup> March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower

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

**5.0 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 ~~general~~-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 licenced 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.

## 6.0 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) Random / 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.

## 7.0 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 Services 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 licenced by the council (and vehicles licenced by participating authorities in accordance with adopted cross-border authorisation arrangements) may be suspended by the Licensing Services 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 was, 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 though 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.**

## **8.0 Partnership Working**

- 8.1 The Council will **actively engage and** seek to work in partnership with the following agencies, groups, and individuals to promote the licensing objectives:
- 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

## 9.0 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 Licenced 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 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 driver's 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 licenced 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 (i.e. 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 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.
- 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.

## 10.0 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.

## 11.0 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.**

## 12.0 Other Regulatory Regimes

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

## 13.0 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.

## 14.0 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 licenced 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 licenced 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 licenced trade will be expected to assist officers when carrying out their investigations. **A failure to 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.

## 15.0 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 licenced 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 licenced 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 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 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 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 licenced 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 licenced, 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 licenced 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.
- 15.9 A licenced 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 licenced vehicle has been in an accident and is suspended, pending a post-accident inspection and 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.**

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 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.

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 licenced 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 licenced for a period not exceeding two months.

15.19. If a Licenced 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. ~~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 suspension the licence will be revoked. (crossed out as law rather than policy)~~ If the vehicle has sustained minor damage the vehicle licence holder will be given 14 days to repair the vehicle and present it for inspection. ~~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.~~
- 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 (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.
- 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 (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.
- 15.28. 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.
- 15.29. Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy.
- 15.30. Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 15.31. 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.
- 15.32. 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.
- 15.33. Stretched Limousines - “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 licenced (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 licenced as PHV’s because they are outside the licensing regime for PHV’s.

## 16.0 Vehicle Insurance

- 16.1 Proprietors of licenced vehicles must ensure that a valid insurance policy, providing the relevant level of cover, is in place throughout the period a vehicle is licenced. This insurance policy must be in place before a licence can be granted. Where the policy covers a number of licenced 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 in order to produce the appropriate V5C document.**
  - b) Valid certificate of motor insurance.**
  - c) Details of the operator of the vehicle (private hire only)**

## 18.0 Changes to 'Person Concerned' with the Keeping, Employing and Letting of Vehicles

- 18.1 Vehicle proprietors shall notify the Council on 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.**

## 19.0 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 licenced 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 licenced 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 In view of a significant number of drivers with cautions and/or convictions for drug related offences, the Council may require drug tests on drivers on both an intelligence led and random sample 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)**

## 20.0 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.

## 21.0 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 be calculated on a pro rata basis and an administration charge deducted.

## 22.0 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 licenced vehicles requesting advance payment of fares; this does not remove any requirement for the taximeter to be used on such occasions.

## 23.0 Review

- 23.1 This policy will be reviewed every five years. However, the Council will 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.

## 24.0 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 applicants continuing suitability.

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

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

### Eligibility

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

#### a) Qualification

The applicant will be required to provide proof that they have held a full UK drivers licence, or equivalent, for a period of not less than 12 months prior to the application being submitted. A full DVLA driving licence showing the applicants current address must be produced.

#### b) Driving Assessment

The applicant will be required to provide evidence that they have passed a suitable and satisfactory driver assessment test designed to assess the driving competency of hackney carriage and private hire drivers. The Council holds a list of approved driving assessment providers which have been subject to Council vetting and approval.

#### c) Driver Knowledge and Locality Tests

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

**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 five 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 apnoea, 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 licenced 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 licenced. We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 31<sup>st</sup> March 2022, 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 licenced. We consider that this training is so important that all drivers should undergo refresher training periodically, at least every 3 years. From 31<sup>st</sup> March 2022, 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.

- g) 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.**

### **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 shall be required to must notify the Licensing Authority by e-mail 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 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. **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 Crt. 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.**

**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 licenced 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 licenced 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 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 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 licenced 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 that 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 offence**

**This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has 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.**

**Major traffic offence or vehicle related offence**

**This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also**

**involves driving without insurance or any offence 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 licenced.**

#### **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 licenced. 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) Failing to declare convictions etc. on application**~~
- ~~**k) Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority**~~
- l) 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

**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) licenced 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 licenced to carry the number of passengers specified on the V5 registration document.
3. The design condition or appearance of a licenced 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 licenced 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 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 licenced 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 ~~or on~~ any licenced vehicle whilst the vehicle is so engaged under the terms of its licence.
20. Window tints shall comply with the following:
  - d) The front windscreen shall allow 75% of light to be transmitted through
  - e) The front side windows shall allow at least 70% of light to be transmitted through them
  - f) 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 licenced vehicle against their will.

~~22. 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 **together with an unexpired tested until or use before date.** Every fire extinguisher must be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.~~

~~23. The vehicle must carry a "first aid" kit which is suitable to the number of persons the vehicle is licenced to carry. Any items contained in the first aid kit which are not sealed are deemed to be unsterile and must be replaced immediately. The first aid kit must 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. **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 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. No licenced vehicle may be used for the unaccompanied carriage or delivery of alcohol or any tobacco products. Drivers must not deliver alcohol or tobacco products to any person who is under the age of 18.~~
- ~~33 Any temporary 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 Coivid-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.

~~The use of temporary screens for safety and infection control purposes - where the vehicle is fitted with a screen for the purpose of infection control on a temporary basis the following criteria must be met:~~

- ~~• Must not have a solid frame to the screen;~~
- ~~• Must only be fitted by way of either Velcro or adhesive fastenings, which can be removed from the vehicle when the screens are no longer permitted~~
- ~~• Must be fitted in such a way so as not to affect the structural integrity of the vehicle, or interfere with any manufacturer fitted safety equipment e.g. air bags;~~
- ~~• Must not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.~~
- ~~• The film/sheet used MUST be clear and transparent and can ONLY be fitted across the rear of both front seats, creating a partition between the front and rear cabin area of the vehicle.~~

**34 Process to be followed when wishing to fit a Temporary Screen - If any vehicle licence holder wishes to fit a temporary 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 permanent screens – if you wish to install a safety or infection control screen between the driver and passenger compartment of a licenced 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**
- **Certification 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 licenced as Hackney Carriage Vehicles. (Vehicles licenced 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 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

### 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 licenced; 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 licenced 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) 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
  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 licenced 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 **licenced 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 licenced vehicle has passed the Council's vehicle test. A certificate of compliance acts in lieu of a MOT certificate whilst the vehicle remains licenced, 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 licenced 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.

**“Licenced 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 licenced hackney carriages may ply for hire and may only do so within the district in which they are licenced.

**“Private Hire Operator”** means a person licenced 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 licenced 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 licenced 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 licenced 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.

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## Appendix 7: Enforcement Procedures and Escalation

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

### Enforcement Aims

The aim of any sanctions and penalties is to:

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

### Verbal/written advice and warnings

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

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

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

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

### Committee Referrals and Officer Revocations

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

**Officer revocation may take place if it appears that the interests of public safety require the immediate revocation of the licence. This approach is**

**appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety. Factors including the immediacy and significance of the risk to public safety will be important matters for consideration.**

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

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

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

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

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

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

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

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

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

## Appendix 8: C.C.T.V Installed in any Licenced 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.**



**Appendix 9: Table of Deletions**

The table below details the deletions from the Hackney Carriage and Private Hire Licensing Policy 2016 (as amended April 2018).

Page number	Section	Contents of Deletion
Page 7	6.0 Promotion of the Licensing Objectives - 6.1 d)	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.
Page 7	6.0 Promotion of the Licensing Objectives - 6.1 g)	and/or in connection with reports or incidents of poor conduct.
Page 21	Appendix 1 – Drivers  Section b) Driving Assessment	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 any current guidance that may be issued by DCC.
Pages 26 to 32	Appendix 2 – Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences	<p><b><u>Minor traffic offences</u></b></p> <p>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.</p> <p>Minor traffic offences would include:</p> <p><b>MS10</b> Leaving a vehicle in a dangerous position  <b>MS20</b> Unlawful pillion riding  <b>MS30</b> Play street offences  <b>MS60</b> Offences not covered by other codes</p>

Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

		<p><b>MS70</b> Driving with uncorrected defective eyesight</p> <p><b>MS80</b> Refusing to submit to an eyesight test</p> <p><b>MS90</b> Failure to give information as to identity of driver etc.</p> <p><b>MW10</b> Contravention of Special Road Regulations (excluding speed limits)</p> <p><b>PC10</b> Undefined contravention of pedestrian crossing regulations</p> <p><b>PC20</b> Contravention of pedestrian crossing regulations with moving vehicle</p> <p><b>PC30</b> Contravention of pedestrian crossing regulations with stationary vehicle</p> <p><b>SP10</b> Exceeding goods vehicle speed limits</p> <p><b>SP20</b> Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)</p> <p><b>SP30</b> Exceeding statutory speed limit on a public road</p> <p><b>SP40</b> Exceeding passenger vehicle speed limit</p> <p><b>SP50</b> Exceeding speed limit on a motorway</p> <p><b>TS10</b> Failing to comply with traffic light signals</p> <p><b>TS20</b> Failing to comply with double white lines</p> <p><b>TS30</b> Failing to comply with a Stop sign</p> <p><b>TS40</b> Failing to comply with direction of a constable or traffic warden</p> <p><b>TS50</b> Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)</p> <p><b>TS60</b> Failing to comply with school crossing patrol sign</p> <p><b>TS70</b> Undefined failure to comply with a traffic direction sign</p> <ul style="list-style-type: none"> <li>• Aiding, abetting, counseling or procuring any of the above offences</li> <li>• Inciting any of the above offences</li> </ul>
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		<ul style="list-style-type: none"> <li>• Or similar offences or offences which replace the above offences</li> </ul> <p><b><u>Major traffic offences</u></b></p> <p>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.</p> <p>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.</p> <p>Major traffic offences would include:</p> <p><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</p> <p><b>BA10</b> Driving while disqualified by order of Court  <b>BA30</b> Attempting to drive while disqualified by order of Court</p> <p><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</p> <p><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</p>
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Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

		<p><b>CU50</b> Causing or likely to cause danger by reason of load or passengers</p> <p><b>DD10</b> Causing serious injury by dangerous driving</p> <p><b>DD40</b> Dangerous driving</p> <p><b>DD60</b> Manslaughter or culpable homicide while driving a vehicle</p> <p><b>DD90</b> Furious driving</p> <p><b>DR10</b> Driving or attempting to drive with alcohol level above limit</p> <p><b>DR20</b> Driving or attempting to drive while unfit through drink</p> <p><b>DR30</b> Driving or attempting to drive then failing to supply a specimen for analysis</p> <p><b>DR31</b> Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity</p> <p><b>DR40</b> In charge of a vehicle while alcohol level above limit</p> <p><b>DR50</b> In charge of a vehicle while unfit through drink</p> <p><b>DR60</b> Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive</p> <p><b>DR61</b> 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</p> <p><b>DR70</b> Failing to provide specimen for breath test</p> <p><b>DR80</b> Driving or attempting to drive while unfit through drugs</p> <p><b>DR90</b> In charge of a vehicle when unfit through drugs</p> <p><b>IN10</b> Using a vehicle uninsured against third party risks</p> <p><b>LC20</b> Driving otherwise than in accordance with a licence</p> <p><b>LC30</b> Driving after making a false declaration about fitness when applying for a licence</p> <p><b>LC40</b> Driving a vehicle having failed to notify a disability</p>
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Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

		<p><b>LC50</b> Driving after a licence has been revoked or refused on medical grounds</p> <p><b>MS50</b> Motor racing on the highway</p> <p><b>TT99</b> 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</p> <p><b>UT50</b> Aggravated taking of a vehicle</p> <ul style="list-style-type: none"> <li>• Aiding, abetting, counseling or procuring any of the above offences</li> <li>• Causing or permitting any of the above offences</li> <li>• Inciting any of the above offences</li> <li>• Or similar offences or offences which replace the above offences</li> </ul> <p>An application will normally be refused / revoked following a conviction for:</p> <p><b>CD40</b> Causing death through careless driving when unfit through drink</p> <p><b>CD50</b> Causing death through careless driving when unfit through drugs</p> <p><b>CD60</b> Causing death by careless driving with alcohol level above the limit</p> <p><b>CD70</b> Causing death by careless driving then failing to supply a specimen for analysis</p> <p><b>CD80</b> Causing death by careless, or inconsiderate driving</p> <p><b>CD90</b> Causing death by driving: unlicensed, disqualified or uninsured drivers</p> <p><b>DD80</b> Causing death by dangerous driving</p> <p><b><u>Town Police Clauses Act 1847, Part Two of the Local Government (Miscellaneous Provisions) Act 1976 &amp; Criminal Justice &amp; Public Order Act 1994</u></b></p> <p>An application will normally be refused / revoked where:</p>
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		<p>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 refused or revoked by any Council</p> <p><b><u>Offences under the Equality Act 2010 and other offences of a discriminatory nature</u></b> An application will normally be refused / revoked where:</p> <p>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</p> <p><b><u>Offences involving the possession drugs</u></b> An application will normally be refused / revoked where:</p> <p>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</p> <p><b><u>Offences involving the possession drugs with the intent to supply</u></b> An application will normally be refused / revoked where:</p> <p>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</p>
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		<p><b><u>Indecency and sexual offences</u></b> An application will normally be refused / revoked where:</p> <ul style="list-style-type: none"><li>a) There is a conviction for any sexual or indecency offence, including the possession of images.</li></ul> <p><b><u>Soliciting</u></b> An application will be refused / revoked where:</p> <ul style="list-style-type: none"><li>a) Less than one year has elapsed since the date of the conviction where there is one conviction</li><li>b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction</li></ul> <p>Where a person declares they are on, or have been, on the sex offenders register an application will be refused / revoked.</p> <p><b><u>Violence</u></b> An application will be refused / revoked following a conviction for:</p> <ul style="list-style-type: none"><li>a) Murder</li><li>b) Manslaughter</li><li>c) Or similar offences or offences which replace the above offences</li></ul> <p><b><u>Other violence offences</u></b> for any of the following offences:</p> <ul style="list-style-type: none"><li>a) Arson</li></ul>
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Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

		<ul style="list-style-type: none"> <li>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)</li> <li>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)</li> <li>d) Grievous bodily harm with intent (s.18 Offences Against the Person Act)</li> <li>e) Grievous bodily harm (s.20 Offences Against the Person Act)</li> <li>f) Robbery</li> <li>g) Racially aggravated criminal damage (s.30 Crime and Disorder Act 1998)</li> <li>h) Racially aggravated s.4 Public Order Act 1986 (fear of provocation of violence)</li> <li>i) Racially aggravated s.4A Public Order Act 1986 (intentional harassment, alarm or distress)</li> <li>j) Racially aggravated s.5 Public Order Act 1986 (harassment, alarm or distress)</li> <li>k) Racially aggravated s.2 Protection from Harassment Act 1997 (harassment)</li> <li>l) Racially aggravated s.2 Protection from Harassment Act 1997 (putting people in fear of violence)</li> <li>m) Assault on Police</li> <li>n) Possession of offensive weapon</li> <li>o) Possession of firearm</li> <li>p) Or similar offences or offences which replace the above offences</li>   <li>f) Assault occasioning actual bodily harm</li> <li>g) Racially aggravated common assault</li> <li>h) Common assault</li> <li>i) Harassment (Protection from Harassment Act 1997)</li> <li>j) Battery</li> <li>k) Affray</li> <li>l) s.2 Protection from Harassment Act 1997 offence</li> <li>m) s.2 Public Order Act 1986 (violent disorder)</li> <li>n) s.4 Public Order Act 1986 (fear of provocation of violence)</li> <li>o) s.4A Public Order Act 1986 (intentional harassment, alarm or distress)</li> </ul>
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		<p>p) s.5 Public Order Act 1986 (harassment, alarm or distress)</p> <p>o) Violent disorder</p> <p><b><u>Dishonesty offences</u></b>  An application will normally be refused / revoked unless 3 years has elapsed since the date of a conviction for any of the following offences:</p> <p>m) Theft  n) Burglary  o) Fraud  p) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)  q) Handling or receiving stolen goods  r) Forgery  s) Conspiracy to defraud  t) Obtaining money or property by deception  u) Other deception  v) Failing to declare convictions etc. on application  w) Or similar offences or offences which replace the above offences</p> <p><b><u>Other relevant factors</u></b></p> <p>d) Inclusion on any register maintained for the purposes of safeguarding the public</p> <p>x) Surrender of a licence prior to an appearance before the Licensing Committee</p>
Page 35	Appendix 3 – Vehicle licences  Standard conditions section	Advertising may be displayed inside the vehicle and on the rear doors, rear panels and boot areas, 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.

Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

	1.11	
Page 44	Appendix 5 – Private Hire Operator  Section 1.11 f)	Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability
Page 48	Appendix 6 – Glossary  Section 33	<b>“Fit &amp; Proper”</b> 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.
Page 50	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 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 licenced 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

Hackney Carriage and Private Hire Licensing Policy 2021 - 2026

		Committee.
Page 52	Appendix 8 – Enforcement Procedures and Escalation	<b>Final Written Warning</b> – 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 of file for the lifetime of the licence and will be referred to in any future enforcement actions including referrals to the Licensing Committee.
Page 53	Appendix 8 – Enforcement Procedures and Escalation  Committee referrals section 1.1 point e)	To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)

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## Appendix 2: Tables of Changes (Pre- and Post-Consultation Changes/Proposals)

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**Table 1 Pre-Consultation Proposals**

1	<p><b>New Licences</b> - An age restriction policy to be adopted with a 4-year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means the EURO 6 emissions standard applies from April 2020 to all new licences</p> <p><b>Existing Vehicles</b> - From April 2023, to adopt an 8-year age policy so vehicles older than 8 years will not be licensed. From April 2023 all diesel and petrol engine vehicles must be Euro 6. The taxi trade therefore has 4 years to comply (3 years from April 2020).</p> <p><b>Wheelchair accessible vehicles</b> - Existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date. Therefore, it is possible that a relatively low number of wheelchair accessible vehicles will be Euro 5 between April 2023 to April 2025.</p> <p><b>'Full electric' and 'zero emission at source'</b> vehicles would be exempt</p>
2	Reference that the licence plate cannot be altered or defaced in any way
3	Reference to post-accident testing requirements
4	Reference 'reported for an offence' in addition to 'charged with'
5	Addition of wording associated with the section of guidance that states: "We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running"
6	Terrorism and hate crime offences to be added to appendix 2
7	Possibility that we would also propose the use of an agreed formula to enable an annual tariff review to be implemented, this formula would be based on industry costs from across the county. Taking into consideration the cost of fuel, tyres, wages, licensing fees, insurance premiums Garage costs etc.

<b>8</b>	Vehicle defect book – addition of minimum timescale for keeping records and maximum time periods for vehicle checking i.e. once a week, daily or other specific period
<b>9</b>	Consideration of acceptance of weekly insurance cover
<b>10</b>	Amendment of the wording on the advertising condition regarding location of advertising to be restricted to rear doors, rear panels and boot
<b>11</b>	Amendment and clarification of ‘fit and proper’ and ‘safe and suitable’ tests
<b>12</b>	Addition of other offences to Appendix 2 including local authority enforced statutes and regulations
<b>13</b>	Consideration of inclusion of a Drivers Code of Conduct
<b>14</b>	Preventing the use of e-cigs and vaping in a licensed vehicle
<b>15</b>	Additions to Operator Conditions re use of base (e.g. parking and maintenance of licensed vehicles etc)
<b>16</b>	Addition to Appendix 2 of Equality Act offences
<b>17</b>	Addition of changes to categories of write-off vehicles
<b>18</b>	Additional information on applications to the Council for medical exemptions
<b>19</b>	Clarification of prohibition on duplication of vehicle licences
<b>20</b>	Additional explanatory information regarding passenger transport contracts e.g. home to school
<b>21</b>	Consideration of time locked meters - also all meters set with maximum tariffs
<b>22</b>	Reference in ‘fitness’ to suicidal threats / attempts, not a fit state of mind as per DVSA or other relevant guidance
<b>23</b>	Adopt the IOL suitability guidance
<b>24</b>	Transfers of vehicles - specify time frame when a transfer should be received and explain process
<b>25</b>	NAFN register needs to be referenced

<b>26</b>	Need to incorporate into the policy that all tyres on the vehicle must be the same size and ratings etc
<b>27</b>	Information and guidance on conduct and behaviour when using social media sites
<b>28</b>	Reference electric vehicles
<b>29</b>	Under appendix 1 continuing suitability need to refer under medical that they need to inform us of any changes to their health. Need to reference that drivers always need to meet Group 2 standards. Could list some of the major illnesses i.e. stroke, heart attack, diabetes etc
<b>30</b>	Clarification on where a licence is refused / revoked, that it is 5 years from that date during which the council wouldn't normally grant a licence - Make clear re refusals / revocations that a licence will not be granted unless 5 years has elapsed
<b>31</b>	More clarification on who is required to carry out the vehicle checks
<b>32</b>	Clarification on use of taxi meters in private hire vehicles
<b>33</b>	Suggestion to refresher CSE training every 2 to 3 years (time to be decided at consultation stage)
<b>34</b>	Randomised and targeted drug testing for drivers
<b>35</b>	Policy to reference the need for licence holders to be respectful etc to other drivers
<b>36</b>	Clarification on illumination of top signs
<b>37</b>	Look at trailers - should we include a test? Page 471 of button book para 9.46
<b>38</b>	Clarify DBS update service needs to be live with a valid certificate - upon renewal
<b>39</b>	Amend transfer of a vehicle application - refer to section 49 LGMPA re 14 days
<b>40</b>	Inclusion of a definition of a special vehicle
<b>41</b>	Explanation of transfer of ownership - quote section 49 of LGMPA 1976
<b>42</b>	Changes to the PHO to require other persons associated with the application to be fit and proper not just the applicant

43	Suggestion that for new applicants having 6 points or more to go to committee for licensing decision
44	Explanation in policy re why we do not allow surrender of a drivers badge but allow vehicle licence surrenders
45	Greater explanation of why a proprietor may be referred to committee.
46	Greater explanation of what we require for a medical exemption - i.e. blood tests, skin prick etc refer to guidance issued from guide dogs
47	Approved test for fitness and propriety for operator and vehicle licences - refer to the Ann Harris case
48	Take 'annual' out from continuing suitability point a) DVLA check
49	Top sign - make it clearer that HCV vehicles must always have a top sign
50	Consideration of first aid kits – the one we currently require is for up to 10 persons – need to state applicable to the number of persons people can carry. Also, if not sealed then unsterile and needs to be replaced
51	A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances). - make it clearer as there is the option of 1 2 and 3 years. Addition of the word 'up to' 3 years
52	Additional information and clarification on the decal exemptions associated with executive / luxurious vehicle
53	Additional information clarifying and explaining the policy and processes followed in relation to late renewal applications (application of Exeter v Sandle)

**Table 2 Post-Consultation Proposals (Subsequent changes including amended proposals)**

1	Version date prediction July 2021
2	1.3 addition of The Equality Act 2010
3	4.0 change of wording for clarity
4	New proposals for emissions policy and removal of age proposals

	<p>4.1 New Applications (Newly Licensed Vehicles) - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher.</p> <p>4.2 Renewal Applications (Existing Vehicles / Continued Licensing)</p> <ul style="list-style-type: none"> <li>- After the 31st March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower</li> <li>- After the 31st March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower</li> </ul> <p>4.3 Zero emission vehicles - fully electric and zero emission (at source) vehicles are welcomed by the Council.</p>
<b>5</b>	7.0 reference to General Licensing and Registration Sub-Committee
<b>6</b>	7.5 additional words for clarification and reference to a Fast-Track application process for licence reinstatement following an officer revocation
<b>7</b>	7.7 additional paragraph for explanatory and clarification purposes
<b>8</b>	8.1 additional words regarding positive action
<b>9</b>	11.1 additional wording for help and guidance
<b>10</b>	15.6 additional sentence for explanatory and clarification purposes
<b>11</b>	Appendix 1 e) Safeguarding including CSE Awareness; proposed policy on CSE awareness refresher training
<b>12</b>	Appendix 1 f) Proposed policy on Disability Awareness Training and refresher awareness training
<b>13</b>	Continuing Suitability <u>and</u> Renewal Process new word for clarity
<b>14</b>	Continuing Suitability and Renewal Process new policy on: <ul style="list-style-type: none"> <li>g) Periodic safeguarding including CSE awareness training</li> <li>h) Periodic disability awareness training</li> </ul>
<b>15</b>	Standard Conditions of a Private Hire Driver Licence s) ‘as a <i>minimum</i> ’ for clarity/explanation
<b>16</b>	Applications for Vehicle, Driver and Operator Licences following a conviction / caution and the ongoing suitability of Licence Holders;

	additional sentence to differentiate between suitability criteria for drivers and for vehicle proprietors and operators
<b>17</b>	Dishonesty convictions – removal of J and K – dealt with elsewhere
<b>18</b>	Addition of NOTE: Any inaccuracies, or failure to record or report convictions, will normally result in the refusal of an application.
<b>19</b>	Appendix 3 Vehicle Licences information/proposed policy on DBS checks
<b>20</b>	Appendix 3 Standard Conditions 10 - positioning of plates and stickers
<b>21</b>	Appendix 3 Standard Conditions 13 - information for clarification and explanation
<b>22</b>	Appendix 3 Standard Conditions 19 – change of words for clarification
<b>23</b>	Appendix 3 Standard Conditions 20 – additional words for clarification and explanation
<b>24</b>	Appendix 3 Standard Conditions removal of 22 on basis of information supplied by DDFRA – relating to the carrying of fire extinguishers
<b>25</b>	Appendix 3 Standard Conditions 24 – removal of words for clarification and explanation
<b>26</b>	Appendix 3 Standard Conditions 25 - additional words for clarification and explanation
<b>27</b>	Appendix 3 Standard Conditions 32 - proposed change of policy for practical reasons and enforcement purposes
<b>28</b>	Appendix 3 Standard Conditions 33 – additional wording for clarification and explanation
<b>29</b>	Appendix 3 Standard Conditions 34 – additional wording for clarification and explanation
<b>30</b>	Appendix 3 Standard Conditions 35 – alternative wording for clarification and explanation
<b>31</b>	Wheelchair Accessible Vehicles conditions 11 - alternative wording for clarification and explanation
<b>32</b>	Conditions for Stretch Vehicles 2 - alternative wording for clarification and explanation

<b>33</b>	Appendix 5 Private Operator - additional wording for clarification and explanation
<b>34</b>	Appendix 8: C.C.T.V Installed in any Licenced Vehicle condition 5 - additional wording for clarification and explanation
<b>35</b>	Appendix 8: C.C.T.V Installed in any Licenced Vehicle condition 6 - additional wording for clarification and explanation
<b>36</b>	Appendix 8: C.C.T.V Installed in any Licenced Vehicle NOTE on display of notices

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**Appendix 3: Current Hackney Carriage and Private Hire  
Licensing Policy (revised April 2016/18)**

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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 code, 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.**

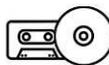
العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)  
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)  
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)  
Français (French) Türkçe (Turkish) Melayu (Malay)

**licensing@durh**

**Tel**



**Braille**



**Audio**



**Large  
Print**

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**Appendix 4: Pre-Consultation Revised Draft Hackney Carriage  
and Private Hire Licensing Policy**

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**Neighbourhoods and Climate Change**

**Community Protection Services**

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

*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
April 2021	V5	Revised and Updated Final Version	Joanne Waller head of Community Protection Regeneration and Local Services	County Council	April 2021 Pending

<b>Section</b>	<b>Contents</b>	<b>Page</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>Hackney Carriage and Private Hire Licensing</b>	<b>5</b>
<b>3.0</b>	<b>Hackney Carriage and Private Hire Drivers</b>	<b>5</b>
<b>4.0</b>	<b>Vehicle Emissions and Manufacture Criteria</b>	<b>6</b>
<b>5.0</b>	<b>Taxi Licensing Aims and Objectives</b>	<b>7</b>
<b>6.0</b>	<b>Promotion of taxi licensing objectives</b>	<b>7</b>
<b>7.0</b>	<b>Delegations</b>	<b>8</b>
<b>8.0</b>	<b>Partnership Working</b>	<b>9</b>
<b>9.0</b>	<b>Duties and Obligations under the Equality Act 2010</b>	<b>9</b>
<b>10.0</b>	<b>Conditions</b>	<b>11</b>
<b>11.0</b>	<b>Enforcement</b>	<b>11</b>
<b>12.0</b>	<b>Other Regulatory Regimes</b>	<b>11</b>
<b>13.0</b>	<b>Decision Making</b>	<b>11</b>
<b>14.0</b>	<b>Complaints Procedure</b>	<b>12</b>
<b>15.0</b>	<b>Vehicle Licence Holders</b>	<b>12</b>
<b>16.0</b>	<b>Vehicles</b>	<b>13</b>
<b>17.0</b>	<b>Vehicle Insurance</b>	<b>17</b>
<b>18.0</b>	<b>Transfer of Interest</b>	<b>17</b>
<b>19.0</b>	<b>Changes to 'Person Concerned'</b>	<b>18</b>
<b>20.0</b>	<b>Drivers</b>	<b>18</b>
<b>21.0</b>	<b>Private Hire Operators</b>	<b>19</b>
<b>22.0</b>	<b>Licence Fees</b>	<b>19</b>
<b>23.0</b>	<b>Hackney Carriage Fares Policy</b>	<b>19</b>
<b>24.0</b>	<b>Review</b>	<b>20</b>
<b>25.0</b>	<b>Contact us</b>	<b>20</b>
	<b>Appendices</b>	<b>22</b>
<b>Appendix 1</b>	<b>Drivers</b>	<b>24</b>
<b>Appendix 2</b>	<b>Determination of Suitability of Applicant and Licence Holders for Vehicle, Driver and Operator Licences</b>	<b>32</b>
<b>Appendix 3</b>	<b>Vehicle Licences</b>	<b>45</b>
<b>Appendix 4</b>	<b>Special Vehicle Licence Conditions</b>	<b>54</b>
<b>Appendix 5</b>	<b>Private Hire Operators</b>	<b>56</b>
<b>Appendix 6</b>	<b>Glossary</b>	<b>61</b>
<b>Appendix 7</b>	<b>Enforcement Procedures and Escalation</b>	<b>67</b>
<b>Appendix 8</b>	<b>C.C.T.V Installed in any Licensed Vehicle</b>	<b>70</b>

## 1.0 Introduction

- 1.1. Durham County Council 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 both to the local economy and vibrancy of the County. This policy, which replaces all previous 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
- 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 on 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.

## **2.0 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 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.

## **3.0 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.

#### **4.0 Vehicle Emissions and Manufacture Criteria**

Tackling air pollution is a public health priority. To combat poor air quality, innovative and bold measures are being taken across the country to ensure the health and wellbeing of all 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:

**4.1 New Licences** - From **(INSERT DATE POLICY ADOPTED)** all new applications for licensed vehicles will only be accepted if the vehicle to be licensed is less than 4 years old from the date of first registration.

**4.2 Existing Vehicles** - Adopt a maximum 8-year vehicle life with a start date of 1<sup>st</sup> April 2024. This means that from 1<sup>st</sup> April 2024 all diesel and petrol engine vehicles will be Euro 6 or above.

All existing licensed vehicles that are more than 8 years old will not be re-licensed after 1<sup>st</sup> April 2024.

**4.3 Wheelchair accessible vehicles (WAV)** - Existing licensed WAV's will have an extra 2 years added to the age restriction. This means that all existing licensed WAV's that are more than 10 years old will not be re-licensed after 1<sup>st</sup> April 2024.

**4.4 Zero emission vehicles** - fully electric and zero emission (at source) vehicles would be exempt from the age restriction / emissions policy.

## **5.0 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 general 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.

## **6.0 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. ~~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 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. and/or in connection with reports or incidents of poor conduct.~~
  - h) Random / 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.~~

## **7.0 Delegations**

- 7.1 Under the Council's Constitution, the Licensing 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, suspensions and revocations.
- 7.2 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.
- 7.3 The Licensing Services Manager, the Licensing Enforcement Team Leader and Licensing Enforcement Officers may issue warning letters on behalf of the Council ~~and Suspend hackney carriage or private hire drivers with immediate effect.~~
- 7.4 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 Services Manager, the Licensing Enforcement Team Leader and Licensing Enforcement Officers
- 7.5 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. The decision

to suspend or revoke was 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 now, 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.

- 7.6 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.
- 7.7 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.

## **8.0 Partnership Working**

- 8.1 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

## **9.0 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 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).
- 9.7 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 **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 (i.e. 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 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.

- 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. [at www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **10.0 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.

## **11.0 Enforcement**

- 11.1 Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the **departmental** enforcement policy.

## **12.0 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.

## **13.0 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.

## 14.0 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 assist officers when carrying out their investigations. **A failure to 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.

## 15.0 Vehicle Licence Holders

15.1 **Durham County Council considers that although vehicle licence holders may not be driving a vehicle they clearly have an interest in the use of the vehicle and ensuring that it is properly maintained. Therefore, all applicants should be fit and proper to hold a licence.**

15.2 **When considering whether applicants are fit and proper the following test will be used:**

*'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’.*

15.3 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.

15.4 If an applicant for a vehicle licence does not hold a hackney carriage / private hire driver licence or private hire operator licence issued by Durham County Council, then they will be required to provide a basic DBS check as part of the application process. Should a vehicle licence holder cease to hold a driver licence a basic DBS check will be required immediately.

## 16.0 Vehicles

16.1 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.

16.2 Category A and B “write offs” will not be licensed as Hackney Carriage or Private Hire Vehicles.

16.3 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.

16.4 From the adoption of this policy all licensed vehicles will be subject to the requirements of paragraph 4.0 of this policy.

~~16.5~~ Any **material displayed on the vehicle advertising** other than self-promotional information must be approved by the **Licensing Manager or Licensing Team Leader**. Examples of the **material advertising** 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**.

- ~~16.6~~ **Self-promotional or other material requiring approval must not be displayed on the front doors or in such a manner which may obscure the Council signage or vehicle top sign. ~~only be displayed on the rear doors, rear panels and boot areas.~~**
- 16.7 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 does not lend itself to any other interests outside the owner or operator's private hire or hackney carriage company.
- 16.8 **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.
- 16.9 **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.**
- 16.10 **Post- accident inspection and testing** - In cases where a licensed vehicle has been in an accident and suspended pending a post-accident inspection and test will be required.
- 16.11 **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.**
- 16.12 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.

- 16.13 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.
- 16.14 **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.**
- 16.15 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.
- 16.16 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.
- 16.16 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.
- 16.17 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.
- 16.18 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.
- 16.19 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.

**16.20 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.

16.21 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.

16.22 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.

**16.23 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.

16.24 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.

16.25 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.

16.26 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.

16.27 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.

- 16.28 Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy.
- 16.29 Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 16.30 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.

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.

- 16.31 Stretched Limousines** - “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.

## **17.0 Vehicle Insurance**

- 17.1 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.
- 17.2 Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 17.3 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.

## 18.0 Transfer of Interest

- 18.1 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.
- 18.2 If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.
- 18.3 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 in order to produce the appropriate V5C document.
  - b) Valid certificate of motor insurance.
  - c) Details of the operator of the vehicle (private hire only)

## 19.0 Changes to 'Person Concerned' with the Keeping, Employing and Letting of Vehicles

- 19.1 Vehicle proprietors shall notify the Council on 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.

## 20.0 Drivers

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 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.
- 20.5 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.
- 20.6 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.
- 20.7 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.
- 20.8 **In view of a significant number of drivers with cautions and/or convictions for drug related offences, the Council may require drug tests on drivers on both an intelligence led and random sample basis. (See Appendix 2)**
- 20.9 **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)**

## **21.0 Private Hire Operators**

- 21.1 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.
- 21.2 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.
- 21.3 A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **22.0 Licence Fees**

- 22.1 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.
- 22.2 Where refunds are due to any licence holder or applicant, they will be calculated on a pro rata basis and an administration charge deducted.

## **23.0 Hackney Carriage Fares Policy**

- 23.1 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
- 23.2 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.
- 23.3 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.

## **24.0 Review**

- 24.1 This policy will be reviewed every five years. However, the Council will make such revisions as it considers appropriate and publish it accordingly.
- 24.2 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.

## **25.0 Contact Us**

- 25.1 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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# 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 **up to** three years, (or less as the Council may decide is necessary in certain circumstances).

When a driver licence is granted the licence 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.

### 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. The Council holds a list of approved driving assessment providers which **have been** 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 any current guidance that may be 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.

**Applicants will be required to demonstrate basic oral and written English language skills in order 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 five 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 apnoea, 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 licence 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 licence 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. 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) 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.

**g) 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 as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

## **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) 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 behavior notices and attendance of any speed awareness courses
- d) Licence holders shall be required to notify the Licensing Authority by e-mail within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. 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 as a result of information or intelligence received by Licensing Services.
- f) Periodic medical examination
- g) CSE awareness training
- h) Right-to-work / immigration checks
- i) Check of the National Register of Taxi Licence Refusals and Revocations (NR3)
- j) 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. 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 Crt. 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.

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.**

### **3. 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.

### **4. 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 particulars including but not limited to:
  - (i) Change of address

- (ii) Change of name
  - (iii) Change of ~~office from which they operate 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 72 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 necessary**, 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 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 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.

**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 have to 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 licences and licence holders.

## **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 offence**

This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has 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.

### **Major traffic offence or vehicle related offence**

This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence 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) Failing to declare convictions etc. on application
- k) Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority
- l) 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.

### **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 concerned with or connected to 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.

### **Vehicle use offences**

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriage or private hire vehicles), a licence will not be

granted until at least seven years have elapsed since the completion of any sentence imposed.

Note for our Legal Colleagues – Can you explain the difference between the 2 points highlighted above? This comes from the IOL Guidance. **Also, about 3.14 and 3.15 of the National Standards relating to existing licensed drivers**

### 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:

- ~~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
- ~~TS20~~ Failing to comply with double white lines
- ~~TS30~~ Failing to comply with a Stop sign
- ~~TS40~~ Failing to comply with direction of a constable or traffic warden
- ~~TS50~~ Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)
- ~~TS60~~ Failing to comply with school crossing patrol sign
- ~~TS70~~ 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:~~

- ~~**AC10** Failing to stop after an accident~~
- ~~**AC20** Failing to give particulars or to report an accident within 24 hours~~
- ~~**AC30** Undefined accident offences~~
  
- ~~**BA10** Driving while disqualified by order of Court~~
- ~~**BA30** Attempting to drive while disqualified by order of Court~~
  
- ~~**CD10** Driving without due care and attention~~
- ~~**CD20** Driving without reasonable consideration for other road users~~
- ~~**CD30** Driving without due care and attention or without reasonable consideration for other road users~~
  
- ~~**CU10** Using a vehicle with defective brakes~~
- ~~**CU20** 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~~
- ~~**CU30** Using a vehicle with defective tyre(s)~~
- ~~**CU40** Using a vehicle with defective steering~~
- ~~**CU50** Causing or likely to cause danger by reason of load or passengers~~
  
- ~~**DD10** Causing serious injury by dangerous driving~~
- ~~**DD40** Dangerous driving~~
- ~~**DD60** Manslaughter or culpable homicide while driving a vehicle~~
- ~~**DD90** 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
- ~~LG20~~ Driving otherwise than in accordance with a licence  
~~LG30~~ Driving after making a false declaration about fitness when applying for a licence  
~~LG40~~ Driving a vehicle having failed to notify a disability  
~~LG50~~ 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 refused or 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~~

### Other violence offences

An application will normally be refused / revoked where there is an offence for arson 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~~

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

### **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:~~

- ~~m) Theft~~
- ~~n) Burglary~~
- ~~o) Fraud~~
- ~~p) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)~~
- ~~q) Handling or receiving stolen goods~~
- ~~r) Forgery~~
- ~~s) Conspiracy to defraud~~
- ~~t) Obtaining money or property by deception~~
- ~~u) Other deception~~
- ~~v) Failing to declare convictions etc. on application~~
- ~~w) 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.

## **1. 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) ~~Inclusion on any register maintained for the purposes of safeguarding the public.~~
- e) Police intelligence/information
- f) Drug/Alcohol use and Detoxification
- g) **Terrorist offences and terrorism**
- h) **Hate crimes**
- i) **Any offence involving the mistreatment of animals**
- j) Other relevant information disclosed
- k) Any complaints or the accumulation of complaints regarding a licence holder’s conduct
- l) ~~Surrender of a licence prior to an appearance before the Licensing Committee~~
- m) 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, 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.**

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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.

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.

### 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 **vehicle** 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). **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.

- 1.10. The vehicle must **prominently** display the following:
- **internal licence plate / complaint sticker placed on the window of each passenger compartment**
  - 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
  - **a sticker to be displayed on the roof of the vehicle detailing the licence number – may require further details**
- 1.11. **Smoking cigarettes, cigars, pipes etc and the use of electronic cigarettes (vaping) and similar shall be prohibited in all licensed vehicles all the time.**
- ~~1.12. Advertising may be displayed inside the vehicle and on the rear doors, rear panels and boot areas, 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.~~
- 1.13. Any **material displayed on the vehicle advertising** other than self-promotional information must be approved by the **Licensing Manager or Licensing Team Leader**. Examples of the **material advertising** and its proposed placement must be forwarded to the **Licensing Manager** and Licensing Team Leader for their consideration and approval.
- 1.14. **Self-promotional or other material requiring approval must not be displayed on the front doors or in such a manner which may obscure the Council signage or vehicle top sign. ~~only be displayed on the rear doors, rear panels and boot areas.~~**

- 1.15. All vehicles shall undergo an inspection by the Council's appointed testing station(s) ~~six months from grant and~~ as further required, subject to the requirements of this policy. See section 16.0 above.
- 1.16. 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.
- 1.17. 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.
- 1.18. Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- 1.19. CCTV shall be permitted in vehicles. Where such devices are fitted within the vehicle conditions at Appendix 8 shall apply
- 1.20. 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.
- 1.21. Window tints shall comply with the following:
- d) The front windscreen shall allow 75% of light to be transmitted through
  - e) The front side windows shall allow at least 70% of light to be transmitted through them
  - f) Other windows shall allow at least 70% of light to be transmitted through them.

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.

- 1.22. 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.

- 1.23. 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 **together with an unexpired tested until or use before date**. Every fire extinguisher **must** be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.
- 1.24. The vehicle must carry a "first aid" kit which **is suitable to the number of persons the vehicle is licensed to carry. Any items contained in the first aid kit which are not sealed are deemed to be unsterile and must be replaced immediately**. The first aid kit **must** 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**
- 1.25. 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 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.
- 1.26. There must be at least four doors. All doors must be capable of being opened from the inside.
- 1.27. 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.
- 1.28. The flooring of the passenger compartment must be covered with a non-slip material.
- 1.29. If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.

- 1.30. 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.
- ~~4.34.~~ 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.
- 1.32. 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.
- 1.33. No licensed vehicle may be used for the unaccompanied carriage or delivery of alcohol or any tobacco products.
- 1.34. **The use of temporary screens for safety and infection control purposes** - where the vehicle is fitted with a screen for the purpose of infection control on a temporary basis the following criteria must be met:
- **Must not** have a solid frame to the screen;
  - **Must only** be fitted by way of either Velcro or adhesive fastenings, which can be removed from the vehicle when the screens are no longer permitted
  - **Must** be fitted in such a way so as not to affect the structural integrity of the vehicle, or interfere with any manufacturer fitted safety equipment e.g. air bags;
  - **Must not** wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
  - The film/sheet used **MUST** be clear and transparent and can **ONLY** be fitted across the rear of both front seats, creating a partition between the front and rear cabin area of the vehicle.
- 1.35 **Process to be followed when wishing to fit a Temporary Screen** - If any vehicle licence holder wishes to fit a temporary 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

**1.36 The installation of permanent screens** – 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
- Certification 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.

## **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 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.
- 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. Exceptions will be made for purpose-built vehicles where the "for hire" sign is fitted as standard.

### 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 a table detailing the fares applied must be displayed in a position that is clearly visible in the passenger compartment.
- 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 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.
- 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. **The gradient of the ramp for an unassisted wheelchair user should be 4.76 degrees and 10 degrees for assisted wheelchair users.**
- 4.8. 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.

- 4.9. 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.
- 4.10. All anchorages and restraints must not cause danger to any passenger.
- 4.11. 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 always** 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 always be carried in the vehicle** and produced on request to any Police Officer or Authorised Officer of the Council.

### **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.

The Council must be satisfied that applicants for private hire operator licences are fit and proper to hold a licence. 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.**

### 1. Standard Conditions

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

- 1.1. 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

1.2. 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) 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 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

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 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.

1.6. The operator shall retain a copy of all vehicle licences in respect of vehicles used in their 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.
- 1.10. 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.
- 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 offence
  - e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO)
  - f) **Any change in directors or partners**
  - ~~g) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability~~
- 1.13 **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.**
- 1.14 **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.**

- 1.15 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.
- 1.16 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.
- 1.17 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.
- 1.18 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.
- 1.19 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.

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## 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.

~~**“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 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.~~

**NOTE:** This is covered in section 7 in the main body of the policy

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## 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.**

### 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 Warnings** – This option may be considered for **a single** breaches of conditions or isolated or non- serious incidents of questionable conduct observed by officers, police or members of the public. A copy of the warning will be recorded and held on the **licence holders record**; the warning **will remain on record 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 of 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 / Officer Revocation** – 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 / 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 poorest conduct.

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. 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/resit the Councils knowledge and locality test(s)
  - to require a driver to undertake training in a subject appropriate to the reason(s) for their referral
- ~~d) To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)~~
- e) 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 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 note – CCTV notices / stickers must not be displayed on or within the vehicle unless there is a CCTV system installed and in fully working order**

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

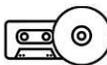
العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)  
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)  
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)  
Français (French) Türkçe (Turkish) Melayu (Malay)

**licensing@durh**

**Tel**



**Braille**



**Audio**



**Large Print**

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**Appendix 5: Public Consultation Information: The Taxi Licensing Survey/Consultation Questionnaire; background consultation information provided to the public and specified consultees; and a list of all consultees.**

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## Hackney Carriage and Private Hire Licensing Policy Review

### About you

Q1 Are you responding as:

- Licensed hackney carriage driver
- Licensed private hire driver
- Licensed operator
- Licensed vehicle proprietor
- Member of the public
- Other

If other, please specify.

### About the taxi policy

We have made changes to the current policy, often called the taxi policy. The purpose of the policy is to explain how the council undertakes its functions when licensing hackney carriage and private hire vehicles. The primary focus being on safeguarding and public protection, particularly, the protection of children and vulnerable adults.

Q2 Do you agree or disagree that the policy is easy to understand?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q3 Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, what do you think should be added or removed from the draft policy to improve it?

Q4 Do you agree or disagree that the policy includes everything you think should be in such a policy?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, what do you think should be added or removed from the draft policy to improve it?

## About vehicle standards

The Government has recently published new national standards for taxi and private hire licensing (Statutory Taxi & Private Hire Vehicle Standards). The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

Q5 Do you think that any of the requirements of the new national standards for taxi and private hire licensing should be left out of our new policy and if so, which ones and why?

- Yes, there should be one or more left out
- No

If yes, which do you feel should be left out and why?

We are proposing a new policy on vehicle emissions and the age of licensed vehicles. Adoption of these new policy requirements for new and existing vehicles will enable Durham licensed vehicles to meet similar, improved standards required by several other councils in our region. This will help to reduce traffic pollution and improve local air quality.

This means:

**New licences:** From the date of adoption of this policy in 2021, all new applications for licensed vehicles will only be accepted if the vehicle to be licensed is less than 4 years old from the date of registration.

**Existing vehicles:** Adopt a maximum 8-year vehicle life with a start date of 1st April 2024. This means that from 1st April 2024 all diesel and petrol engine vehicles will be Euro 6 or above. All existing licensed vehicles that are more than 8 years old will not be re-licensed after 1st April 2024.

**Wheelchair accessible vehicles (WAV):** Existing licensed WAVs will have an extra 2 years added to the age restriction. This means that all existing licensed WAVs that are more than 10 years old will not be re-licensed after 1st April 2024.

**Zero emission vehicles:** Fully electric and zero emission (at source) vehicles would be exempt from the age restriction/emissions policy.

Q6 Do you agree or disagree with the proposals on vehicle emissions and the age of licensed vehicles?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, which ones and why not?

## About driver and passenger safety

We are proposing a new policy in respect of previous convictions and offences. We propose to follow the Department of Transport's recommendations on the assessment of previous convictions developed by the Institute of Licensing.

Q7 Do you agree or disagree with the proposed adoption of the new policy in respect of previous convictions and offences as developed by the Institute of Licensing?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, which policy proposals do you disagree with and why?

We are proposing a new policy on drug testing. In view of a significant number of drivers with cautions and/or convictions for drug related offences the council would require drug and alcohol tests on drivers on both an intelligence led and random basis.

Q8 Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, which policy do you disagree with and why?

Currently we require all new drivers to have been trained on the prevention of child sexual exploitation before being licensed. We consider that this training is so important that all drivers should do refresher training periodically. We are proposing a new requirement for refresher training on the prevention of child sexual exploitation every three years.

Q9 Do you agree or disagree with our proposals for drivers to do refresher training on the prevention of child sexual exploitation every three years?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, please state why.

We do not currently require drivers to have been trained in disability awareness. Many drivers who work under contract and carry people with disabilities do have to undergo such training. We think it important that all drivers are disability aware and we are proposing that all drivers must be trained in disability awareness.

Q10 Do you agree or disagree that all drivers should be trained in disability awareness?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, please state why.

The Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents.

Q11 Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, please state why.

Where an applicant has 6 points on their DVLA driving licence for minor traffic or similar offences, we propose that they will be required to undertake a driver improvement scheme at their own expense. The licensing authority holds a list of current providers of the driving improvement scheme.

Q12 Do you agree or disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

If you disagree, please state why.

Q13 Do you have any other suggestions or comments to make?

## About you

Q14 Are you

- Male
- Female

Q15 What is your age?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75+

Q16 Do you consider yourself to be a disabled person? (This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means it has lasted, or is likely to last, for over a year.)

- Yes
- No

# Hackney Carriage and Private Hire Licensing Policy Consultation

## Draft Briefing Notes

August 2020

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### Introduction

The Council's current Hackney Carriage and Private Hire Licensing Policy was adopted in 2016 and amended in 2018. It is often referred to as the 'taxi policy'. It relates to the licensing, by the Council, of hackney carriages (taxis), private hire vehicles (must be pre-booked), licensed drivers who may drive these licensed vehicles and private hire operators, who take bookings for and control private hire vehicles and their drivers.

The purpose of the taxi policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing. The primary focus being on safeguarding and public protection, with emphasis on the protection of children and vulnerable adults.

The Council reviews this policy at least every five years and makes such revisions as it considers appropriate at any other time and publishes it accordingly. This policy is now being reviewed and several possible changes to policy are being put forward for consideration.

The main changes that concern licensed vehicles, drivers and operators include:

**A. The implementation of all the requirements of the new national standards for taxi and private hire licensing (Statutory Taxi & Private Hire Vehicle Standards\*).**

There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.

The Department of Transport has recently published new standards called Statutory Taxi and Private Hire Vehicle Standards. These constitute Government guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised to protect children, and vulnerable individuals who are 18 or over, from harm. All licensing authorities must have regard to this guidance. This means that;

1. An authority must take it into account.
2. An authority cannot depart from it just because it does not agree with it.
3. It must give clear reasons for departing from it.

Authorities should publish their consideration of the Guidance and the policies or plans stemming from these.

The focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults; all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document\* are the result of detailed discussion with the trade, regulators and safety campaign groups. ***The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to.***

**B. A new policy on vehicle emissions and the age of licensed vehicles (4.0 Vehicle Emissions and Manufacture Criteria).** Adoption of the following proposed policy requirements will enable Durham licensed vehicles to meet similar, improved standards already required by several other councils in our region. This will help to reduce traffic pollution and improve local air quality:

- **New Licences** - From the date on which the new policy is adopted in 2021 all new applications for licensed vehicles will only be accepted if the vehicle to be licensed is less than 4 years old from the date of registration.
- **Existing Vehicles** - Adopt a maximum 8-year vehicle life with a start date of 1st April 2024. This means that from 1st April 2024 all diesel and petrol engine vehicles will be Euro 6 or above.
- All existing licensed vehicles that are more than 8 years old will not be re-licensed after 1st April 2024.
- **Wheelchair accessible vehicles (WAV)** - Existing licensed WAV's will have an extra 2 years added to the age restriction. This means that all existing licensed WAV's that are more than 10 years old will not be re-licensed after 1st April 2024.
- **Zero emission vehicles** - fully electric and zero emission (at source) vehicles would be exempt from the age restriction / emissions policy.

**C. A new policy in respect of previous convictions and offences** – (Criminal convictions and rehabilitation) – Guidance states that all licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed, since the commission of certain kinds of offences, before they will grant a licence.

Our proposal is to follow the Department of Transport's recommendations on the assessment of previous convictions. This draws on the work of the Institute of

Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees. See <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

**D. A new policy on drug testing** - In view of the prevalence of drugs in society generally and because some licensed drivers have received cautions and/or convictions for drug related offences, the Council would require drug tests on drivers on both an intelligence-led and random-sample basis.

In association with this proposal, 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.

**E. Changes to the suspension and revocation of driver licences** - Licensing authorities have 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. The 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.

New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

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.

Whilst most cases considering revocation will be referred to a licensing committee, all licensing authorities must also consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended by Government that this role is delegated to a senior officer/manager with responsibility for the licensing service.

**F. Requirement for refresher training Safeguarding (including Child Sexual Exploitation) every three years** - All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. Currently we require all new drivers to have undergone training on the identification of Child Sexual Exploitation before being licensed. We consider that this training is so important that all drivers should undergo safeguarding refresher training periodically. 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.

**G. Criminality checks for vehicle proprietors** – Subject to any driver related DBS checks already undertaken, we propose that **all** applicants for a vehicle licence must undergo a basic DBS check - Enhanced DBS and barred list checks are not available for vehicle licensing. The Government recommends that licensing authorities should require a basic disclosure for vehicle proprietors from the DBS and that a check is undertaken annually.

Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to the **Statutory Taxi & Private Hire Vehicle Standards** (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

**H. All drivers to be trained in Disability Awareness**

The Disabled Persons Transport Advisory Committee (DPTAC) position on, and recommendations about, the accessibility of taxis and private hire vehicles (PHVs) includes the proposal that taxi and PHV services should be fully accessible to disabled travellers. “The driver needs to take active steps to ensure that the passenger is safe and comfortable and provide reasonable assistance to enable the passenger to use their service.”

In their consultation document DPTAC recommends that it should be part of the role of a licensing authority to make drivers aware of the breadth of their duties and provide training in how to carry out the full extent of their role. This being the case, licensing authorities will need, with appropriate guidance from the government, amongst other matters, to provide training for drivers on disability awareness and wider customer care issues. We propose to include this requirement as part of the application process and for all drivers as an assurance of their ongoing suitability to hold a licence.

**I. Additional conditions for Private Hire Operators**

Private hire vehicle drivers are not the only direct contact that private hire vehicle users have. There are private hire vehicle operators’ staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit

children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Durham County Council needs to be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. We will therefore, as a condition of granting an operator licence, require an operator to keep a register of all staff that will take bookings or dispatch vehicles is kept.

Operators will be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register, of booking and dispatch staff, and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

We will also require operators, or applicants for a licence, to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences (provided in the annex to the document **Statutory Taxi & Private Hire Vehicle Standards** (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

**J. In-vehicle visual and audio recording (CCTV)** - Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents

We are consulting to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect

on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

**K. General** – in drafting the proposed policy document, we have made several changes to the content and format of the existing policy, for clarification and explanatory reasons. All changes are highlighted in red in the draft proposal for a revised Hackney Carriage and Private Hire Licensing Policy 2021 – 26. [Link]

It is recommended that the following documents are read in conjunction with this briefing note before making any representations during the consultation period:

- The Council's webpage:
- The current Hackney Carriage and Private Hire Licensing policy
- The Department of Transport's Taxi and Private Hire Best Practice guide 2010
- The Department of Transport's Statutory Taxi & Private Hire Vehicle Standards 2020
- The draft proposal for a revised Hackney Carriage and Private Hire Licensing Policy 2021 - 26

Links to all these documents are provided on the Council's webpage. In addition, a Taxi Policy Revision Questionnaire is also available on the website and may be used to respond to this consultation. If you are unable to access these documents on-line, we can send you the briefing note, policy documents and the survey by post upon your request.

**All representations should be made to: [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)**

If you require further information on any of these proposals, please contact the Licensing Team at [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)

If you require further information on any of these proposals, please contact the Licensing Team at [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)

**The consultation will begin on Monday 7th September and will run for 12 weeks up until midnight on Sunday 29th November 2020.**

I look forward to receiving your response to this consultation in due course.

Yours sincerely

Craig Rudman

Licensing Manager

Contact: Licensing Services  
Direct Tel: 03000 261016  
email: licensing@durham.gov.uk

DATE

Dear Sir / Madam

## **Hackney Carriage and Private Hire Licensing Policy Review - Public Consultation**

I am writing to inform you about the Council's forthcoming review of the Council's Hackney Carriage and Private Hire Licensing Policy licensing policy.

The Council's current Hackney Carriage and Private Hire Licensing Policy was adopted in 2016 and amended in 2018. It is often referred to as the 'taxi policy'. It relates to the licensing by the Council of hackney carriages (taxis), private hire vehicles (must be pre-booked), licensed drivers who may drive these licensed vehicles and private hire operators who take bookings for and control private hire vehicles and their drivers.

The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing. The primary focus being on safeguarding and public protection, with emphasis on the protection of children and vulnerable adults.

The Council reviews this policy at least every five years and makes such revisions as it considers appropriate at any other time and publishes it accordingly. This policy is now being reviewed and several possible changes to policy are being put forward for consideration.

We are proposing several changes to the existing policy however, the main proposals which concern licensed vehicles, drivers and operators include the following:

- The implementation of the requirements of the new National Standards for Taxi and Private Hire Licensing
- A new policy on vehicle emissions and the age of licensed vehicles
- A new policy in respect of previous convictions and offences
- A new policy on drug testing
- Changes to the suspension and revocation of driver licences
- Requirement of refresher training on Child Sexual Exploitation every three years
- All applicants for a vehicle licence must undergo a basic DBS check
- All drivers to be trained in Disability Awareness
- Additional conditions for Private Hire Operators

### **Environment, Health and Consumer Protection**

Licensing, PO Box 617, Durham DH1 9HZ  
Main Telephone 03000 261016



In addition, we are also consulting on the use of In-vehicle visual and audio recording (CCTV).

A briefing note has also been prepared and can be viewed online and I recommended that you read through the briefing note before taking part in our online questionnaire.

We have made several changes to the content and format of the existing policy for clarification and explanatory reasons. Changes are highlighted in red in the on-line version of the draft proposal for a revised Hackney Carriage and Private Hire Licensing Policy 2021 – 26. [Link]

It is recommended that the following documents are also read in conjunction with this briefing note before making any representations during the consultation period:

- The Council's webpage:
- The current Hackney Carriage and Private Hire Licensing policy
- The Department of Transport's Taxi and Private Hire Best Practice guide 2010
- The Department of Transport's Statutory Taxi & Private Hire Vehicle Standards 2020
- The draft proposal for a revised Hackney Carriage and Private Hire Licensing Policy 2021 – 26

Links to all these documents are provided on the Council's webpage. In addition, a Taxi Policy Revision Questionnaire is also available on the website and may be used to respond to this consultation. If you are unable to access these documents on-line, we can send you the briefing note, policy documents and the survey by post upon your request.

**All representations should be made to: [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)**

If you require further information on any of these proposals, please contact the Licensing Team at [licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)

**The consultation will begin on Monday 7<sup>th</sup> September and will run for 12 weeks up until midnight on Sunday 29<sup>th</sup> November 2020.**

I look forward to receiving your response to this consultation in due course.

Yours sincerely



**Craig Rudman**  
**Licensing Manager**

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

## **Consultation stakeholders**

- The taxi trade - all persons/businesses throughout County Durham who hold Hackney Carriage and Private Hire licences
- General public and taxi service users
- Persons/bodies representative of local holders of the licence
- All elected members of Durham County Council
- Town and Parish councils
- Representatives of taxi trade
- Members of the County Durham Taxi Working Group
- DCC Highways
- Integrated transport unit
- Economic regeneration
- North East Chamber of Commerce (NECC)
- Disability groups
- Durham and Darlington Fire and Rescue Service
- DCC Fleet managers
- Volunteer transport
- Area action partnerships
- Visit County Durham
- Durham BID
- North East Strategic Licensing Group
- Neighbouring/Regional Councils / NESLiG
- Durham Constabulary
- Durham Local Safeguarding Children Board
- Public Health
- County Durham Safeguarding Adults Inter-Agency Partnership
- Children and Adult Services contacts who book taxis for service users
- Business Durham
- County Durham and Darlington Rape Crisis
- DCC Legal Services
- Local MP's

- Chair and Vice Chairs of the Licensing Committee

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**Appendix 6: The Results of the Consultation: including statistical data and information, survey responses, assessment and associated and discussion**

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## Taxi Licensing Survey 2020

### **Executive summary**

- The Taxi Licensing Survey 2020 yielded 65 responses, of which 48 had some background in employment or ownership within the taxi industry.
- Just over a third of respondents found the policy difficult to understand.
- Nine in ten thought the policy provides enough protection for children and vulnerable adults.
- Just over a third thought the policy includes everything you think should be in such a policy, whilst just over a quarter disagreed.
- Around half thought one or more of the requirements of the new national standards for taxi and private hire licensing should be left out of the new policy
- Over half strongly disagree with the proposals on vehicle emissions and the age of licensed vehicles. However, this is the overriding opinion of the taxi industry, the general public agree with the proposal.
- Over half agree with the proposal in respect of previous convictions and offences as developed by the Institute of Licensing.
- Nearly two thirds agree with the proposed intelligence led and random drug and alcohol testing.
- Over half agree with the proposal for drivers to do refresher training on the prevention of child sexual exploitation every three years. However, the taxi industry is equally for and against the proposal.
- Nearly two thirds agree with that all drivers should be trained in disability awareness.
- Over half agree that all taxis and private hire vehicles should have internal CCTV fitted as standard.
- Over half disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme. However, this is the overriding opinion of the taxi industry, the general public agree with the proposal.

## Results

### Format of response

	Frequency	Percent
PC	30	46%
Mobile	30	46%
Tablet	5	8%
<b>Total</b>	<b>65</b>	<b>100%</b>

### Are you responding as:

	Frequency
Licensed hackney carriage driver	38
Licensed private hire driver	11
Licensed operator	8
Licensed vehicle proprietor	10
Member of the public	17
Other	3

### If other, please specify

	Frequency
Passenger assistant	1
Radio operator	1
School escort	1
<b>Total</b>	<b>3</b>

### Are you a licensed driver, operator or employee?

	Frequency	Percent
Yes	48	76%
No	15	24%
<b>Total</b>	<b>63</b>	<b>100%</b>

### Do you agree or disagree that the policy is easy to understand?

	Frequency	Percent
Strongly agree	8	13%
Agree	20	32%
Neither agree nor disagree	11	17%
Disagree	13	21%
Strongly disagree	11	17%
<b>Total</b>	<b>63</b>	<b>100%</b>

Taxi driver/operator/employee agreement level<sup>1</sup>: +2%

Non-taxi related agreement level: +27%

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<sup>1</sup> Agreement levels are those that strongly agree or agree minus those that disagree or strongly disagree.

**Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?**

	Frequency	Percent
Strongly agree	13	21%
Agree	34	54%
Neither agree nor disagree	9	14%
Disagree	3	5%
Strongly disagree	4	6%
<b>Total</b>	<b>63</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +71%

Non-taxi related agreement level: +43%

**If you disagree, what do you think should be added or removed from the draft policy to improve it?**

	Frequency	Percent
Response	4	6%
No response	61	94%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree that the policy includes everything you think should be in such a policy?**

	Frequency	Percent
Strongly agree	7	11%
Agree	16	25%
Neither agree nor disagree	23	37%
Disagree	11	17%
Strongly disagree	6	10%
<b>Total</b>	<b>63</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +13%

Non-taxi related agreement level: +7%

**If you disagree, what do you think should be added or removed from the draft policy to improve it?**

	Frequency	Percent
Response	8	12%
No response	57	88%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you think that any of the requirements of the new national standards for taxi and private hire licensing should be left out of our new policy and if so, which ones and why?**

	Frequency	Percent
Yes, there should be one or more left out	32	53%
No	28	47%
<b>Total</b>	<b>60</b>	<b>100%</b>

Taxi driver/operator/employee "Yes": 62%

Non-taxi related "Yes": 29%

**If yes, which do you feel should be left out and why?**

	Frequency	Percent
Response	23	35%
No response	42	65%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree with the proposals on vehicle emissions and the age of licensed vehicles?**

	Frequency	Percent
Strongly agree	12	18%
Agree	10	15%
Neither agree nor disagree	3	5%
Disagree	4	6%
Strongly disagree	36	55%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: -48%

Non-taxi related agreement level: +47%

**If you disagree, which ones and why not?**

	Frequency	Percent
Response	35	54%
No response	30	46%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree with the proposed adoption of the new policy in respect of previous convictions and offences as developed by the Institute of Licensing?**

	Frequency	Percent
Strongly agree	19	29%
Agree	18	28%
Neither agree nor disagree	7	11%
Disagree	3	5%
Strongly disagree	18	28%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +15%

Non-taxi related agreement level: +60%

**If you disagree, which policy proposals do you disagree with and why?**

	Frequency	Percent
Response	15	23%
No response	50	77%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?**

	Frequency	Percent
Strongly agree	32	49%
Agree	17	26%
Neither agree nor disagree	1	2%
Strongly disagree	15	23%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +52%

Non-taxi related agreement level: +60%

**If you disagree, which policy do you disagree with and why?**

	Frequency	Percent
Response	15	23%
No response	50	77%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree with our proposals for drivers to do refresher training on the prevention of child sexual exploitation every three years?**

	<b>Frequency</b>	<b>Percent</b>
Strongly agree	25	38%
Agree	11	17%
Neither agree nor disagree	3	5%
Disagree	8	12%
Strongly disagree	18	28%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: 0%

Non-taxi related agreement level: +60%

**If you disagree, please state why.**

	<b>Frequency</b>	<b>Percent</b>
Response	24	37%
No response	41	63%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree that all drivers should be trained in disability awareness?**

	<b>Frequency</b>	<b>Percent</b>
Strongly agree	19	30%
Agree	22	34%
Neither agree nor disagree	7	11%
Disagree	2	3%
Strongly disagree	14	22%
<b>Total</b>	<b>64</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +31%

Non-taxi related agreement level: +60%

**If you disagree, please state why.**

	<b>Frequency</b>	<b>Percent</b>
Response	18	28%
No response	47	72%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard?**

	<b>Frequency</b>	<b>Percent</b>
Strongly agree	18	28%
Agree	19	29%
Neither agree nor disagree	8	12%
Disagree	4	6%
Strongly disagree	16	25%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: +15%

Non-taxi related agreement level: +60%

**If you disagree, please state why.**

	<b>Frequency</b>	<b>Percent</b>
Response	21	32%
No response	44	68%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you agree or disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme?**

	Frequency	Percent
Strongly agree	14	22%
Agree	11	17%
Neither agree nor disagree	4	6%
Disagree	11	17%
Strongly disagree	25	38%
<b>Total</b>	<b>65</b>	<b>100%</b>

Taxi driver/operator/employee agreement level: -33%

Non-taxi related agreement level: +47%

**If you disagree, please state why.**

	Frequency	Percent
Response	32	49%
No response	33	51%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Do you have any other suggestions or comments to make?**

	Frequency	Percent
Response	29	45%
No response	36	55%
<b>Total</b>	<b>65</b>	<b>100%</b>

**Are you:**

	Frequency	Percent	Taxi driver, operator, or employee	Not a taxi driver, operator, or employee
Male	50	78%	42	7
Female	14	22%	6	7
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>48</b>	<b>14</b>

**What is your age?**

	Frequency	Percent	Taxi driver, operator, or employee	Not a taxi driver, operator, or employee
Under 18	0	0%	0	0
18-24	2	3%	0	2
25-34	5	8%	4	1
35-44	19	29%	14	3
45-54	17	26%	14	3
55-64	13	20%	12	1
65-74	7	11%	4	3
75+	2	3%	0	2
<b>Total</b>	<b>65</b>	<b>100%</b>	<b>48</b>	<b>15</b>

**Do you consider yourself to be a disabled person?**

	Frequency	Percent	Taxi driver, operator, or employee	Not a taxi driver, operator, or employee
Yes	13	20%	7	6
No	52	80%	41	9
<b>Total</b>	<b>65</b>	<b>100%</b>	<b>48</b>	<b>15</b>

ID	ID.format	ID.completed	ID.date	ID.start	ID.endDate	ID.end	ID.time	Q1:1	Q1:2
	The published format which was employed	Case completed in Snap Interviewer	Date of interview	Time interview started	Completion date of interview	Time interview ended	Duration of interview	Are you responding as:	Are you responding as:
1	Web: Snap Smartphone	completed	07/09/20	11:33:21	07/09/20	11:47:07	13.77		Licensed private hire driver
2	Web: Snap Smartphone	completed	07/09/20	12:32:29	07/09/20	12:38:59	6.5	Licensed hackney carriage driver	Licensed private hire driver
3	Web: Snap Smartphone	completed	07/09/20	15:05:11	07/09/20	15:21:09	15.97		
4	Web: Snap Smartphone	completed	07/09/20	16:34:18	07/09/20	16:36:33	2.25		
5	Web: Snap Smartphone	completed	07/09/20	19:17:28	07/09/20	19:22:03	4.58		
6	Web: Snap Smartphone	completed	08/09/20	14:09:29	08/09/20	14:14:49	5.33	Licensed hackney carriage driver	
7	Web: Snap Smartphone	completed	08/09/20	16:23:42	08/09/20	16:29:37	5.92		
8	Web: Snap WebHost	completed	07/09/20	10:23:15	09/09/20	11:03:32	2920.28		
9	Web: Snap Smartphone	completed	09/09/20	15:29:54	09/09/20	15:32:13	2.32		Licensed private hire driver
10	Web: Snap WebHost	completed	11/09/20	11:13:26	11/09/20	11:30:50	17.4	Licensed hackney carriage driver	
11	Web: Snap Smartphone	completed	11/09/20	20:13:29	11/09/20	20:40:49	27.33	Licensed hackney carriage driver	
13	Web: Snap Smartphone	completed	11/09/20	20:49:30	11/09/20	21:06:07	16.62	Licensed hackney carriage driver	
14	Web: Snap Tablet	completed	12/09/20	11:45:59	12/09/20	12:08:01	22.03		
15	Web: Snap Smartphone	completed	13/09/20	00:20:27	13/09/20	00:22:27	2		
16	Web: Snap WebHost	completed	14/09/20	09:49:27	14/09/20	10:00:00	10.55		
17	Web: Snap WebHost	completed	15/09/20	19:32:40	15/09/20	19:43:16	10.6	Licensed hackney carriage driver	Licensed private hire driver
18	Web: Snap WebHost	completed	22/09/20	09:35:52	22/09/20	10:15:51	39.98	Licensed hackney carriage driver	Licensed private hire driver
19	Web: Snap Smartphone	completed	28/09/20	11:53:11	28/09/20	12:02:16	9.08	Licensed hackney carriage driver	Licensed private hire driver
20	Web: Snap WebHost	completed	29/09/20	09:15:32	29/09/20	09:15:03	1.52		
21	Web: Snap Tablet	completed	30/09/20	18:52:59	30/09/20	18:56:50	3.85		
22	Web: Snap Tablet	completed	30/09/20	19:06:48	30/09/20	19:07:33	0.75		
23	Web: Snap WebHost	completed	02/10/20	14:56:38	02/10/20	15:04:57	8.32		
24	Web: Snap WebHost	completed	05/10/20	21:30:39	05/10/20	21:38:35	7.93	Licensed hackney carriage driver	
25	Web: Snap WebHost	completed	14/10/20	13:10:27	14/10/20	13:29:06	18.65		
26	Web: Snap WebHost	completed	15/10/20	13:12:43	15/10/20	13:21:44	9.02	Licensed hackney carriage driver	
27	Web: Snap WebHost	completed	15/10/20	20:16:00	15/10/20	20:52:49	36.82	Licensed hackney carriage driver	
28	Web: Snap Smartphone	completed	18/10/20	14:35:58	18/10/20	14:41:17	5.32		
29	Web: Snap WebHost	completed	22/10/20	17:53:51	22/10/20	19:45:47	111.93	Licensed hackney carriage driver	
30	Web: Snap WebHost	completed	11/11/20	20:41:11	11/11/20	20:51:27	10.27	Licensed hackney carriage driver	
31	Web: Snap Smartphone	completed	24/11/20	13:33:41	24/11/20	13:45:48	12.12	Licensed hackney carriage driver	
32	Web: Snap Smartphone	completed	25/11/20	16:11:48	25/11/20	16:25:14	13.43	Licensed hackney carriage driver	Licensed private hire driver
36	Web: Snap WebHost	completed	26/11/20	15:22:44	26/11/20	15:24:17	1.55	Licensed hackney carriage driver	
37	Web: Snap WebHost	completed	26/11/20	15:24:51	26/11/20	15:34:37	9.77	Licensed hackney carriage driver	
38	Web: Snap WebHost	completed	26/11/20	15:40:04	26/11/20	15:41:10	1.1	Licensed hackney carriage driver	
39	Web: Snap WebHost	completed	26/11/20	15:41:53	26/11/20	15:42:45	0.87	Licensed hackney carriage driver	
40	Web: Snap WebHost	completed	26/11/20	15:43:18	26/11/20	15:44:30	1.2	Licensed hackney carriage driver	
41	Web: Snap Smartphone	completed	26/11/20	20:41:13	26/11/20	20:49:16	8.05	Licensed hackney carriage driver	
42	Web: Snap WebHost	completed	27/11/20	08:59:28	27/11/20	09:40:10	40.7	Licensed hackney carriage driver	Licensed private hire driver
43	Web: Snap WebHost	completed	28/11/20	00:19:51	28/11/20	01:17:16	57.42	Licensed hackney carriage driver	
44	Web: Snap WebHost	completed	28/11/20	07:32:52	28/11/20	07:42:40	9.8	Licensed hackney carriage driver	
45	Web: Snap WebHost	completed	28/11/20	07:34:38	28/11/20	07:43:06	8.47	Licensed hackney carriage driver	
46	Web: Snap Smartphone	completed	28/11/20	08:04:25	28/11/20	08:08:34	4.15	Licensed hackney carriage driver	
47	Web: Snap Smartphone	completed	28/11/20	09:26:40	28/11/20	09:40:23	13.72		Licensed private hire driver
48	Web: Snap WebHost	completed	28/11/20	09:59:31	28/11/20	10:23:10	23.65		
49	Web: Snap WebHost	completed	28/11/20	09:59:25	28/11/20	10:23:35	24.17		
50	Web: Snap WebHost	completed	28/11/20	09:59:23	28/11/20	10:23:56	24.55		
51	Web: Snap WebHost	completed	28/11/20	09:59:19	28/11/20	10:24:19	25		
52	Web: Snap WebHost	completed	28/11/20	09:59:14	28/11/20	10:24:40	25.43		
53	Web: Snap WebHost	completed	28/11/20	09:59:13	28/11/20	10:25:07	25.9		
54	Web: Snap Smartphone	completed	28/11/20	10:38:35	28/11/20	10:44:04	5.48		
55	Web: Snap Smartphone	completed	28/11/20	10:59:09	28/11/20	11:03:34	4.42		
56	Web: Snap Smartphone	completed	28/11/20	11:13:49	28/11/20	11:16:05	2.27	Licensed hackney carriage driver	
57	Web: Snap Smartphone	completed	28/11/20	11:21:19	28/11/20	12:00:16	38.95	Licensed hackney carriage driver	
58	Web: Snap Smartphone	completed	28/11/20	13:30:47	28/11/20	13:32:20	1.55	Licensed hackney carriage driver	
59	Web: Snap Smartphone	completed	28/11/20	15:42:08	28/11/20	15:52:08	10	Licensed hackney carriage driver	
60	Web: Snap Smartphone	completed	28/11/20	16:17:43	28/11/20	16:20:32	2.82	Licensed hackney carriage driver	
61	Web: Snap Smartphone	completed	28/11/20	16:36:48	28/11/20	16:46:31	9.72	Licensed hackney carriage driver	
62	Web: Snap Smartphone	completed	28/11/20	16:41:43	28/11/20	16:54:02	12.32	Licensed hackney carriage driver	
63	Web: Snap Smartphone	completed	28/11/20	20:37:56	28/11/20	20:54:20	16.4	Licensed hackney carriage driver	
64	Web: Snap Tablet	completed	28/11/20	23:02:18	28/11/20	23:30:51	28.55	Licensed hackney carriage driver	Licensed private hire driver
65	Web: Snap Smartphone	completed	29/11/20	14:32:29	29/11/20	14:40:28	7.98	Licensed hackney carriage driver	
66	Web: Snap Tablet	completed	29/11/20	14:48:46	29/11/20	14:53:32	4.77		
67	Web: Snap WebHost	completed	29/11/20	20:48:14	29/11/20	21:04:07	15.88	Licensed hackney carriage driver	
68	Web: Snap Smartphone	completed	29/11/20	21:05:13	29/11/20	21:11:45	6.53		Licensed private hire driver
69	Web: Snap WebHost	completed	30/11/20	13:47:45	30/11/20	13:58:21	10.6	Licensed hackney carriage driver	

Q1:3 Are you responding as:	Q1:4 Are you responding as:	Q1:5 Are you responding as:	Q1:6 Are you responding as:	Q1a If other, please specify.	Q2 Do you agree or disagree that the policy is easy to under... Neither agree nor disagree Strongly disagree	Q3 Do you agree or disagree that the policy provides enough ... Neither agree nor disagree Strongly agree
Licensed operator		Member of the public Member of the public Member of the public			Agree Agree Agree Agree	Agree Agree Agree Agree
Licensed operator	Licensed vehicle proprietor	Member of the public			Neither agree nor disagree Strongly agree Strongly agree Neither agree nor disagree Strongly agree	Strongly agree Strongly agree Agree Strongly agree
Licensed operator	Licensed vehicle proprietor Licensed vehicle proprietor	Member of the public Member of the public Member of the public			Agree Agree Strongly agree Agree Agree	Strongly agree Agree Strongly agree Agree Agree
Licensed operator Licensed operator Licensed operator	Licensed vehicle proprietor	Member of the public Member of the public Member of the public			Agree Neither agree nor disagree Strongly agree Neither agree nor disagree Agree Disagree Agree Strongly agree	Agree Neither agree nor disagree Strongly agree Neither agree nor disagree Agree Neither agree nor disagree Agree Strongly agree
Licensed operator		Member of the public			Neither agree nor disagree Strongly agree Disagree Strongly disagree Disagree Agree Strongly agree Strongly disagree Agree Strongly agree Neither agree nor disagree Agree	Neither agree nor disagree Strongly agree Agree Strongly agree Agree Neither agree nor disagree Agree Strongly agree Agree Strongly agree Agree Agree
	Licensed vehicle proprietor				Agree Strongly agree Strongly disagree Agree Strongly agree Neither agree nor disagree Agree	Agree Strongly agree Agree Agree Strongly agree Agree Agree
	Licensed vehicle proprietor			Joint driver and own vehicles	Agree Disagree Disagree Disagree Neither agree nor disagree Neither agree nor disagree Disagree	Agree Agree Agree Agree Agree Disagree Agree
		Member of the public			Disagree Neither agree nor disagree Neither agree nor disagree Disagree	Agree Agree Disagree Agree
		Member of the public	Other	Passenger Assistant	Strongly disagree Strongly disagree Strongly disagree Strongly disagree	Agree Agree Agree Agree
		Member of the public	Other	School Escort	Strongly disagree Strongly disagree Strongly disagree	Agree Agree Agree
		Member of the public	Other	radio operator	Strongly disagree Neither agree nor disagree Strongly disagree Disagree Disagree Strongly disagree Agree Strongly disagree Neither agree nor disagree Agree Agree Disagree	Agree Strongly disagree Neither agree nor disagree Strongly agree Strongly disagree Agree Agree Neither agree nor disagree Agree Neither agree nor disagree Neither agree nor disagree
Licensed operator	Licensed vehicle proprietor				Disagree Disagree Strongly disagree Agree Strongly disagree Neither agree nor disagree Agree Agree Disagree	Strongly disagree Neither agree nor disagree Strongly agree Strongly disagree Agree Agree Neither agree nor disagree Agree Neither agree nor disagree
Licensed operator	Licensed vehicle proprietor Licensed vehicle proprietor	Member of the public			Disagree Disagree Agree	Agree Disagree Agree



Q4a

If you disagree, what do you think should be added or rem...

Locality test should just cover hospitals and maybe main accident and emergency departments but not where farms ect are. Common sense.

There should be more emphasis on and incentives to switch away from petrol and diesel to fully electric vehicles

More protection and support for drivers who are vulnerable every time we pick up a passenger

All taxis should take contactless payment

When taxi drivers have had heart or other medical conditions needing daily medication yearly face to face checks with a GP should take place

CROSS BORDER HIRING RULES

see below

Minor traffic offences. You keep your licence until 12 points. It should be the same for licensed taxi drivers.

Q5

Do you think that any of the requirements of the new nati...

No

Yes, there should be one or more left out

No

No

No

Yes, there should be one or more left out

No

Yes, there should be one or more left out

No

No

No

Yes, there should be one or more left out

No

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

No

Yes, there should be one or more left out

Yes, there should be one or more left out

No

Yes, there should be one or more left out

No

No

No

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

No

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

No

No

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

No

Yes, there should be one or more left out

No

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Yes, there should be one or more left out

Q5a

If yes, which do you feel should be left out and why?

Age limits. As long as the vehicle meets Euro 6 and is correctly maintained age should not be an issue.

AGE OF VEHICLES. SOME OLDER VEHICLES ARE IN BETTER CONDITION THAN SOME OF THE NEWER ONES. IF THE VEHICLE CAN PASS A COUNCIL MOT THEY SHOULD BE ALLOWED TO STAY ON THE ROAD

Some cars over 8 years old could be potentially be in better condition than newer vehicles. As long as they pass the compliance test, they should be allowed to be licenced  
vehicle age see below

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

AGE LIMITS WHAT PLANET ARE YOU ON TAXIS ARE JUST SURVIVING DEATH KNELL FOR MOST OPERATORS

8 years old/ to 10 years old,and euro 5 NOT EURO 6

see response to next question

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

Age limit. Some 8 year old cars are in better condition and less miles than some 3 year old. It will also put drivers in permanent debt

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

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Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

Common sense needs to be used instead of making drivers pay for TWO DBSs when not needed.

The new standards are currently being challenged on various fronts, producing a new policy now and including them could mean the policy becomes void in the near future. It would make more sense to hold the new policy for 12 months while this is ironed out

Common sense needs to be used, instead of making drivers pay for TWO DBS 's when not needed.

Concentrate on unlicensed out of town ph drivers before chastising hack vehicle age

Drivers shouldn't be asked to pay for 2 DBS's

On at 4 years off at 8. . also allowing cross border hiring.

Q6

Do you agree or disagree with the propos

Strongly disagree

Strongly disagree

Strongly agree

Agree

Agree

Neither agree nor disagree

Agree

Strongly disagree

Strongly agree

Strongly agree

Strongly disagree

Neither agree nor disagree

Strongly agree

Strongly agree

Strongly agree

Neither agree nor disagree

Strongly disagree

Strongly agree

Agree

Strongly agree

Strongly agree

Strongly agree

Strongly disagree

Disagree

Strongly disagree

Agree

Disagree

Agree

Strongly agree

Agree

Strongly disagree

Strongly disagree

Strongly disagree

Strongly disagree

Strongly disagree

Agree

Strongly disagree

Strongly agree

Strongly disagree

Disagree

Strongly disagree

Strongly disagree

Agree

Strongly disagree

Disagree

Agree

Strongly disagree

Q6a

If you disagree, which ones and why not?

If a vehicle is miticulacley maintained why replace it as it costs more to the environment by manufacturing a new one

The age of the car as long as it's passed it's hack tests there should be no reason why cars after 8 year old should not be re licenced this is a discrace and will put allot of drivers in financial difficulty having to buy new cars constantly

Q7

Do you agree or dis

Agree

Strongly agree

Agree

Strongly agree

Agree

Agree

Agree

The proposed new age limits on vehicles will unfairly affect operators who carry out a large proportion of school contracts as the timeframe to need to replace vehicles frequently will mean an increase in tendered prices to as depreciation will need to be recouped over a shorter time which means more cost for the Loc:

Strongly agree

Strongly agree

Agree

I disagree with an age being put on licensed vehicles. Licensing vehicles less than four years old. And then only allowing vehicles to be licensed until they are 8 years old. Alternatively emission standards might be better. But without a age limit.

Agree

Not a lot of the drivers can afford to buy new vehicles every 8 years and I agree if the vehicle is near enough no longer road worthy than that's great but if a vehicle is kept well maintained and is still road worthy I think it should be kept on as a taxi due to the council MOT tests which we get every 6 months been a high

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Neither agree nor d

I agree that vehicles should have an agreed age limit, however I do not agree that a vehicle first being licensed should be a maximum of four years old. In the last 18 months I have licenced 3 vehicles which are over that age and each time the tester has commented on how clean and well maintained they are. If this rule

Strongly agree

Agree

Agree

Strongly agree

Strongly agree

Strongly agree

The 8 year rule is to strict. Vehicles over 8 years should be licenced.

WE DISAGREE WITH THE AGE OF VEHICLE HOWEVER AGREE WITH EMISSIONS

As long as a vehicle passes emissions,compliance test & is in good condition, it should be able to be licenced

Agree

Strongly agree

Disagree

As well as the taxi industry already being decimated by covid, we now have to contend with the cost of buying 3 year old vehicles ,its like the council are trying to finish us off. A better solution would be Euro 6 up to 5or 6 year old and vehicles removed at 10 years rather than 8.

Neither agree nor d

Electric vehicles should not be exempt from the age restriction policy.

Agree

This policy stinks of favouring the large corporate companies at the expense of the traditional local independent drivers. Again a policy to favour large companies and make almost impossible the survival of the small individual drivers that have been a tradition especially in County Durham. Normal purchase agreement

Strongly disagree

Strongly disagree

Strongly disagree

All of them,in the current climate its hard enough to make a living now,and aslong as its road worthy and well looked after,i really cant see what the problem is,coach companies don't have this issue,and they are serving the public

Neither agree nor d

Agree

all vehicles should be up to 10 years old

Neither agree nor d

Agree

Strongly agree

Agree

Age of new Vehicle should not be 4 years old a first license. Also the vehicle age to replace them at 8 years old is too short. I think 13 years old then vehicle should be replaced.

Neither agree nor d

regarding public transport i.e. bus and coach companies who transport passengers including children are not required to meet these standards and as such their vehicles are much older so i feel the trade are being singled out. Agree with euro 6 emission standard however, not the new vehicle proposal or age policy of t

Strongly agree

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Strongly disagree

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Strongly disagree

This policy stinks of favouring the large corporate companies at the expense of the traditional local independent drivers. Again a policy to favour large companies and make almost impossible the survival of the small individual drivers that have been a tradition especially in County Durham. Normal purchase agreement

Strongly disagree

Disagree

Age. Will keep drivers in permanent debt and an 8 year old vehicle cam be as good as a 3 year old one.

Agree

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Strongly disagree

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Strongly disagree

This policy stinks of favouring the large corporate companies at the expense of the traditional local independent drivers. Again a policy to favour large companies and make almost impossible the survival of the small individual drivers that have been a tradition especially in County Durham. Normal purchase agreement

Strongly disagree

Agree

Strongly disagree

Disagree

Utter rot that a 3 year old Euro 6 vehicle can be licensed but a 5 year old Euro 6 vehicle can't be licensed as a new vehicle. If the vehicle meets Euro 6 engine specifications and passes the emissions test its Euro 6 and passed the test. How does the age of the vehicle impact emissions? If I purchase a brand new Euro 6 vel

Neither agree nor d

Strongly disagree

Agree

Strongly disagree

10 year old limit on cars, new cars 6 years old, more sensible and affordable

Strongly disagree

Strongly disagree

Neither agree nor d

Existing vehicles that meet and continue to meet standards that have been registered before the adoption of the policy should be granted grandfather rights to continue as Hack/PH until such time as they mechanically unsound. To impliment a 4 year maximum age on new vehicles is to price out the majority of the ov

Strongly agree

Usually purchase agreements are over 5 years, so if you buy a 4 year old vehicle over a five year agreement, the said vehicle will have to be taken off as a taxi / phv with 1 year of the agreement to be paid. Meaning we're stuck with a vehicle which still has to be paid for but unable to use as a taxi. WHATS THE POINT!! N

Strongly disagree

These vehicles are not always affordable and unfairly limit existing drivers from protecting their careers.

Strongly agree

If this change in policy is brought in it will decimate the taxi trade in County Durham. Having to buy a 4 year old (or newer) vehicle every 4 years (or more if buying a newer vehicle) will be so expensive that a lot of drivers will not be able to afford to buy another vehicle. Or if they can afford to buy one it may already be \

Strongly agree

As long as vehicles meet the current 3 test per year (on older vehicles) and meet any enviromental standards then vehicles should be allowed to continue to be plated. The policy would only be based on vanity (we only want new cars) and not roadworthy standard:

Strongly disagree

Age standards

Strongly agree

The 4 year Age should be increased from first licence. The vehicle age of 8 years should be increased considerably. Making the transition from petrol & diesel straight to electric is unfair on the trade due to costs. There should be encouragement to Hybrid

Agree

Q7a

If you disagree, which policy proposals do you disagree w...

providing there is close cooperation between licensing authority and local police regarding recent/ongoing cautions and prosecutions

You have no control over cross border hiring drivers

Why would the council licensing people with drugs or a sex convictions?

Drivers are now reticent to act in self defence, never mind interceding in any incident on North Road. This clause would put the public in more danger as drivers would just not get involved. We have already seen one such case this week

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Why would the council licensing people with drugs or a sex convictions?

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Absurd that 2 minor speeding offences e.g SP30 should endanger your licence

Why would the council licence people with drug or sex convictions ? Drivers are now reticent to act in self defence, never mind interceding in any incident on North Road. This clause would put the public in more danger as drivers would just not get involved. We have already seen one such case this week

Why would the council licensing people with drugs or a sex convictions?

Q8

Do you agree or dis

Strongly agree

Strongly disagree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Agree

Agree

Strongly agree

Agree

Agree

Strongly agree

Strongly agree

Strongly agree

Agree

Strongly agree

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Strongly agree

Strongly disagree

Neither agree nor d

Agree

Strongly agree

Strongly agree

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Strongly agree

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Strongly disagree

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Strongly disagree

Agree

Strongly agree

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Strongly agree

Strongly disagree

Strongly agree

Strongly agree

Strongly disagree

Strongly agree

Agree

Q8a

If you disagree, which policy do you disagree with and why?

It should also be applied to councillors and all council employees

Intelligence led yes, random no as it is open to abuse. It should also be applied to councillors and all council employees.  
Intelligence led yes, random no as it is open to abuse. It should also be applied to councillors and all council employees.  
Intelligence led yes, random no as it is open to abuse. It should also be applied to councillors and all council employees.

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Intelligence led yes, random no as it is open to abuse. It should also be applied to councillors and all council employees.  
Intelligence led yes, random no as it is open to abuse. It should also be applied to councillors and all council employees.

Agree completely with intelligence led checks. Random checks are very much open to abuse by officers of the council. What's to stop an officer 'randomly' selecting the same individual over and over again? Who pays for these tests? If I were randomly selected and expected to pay for my random test that I passed, I'd k

Any and all testing shall be at the expense of the licencing authority.

Intelligence led, by all means, random so long as it's at the councils expense unless a positive result is returned. Also should apply to all council officers, officials and employees.

Test all of us. Many are high as kites

I would agree if it applied to all council employee's as well

Q9

Do you agree or disagree with the following statement?

Neither agree nor disagree

Strongly disagree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Agree

Strongly agree

Strongly agree

Strongly agree

Strongly disagree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

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Strongly agree

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Strongly agree

Strongly disagree

Strongly disagree

Strongly disagree

Neither agree nor disagree

Disagree

Strongly agree

Neither agree nor disagree

Disagree

Strongly disagree

Strongly disagree

Agree

Strongly agree

Disagree

Agree

Strongly agree

Strongly disagree

Disagree

Strongly agree

Strongly disagree

Agree

Disagree

Q9a

If you disagree, please state why.

I disagree with refresher courses every 3 years. A refresher course every 5 to 6 years would be better.

I strongly agree. Also I think that all drivers whether they wish to be engaged on home to school contracts or not should complete the same CSE course which is held by County Hall. In my opinion it is ludicrous that as a new driver you potentially have to sit two as licencing wont issue your badge until you have complete

if driver has already done the course there no reason to refresh after 3 years.

If a driver has had training, it's a matter of common sense implanting ity

The quality of the councils training this year was far below the standards of the previous training. It should be online and free so as to be able to be completed at a convenient time instead of dragging people into a central location to sit and listen to inferior training. Better to listen in your own home or on the rank  
WHO WOULD YOU REPORT ANYTHING TO WHO WOULD TAKE ANY NOTICE MORE TIMEWASTING  
Common sense

Drivers once sat course don't loose knowledge.

The quality of the councils training this year was far below the standards of the previous training. It should be online and free so as to be able to be completed at a convenient time instead of dragging people into a central location to sit and listen to inferior training. Better to listen in your own home or on the rank. Trai  
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Course was waste of time. Common sense is needed we are not the police. At course police were asked about unlicensed vehicles picking vulnerable people up they said they couldn't do anything about it. That in my opinion is a bigger problem than drivers reporting it  
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So long as the training is required because things have changed fair enough, but to expect people to pay to sit and watch a power point presentation in county hall which is identical to the power point presentation they watched 3 years ago is both a waste of time and an insult to the intelligence of the people attending

CRB checks are enough

The quality of the councils training this year was far below the standards of the previous training. It should be online and free so as to be able to be completed at a convenient time instead of being dragged to a central location. Agree with trading at first licence granting but then only if there is new information to be tra  
Not our responsibility to spot or accuse public of this.. social services and polices job

Just reiterates the same thing, if anything new then it should be made available online to all drivers

Once the course is done there should be no need for refresher.

Q10

Do you agree or dis

Neither agree nor d

Strongly disagree

Strongly agree

Strongly agree

Strongly agree

Agree

Agree

Agree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Neither agree nor d

Strongly agree

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Neither agree nor d

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Strongly disagree

Strongly disagree

Strongly agree

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Agree

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Agree

Agree

Agree

Strongly disagree

Strongly disagree

Strongly disagree

Strongly disagree

Agree

Neither agree nor d

Strongly disagree

Q10a

If you disagree, please state why.

I agree only as one course without any requirement to do a refresher course every 3 years.

Agree as long as there is not a refresher course after 3 years.

It should be online and free so as to be able to be completed at a convenient time instead of dragging people into a central location to sit and listen somebody rabbit on . Better to listen in your own home or on the rank.

It should be up to the drivers if they want to be trained not forced by the policy Upto the company or the individual whether they insure there vehicles or licence there vehicles to carry disabled passengers

It should be online and free so as to be able to be completed at a convenient time instead of dragging people into a central location to sit and listen somebody rabbit on . Better to listen in your own home or on the rank.

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Drivers working on the ranks are meeting disabled people all the time, so yes it makes perfect sense to train drivers on disability awareness. The training needs to cover a much wider range of disabilities though other than wheelchair users and people with guide dogs. Attention needs to be paid to people with learning

Only those with disability vehicles. Otherwise all drivers should employ common sense and courtesy

I dont work with disabled.... and never have..

only if online and free

As long as we are not required to do refresher courses.

Q11

Do you agree or dis

Neither agree nor d

Strongly agree

Strongly agree

Strongly agree

Strongly agree

Neither agree nor d

Agree

Strongly disagree

Strongly agree

Strongly agree

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Neither agree nor d

Strongly agree

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Neither agree nor d

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Neither agree nor d

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Strongly disagree

Strongly disagree

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Strongly agree

Agree

Agree

Disagree

Strongly agree

Agree

Agree

Strongly disagree

Neither agree nor d

Agree

Q11a

If you disagree, please state why.

Vehicles that solely carry out school contracts this would not be appropriate, again a case could be made for a schools only plating category

I agree for the safety of yourself and the safety of passenger but again on financial background not a lot of drivers can afford these costs yes I have CCTV in my vehicle but not every driver is the same also, on the other side of the respect towards safeguarding of drivers on passenger patents or family member should be

Installation of CCV is an additional cost and burden for drivers at a challenging time for the trade. It is unclear who would be the data controller. If drivers are to be put in a position to act as data controllers they would have significant additional burdens around processing of personal data, responsibility for storage and

While I believe any driver who doesn't have cameras is an idiot. I would never be in favour of compulsory local authority controlled cameras in any licensed vehicle, unless all council vehicles and offices have cameras linked to the web so we can make sure we are getting our moneys worth

SHOULD BE PERSONAL CHOICE SOMETIMES IT WOULD BE ILLEGAL

Again it's down to the descretion of the company or individual if this is a requirement they need to have. More unnecessary expenses again.

While I believe any driver who doesn't have cameras is an idiot. I would never be in favour of compulsory local authority controlled cameras in any licensed vehicle, unless all council vehicles and offices have cameras linked to the web so we can make sure we are getting our moneys worth

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Personal choice

As long as govt pay for it

While I believe any driver who doesn't have cameras is an idiot. I would never be in favour of compulsory local authority controlled cameras in any licensed vehicle, unless all council vehicles and offices have cameras linked to the web so we can make sure we are getting our moneys worth

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While I believe any driver who doesn't have cameras is an idiot. I would never be in favour of compulsory local authority controlled cameras in any licensed vehicle, unless all council vehicles and offices have cameras linked to the web so we can make sure we are getting our moneys worth

CCTV should not be compulsory in vehicles, there's privacy issues for drivers and customers. Who would hold the ico licenses? Individual vehicle owners or the council? If it's the council they should pay fo the systems to be fitted, and then at the end of the taxis life would need to pay to have the vehicle returned to star

In principal it is a good idea , but it should always fall to the operator owner to have final say.

But not at great expense to the operator. Also who would be the data controller ???

Only if not controlled by the council

Q12

Do you agree or dis

Strongly disagree

Strongly disagree

Strongly agree

Strongly agree

Strongly agree

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Strongly agree

Strongly disagree

Strongly agree

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Strongly agree

Disagree

Strongly agree

Strongly agree

Neither agree nor d

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Strongly agree

Strongly agree

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Strongly disagree

Strongly agree

Strongly disagree

Disagree

Neither agree nor d

Strongly disagree

Disagree

Strongly agree

Strongly disagree

Disagree

Strongly disagree

Strongly disagree

Disagree

Disagree

Strongly disagree

Agree

Disagree

Q12a

If you disagree, please state why.

6 points on a licence can be achieved very easily, however depending on the speeds involved.

I cant see the benefit of this at all

If it's only minor offences then there should be no requirement to do a driver improvement course.

Should be band from driving with no test

if its only a minor offence then there shouldn't be a requirement to sit a driver improvement course.

DRIVERS HAVE ENOUGH TO PAY OUT FOR LICENSES

ive heard of drivers getting prosecuted for doing 31-32 mph which is a bit harsh

The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers as well as the general council workforce if adopted for the trade.

EVEN MORE FARES GOING TO WEB CARS AND PIZZA DRIVERS

You are discriminating the driver as incompetent. If the driver amhas a licence to drive then no further action should be taken .

I don't think there's any need for minor offences

The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers as well as the general council workforce if adopted for the trade.

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The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers as well as the general council workforce if adopted for the trade.

Absolutely no need for it. 12 points is a ban not 6.

The job is in enough financial ruin and current rules are enough

The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers as well as the general council workforce if adopted for the trade.

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The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers as well as the general council workforce if adopted for the trade.

This depends on the circumstances, it is possible to get 6 points for a single offence, and in the same respect it's possible to get points for parking badly. To force drivers to go on training courses for some things would be silly.

I disagree the dvla deem to you fit to drive how can parish councillors play god with a taxi drivers livelihood

Totally disagree. Taxi drivers drive a lot of miles. I do 30,000 per annum, in often stressful circumstances. I do not need driver training or lessons.

Depends what the points are for, the current system works fine for consideration of individual cases

Points can be issued by Police and are subject to discretion, as such there is no level / standard to say what is minor or if and when they are given to a driver.

The idea that minor traffic offences warrant denying any human being their ability to earn a living by any council is a disgrace. Again these rules should apply to councillors and officers aswell as all the general council workforce if adopted by our trade.

Points may not be associated with bad driving

It should depend on the offences. Getting an sp30 for doing 33 in a 30 is vastly different to 79 in a 50.

If the law of the land say 12 points then that's what it should be. If yes then ALL council workers including councilors should be held to the same standard

Why get driver to do a course for minor offences.

Q13	Q14	Q15
Do you have any other suggestions or comments to make?	Are you	What is y
	Male	55-64
	Male	35-44
	Female	45-54
	Female	35-44
I suggest all drivers are encouraged to complete an advanced driving assessment, by RoSPA, RODAR, or any similar organisation	Female	45-54
	Male	55-64
	Male	55-64
The changes to the licensing policy regarding the age of vehicles will have a detrimental effect on many small business's. Whilst I can agree with the 4 year age limit for new vehicles the 8 year age limit will limit service life of perfectly good vehicles, as a rule a vehicle carrying out a school contract will give us 8 to 10 year	Male	25-34
	Male	45-54
i have received concerns from a number of passengers about some drivers' poor command of the English language which results in communication breakdown. i feel this needs to be addressed	Male	65-74
	Male	35-44
	Male	45-54
As stated in previous answer, I would like to propose an issue about health problems in older taxi drivers that have serious medical conditions or heart problems more supervision of these drivers should be adhered to for the safty of passenger's	Female	65-74
	Female	35-44
	Female	75+
PH Vehicles should not be allowed to park in shopping car parks/car parks/ or on side streets waiting for there operator/telephone bookings they should be made to return to there base.	Male	55-64
	Male	35-44
Enforcement need to work nights and weekends to try and catch the growing amount of drivers overcharging and refusing short fares. Private hire vehicles should be able to use bus lanes, the likes of Uber are growing More and more so why should taxis which are declining in use be allowed to use bus lanes and private	Male	35-44
N/A	Male	35-44
Vehicle insurance must be for full year not monthly and confirmation from insures when insurance stops	Male	65-74
		65-74
Regarding Driver Knowledge and Locality Tests, I have taken quite a few taxis around Durham and the knowledge of the local area seems extremely poor in some cases. I am not sure whether drivers are retested or how thorough the existing tests are but the results do not seem very good. The standard was much high	Male	35-44
	Male	45-54
WE NEED BETTER CLEARANCE ON CROSS BORDER HIRING AS THE AMOUNT OF VEHICLES FROM OUT OF TOWN THAT DONT HAVE TO ABIDE BY THE COUNCIL POLICY IS RIDICULOUS. I FEEL LIKE I WOULD BENEFIT FROM LICENSING ALL OF MY VEHICLES WITH A DIFFERENT COUNCIL AS IT WOULD BE CHEAPER WITH LESS RE	Male	65-74
	Male	45-54
Another more serious matter concerns me and that although it is a serious offence and extremely dangerous , getting prosecuted for "using" a mobile phone brings with it a FIVE YEAR TAXI LICENCE BAN... This is rather draconian ,for example does placing a fallen mobile back in its cradle constitute a serious offence an	Male	55-64
	Male	25-34
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using covid to avoid working in partnership with the following agencies, groups and individuals to promote the licensing objectiv	Male	55-64
VERY POOR TIME TO BE DOING THIS ARE YOU PLANNING LICENSING STAFF REDUNDANCIES YOU WILL NEED LESS STAFF	Male	65-74
I think the council should stop make the job of a Taxi driver unbearable. The pressure on drivers are ridiculous. I think the council should listen to drivers rather than them getting to get her on a committee and thinking what's the next thing we can add to the list to get to taxi drivers and the companies involved	Female	55-64
	Male	35-44
	Male	65-74
	Male	45-54
	Male	55-64
	Male	55-64
	Male	55-64
	Male	45-54
	Male	35-44
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Male	45-54
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Female	45-54
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Female	25-34
	Male	35-44
Everything is against the driver. At this rate there won't be many drivers left	Male	45-54
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Female	18-24
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Female	45-54
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Male	18-24
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Male	25-34
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Male	75+
Stop copy and pasting from people who sit on their backside dreaming up how to make people unemployed. This should have been put to trade reps by email for comment before publishing, using Covid 19 to avoid working in partnership with the following agencies, groups and individuals to promote the licensing obje	Female	45-54
	Male	45-54
	Female	35-44
	Male	35-44
Some of the policy directly breaches the equality act. You can not demand anyone provides proof of conditions such as dyslexia. You can not refuse to issue a drover with a taxi badge because they didn't learn to read or write. There's even an argument that an oral English test could be construed as disability discriminal	Male	35-44
	Male	25-34
	Male	35-44
	Male	45-54
	Male	55-64
More street presence of enforcement, on the 2 or 3 occasions that enforcement officers have been out in Durham City on a Friday or Saturday night during my 4 years as a hackney driver, more than half of the usual cars are working, once word gets around many drivers get out of town, speaks volumes. Also enforceme	Male	55-64
An increase in licencing enforcement in Durham city to combat the rise in PH ride sharing drivers parking illigally and touting for work with little or no oversight.	Male	35-44
I honestly believe this new policy should have been put on hold for 12 months owing to the current economic situation. COVID-19 has a lot to answer for and I believe in running with this is taking precious time away from dealing with more pressing matters.	Male	35-44
	Male	45-54
	Male	35-44
	Male	45-54
	Male	55-64
I'm a few hours late on submitting my views on this consultation please accept them.	Female	35-44



## Assessment of Taxi Policy Survey Responses

**Table 1 Questions, Responses and Commentary**

Questions	Respondent	Summarised Responses (Numbered)	Comments and Assessment (Numbered comments relate to summarised Responses)																																				
<b>Q1 to Q13</b>	<b>Taxi Trade Member</b>  <b>Taxi business</b>  <b>Councillor</b>  <b>Parish Council</b>  <b>Public</b>  <b>Other</b>	<ul style="list-style-type: none"> <li>• <b>Agreements</b> Agreement levels are those that strongly agree or agree minus those that disagree or strongly disagree.</li> <li>• <b>Disagreements</b></li> <li>• <b>Arguments for the proposals</b></li> <li>• <b>Arguments against the proposals</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Supportive of proposal</b></li> <li>• <b>Opposition to proposal</b></li> <li>• <b>Discussion points</b></li> <li>• <b>Opinions/Recommendations</b></li> </ul> <p><b>NOTES:</b> The 'Assessment of Taxi Survey Responses' (Appendix 6) - Some text is in purple. The purple text represents further changes to policy being proposed after the consultation and which resulted from officer appraisal of the consultation responses. Some of the text is in red. The red text represents matters that are being put forward for additional consideration by Members at GLRC. These text colours are also referenced/explained in the SMT Report.</p>																																				
Q1 Are you responding as: Licensed hackney carriage driver Licensed private hire driver Licensed operator Licensed vehicle proprietor Member of the public Other	The Taxi Licensing Survey 2020 yielded <b>65 responses</b> , of which <b>48 had some background in employment or ownership within the taxi industry</b>	NA	<p><b>Are you responding as:</b></p> <table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">Frequency</th> </tr> </thead> <tbody> <tr> <td>Licensed hackney carriage driver</td> <td style="text-align: center;">38</td> </tr> <tr> <td>Licensed private hire driver</td> <td style="text-align: center;">11</td> </tr> <tr> <td>Licensed operator</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Licensed vehicle proprietor</td> <td style="text-align: center;">10</td> </tr> <tr> <td>Member of the public</td> <td style="text-align: center;">17</td> </tr> <tr> <td>Other</td> <td style="text-align: center;">3</td> </tr> </tbody> </table> <p><b>If other, please specify</b></p> <table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">Frequency</th> </tr> </thead> <tbody> <tr> <td>Passenger assistant</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Radio operator</td> <td style="text-align: center;">1</td> </tr> <tr> <td>School escort</td> <td style="text-align: center;">1</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>3</b></td> </tr> </tbody> </table> <p><b>Are you a licensed driver, operator, or employee?</b></p> <table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">Frequency</th> <th style="text-align: center;">Percent</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td style="text-align: center;">48</td> <td style="text-align: center;">76%</td> </tr> <tr> <td>No</td> <td style="text-align: center;">15</td> <td style="text-align: center;">24%</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>63</b></td> <td style="text-align: center;"><b>100%</b></td> </tr> </tbody> </table>		Frequency	Licensed hackney carriage driver	38	Licensed private hire driver	11	Licensed operator	8	Licensed vehicle proprietor	10	Member of the public	17	Other	3		Frequency	Passenger assistant	1	Radio operator	1	School escort	1	<b>Total</b>	<b>3</b>		Frequency	Percent	Yes	48	76%	No	15	24%	<b>Total</b>	<b>63</b>	<b>100%</b>
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Q2 Do you agree or disagree that the policy is		<b>Yes</b> Just under two thirds of respondents found the policy easy to understand.	<p>N/A</p> <p><b>Do you agree or disagree that the policy is easy to understand?</b></p> <table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">Frequency</th> <th style="text-align: center;">Percent</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Frequency	Percent																																	
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<p>easy to understand?</p>		<p>1 Strongly agree, albeit in the context that a policy document, such as this, is never going to be short and will inevitably deal with complex legal and procedural matters that are not easily expressed in 'Clear English'.</p> <p><b>No</b></p> <p>Just over a third of respondents found the policy difficult to understand.</p>	<table border="1"> <tr><td>Strongly agree</td><td>8</td><td>13%</td></tr> <tr><td>Agree</td><td>20</td><td>32%</td></tr> <tr><td>Neither agree nor disagree</td><td>11</td><td>17%</td></tr> <tr><td>Disagree</td><td>13</td><td>21%</td></tr> <tr><td>Strongly disagree</td><td>11</td><td>17%</td></tr> <tr><td><b>Total</b></td><td><b>63</b></td><td><b>100%</b></td></tr> </table> <p>Taxi driver/operator/employee agreement level<sup>1</sup>: +2% Non-taxi related agreement level: +27%</p>	Strongly agree	8	13%	Agree	20	32%	Neither agree nor disagree	11	17%	Disagree	13	21%	Strongly disagree	11	17%	<b>Total</b>	<b>63</b>	<b>100%</b>															
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<p>Q3 Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?</p> <p>If you disagree, what do you think should be added or removed from the draft policy to improve it?</p>		<p><b>Yes</b></p> <p>Ninety percent of respondents thought the proposed policy provides enough protection for children and vulnerable adults</p> <p><b>No</b></p> <p>Ten percent of respondents either thought the proposed policy provides enough protection for children and vulnerable adults or had no opinion</p> <p><b>What should be added or removed from the draft policy to improve it?</b></p>	<p><b>Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?</b></p> <table border="1"> <thead> <tr><th></th><th>Frequency</th><th>Percent</th></tr> </thead> <tbody> <tr><td>Strongly agree</td><td>13</td><td>21%</td></tr> <tr><td>Agree</td><td>34</td><td>54%</td></tr> <tr><td>Neither agree nor disagree</td><td>9</td><td>14%</td></tr> <tr><td>Disagree</td><td>3</td><td>5%</td></tr> <tr><td>Strongly disagree</td><td>4</td><td>6%</td></tr> <tr><td><b>Total</b></td><td><b>63</b></td><td><b>100%</b></td></tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +71% Non-taxi related agreement level: +43%</p> <p><b>If you disagree, what do you think should be added or removed from the draft policy to improve it?</b></p> <table border="1"> <thead> <tr><th></th><th>Frequency</th><th>Percent</th></tr> </thead> <tbody> <tr><td>Response</td><td>4</td><td>6%</td></tr> <tr><td>No response</td><td>61</td><td>94%</td></tr> <tr><td><b>Total</b></td><td><b>65</b></td><td><b>100%</b></td></tr> </tbody> </table>		Frequency	Percent	Strongly agree	13	21%	Agree	34	54%	Neither agree nor disagree	9	14%	Disagree	3	5%	Strongly disagree	4	6%	<b>Total</b>	<b>63</b>	<b>100%</b>		Frequency	Percent	Response	4	6%	No response	61	94%	<b>Total</b>	<b>65</b>	<b>100%</b>
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<p>Q4 Do you agree or disagree that the policy includes everything you think should be in such a policy?</p> <p>If you disagree, what do you think should be added or removed from</p>		<p><b>Yes</b></p> <p>Just over a third thought the proposed policy included everything we think should be in such a policy</p> <p>1 Strongly agree that the policy covers everything that should be covered by such a policy, but that is not the same as saying the contents of the policy are agree in every regard.</p> <p><b>No</b></p> <p>Just over a quarter disagreed</p>	<p><b>Do you agree or disagree that the policy includes everything you think should be in such a policy?</b></p> <table border="1"> <thead> <tr><th></th><th>Frequency</th><th>Percent</th></tr> </thead> <tbody> <tr><td>Strongly agree</td><td>7</td><td>11%</td></tr> <tr><td>Agree</td><td>16</td><td>25%</td></tr> <tr><td>Neither agree nor disagree</td><td>23</td><td>37%</td></tr> <tr><td>Disagree</td><td>11</td><td>17%</td></tr> <tr><td>Strongly disagree</td><td>6</td><td>10%</td></tr> <tr><td><b>Total</b></td><td><b>63</b></td><td><b>100%</b></td></tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +13% Non-taxi related agreement level: +7%</p> <p><b>If you disagree, what do you think should be added or removed from the draft policy to improve it?</b></p> <table border="1"> <thead> <tr><th></th><th>Frequency</th><th>Percent</th></tr> </thead> <tbody> <tr><td>Response</td><td>8</td><td>12%</td></tr> </tbody> </table>		Frequency	Percent	Strongly agree	7	11%	Agree	16	25%	Neither agree nor disagree	23	37%	Disagree	11	17%	Strongly disagree	6	10%	<b>Total</b>	<b>63</b>	<b>100%</b>		Frequency	Percent	Response	8	12%						
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<p>the draft policy to improve it?</p>		<p><b>What do you think should be removed from the draft policy?</b></p> <p>1 A vehicle age policy</p> <p>2 Page 7, para 3.4: The Council is asked to remove, for those applying to be licensed as a private hire driver, the requirement to pass the topographical knowledge test, as has been recommended by the Department for Transport since 2010 (see DFT Best Practice Guidance, para 76).</p> <p>3 Pages 41 - 42, Appendix 3: Vehicle Licences, Standard Conditions, conditions 22 &amp; 23: The Council is respectfully asked to follow the practice and example of some of the other local authorities in the region, and to remove the requirements to carry fire extinguishers and first aid kits. Drivers are not trained to be competent to use either. Tyne and Wear Fire and Rescue Service issued advice about fire extinguishers to local authorities in its area in early 2016 and, as a result, licensed vehicles in that wider area do not carry fire extinguishers.</p> <p>4 Pages 41 - 42, Appendix 3: Vehicle Licences, Standard Conditions, condition 32: The Council is asked to remove this condition prohibiting licensed vehicles from being used for the unaccompanied carriage and delivery of alcohol and tobacco products. The COVID-19 pandemic has resulted in many drivers being required to diversify with the unaccompanied carriage of takeaway meals and grocery collection and delivery services. It is unreasonable to expect a driver to rummage through a customer's grocery shopping to establish whether it includes a packet of cigarettes or a bottle of wine and, if they were to do so, what are they then supposed to do, because the customer has by then paid the retailer for the goods.</p>	<table border="1"> <tr> <td>No response</td> <td>57</td> <td>88%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </table>	No response	57	88%	<b>Total</b>	<b>65</b>	<b>100%</b>	<p><b>What do you think should be removed from the draft policy?</b></p> <p><b>1 Officer Comments:</b> Taking into consideration all responses and, arguments against the proposed vehicle age restrictions, the following policy based solely on emission standards is proposed to replace the previous proposals on vehicle emissions and the age of licensed vehicles:</p> <p><b>Vehicle Emissions and Manufacture Criteria</b></p> <p><b>New Applications (Newly Licensed Vehicles)</b> - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 6" or higher.</p> <p><b>Renewal Applications (Existing Vehicles / Continued Licensing)</b></p> <ul style="list-style-type: none"> <li>- After the 31<sup>st</sup> March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower (From Manufacturing emission standard January 2006; 16 years old)</li> <li>- After the 31<sup>st</sup> March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower (From Manufacturing emission standard January 2011; 13 years old)</li> </ul> <p><b>TO ASK MEMBERS:</b></p> <p><b>2 Points noted. Locality tests for PHD - ask members if they no longer want us to test PHD on topographical knowledge TO ASK MEMBERS</b></p> <p><b>3 Points noted re suggested removal of fire extinguishers and first aid kits and advice and recommendations requested from Durham and Darlington Fire and Rescue, NHS and H and S. DDFRS Re: Fire Extinguishers</b> - <i>"So our thought are that we would be happy for them NOT to be a requirement in Taxis. The reasoning being that car fires are relatively few and far between (other than Arson) and with the introduction of a Fire Extinguisher it places a pressure on someone to use it i.e. to get closer to the fire which we would prefer didn't happen. Obviously with this there is a great chance that they get burnt or overcome with fumes or get caught out with a rapid escalation of the fire". Johnathan Smith <a href="mailto:josmith@ddfire.gov.uk">josmith@ddfire.gov.uk</a> Proposed alteration to policy to remove requirements for licensed vehicles to carry a fire extinguisher</i></p> <p><b>4 REMOVED AND REPLACED WITH MORE SUITABLE WORDING</b></p> <p>5 Information taken from Guide Dogs Publication Taxi and PHV Policy - Assistance Dogs <a href="mailto:campaigns@guidedogs.org.uk">campaigns@guidedogs.org.uk</a> Best Practice Recommendations – no change to proposals recommended.</p> <p>6 Licensing Services has received complaints from licensed drivers alleging their receipt of abuse and threats etc via social media from other licensed drivers. These complaints have been investigated and actions have taken by the licensing authority on the basis that a licence holder who makes threats or abuses other people via social media may be acting improperly and may tender them unsuitable to hold a DCC Taxi driver Licence. We dispute the assertion that what a driver happens to put on his/her own personal social media pages in their own time has nothing to do with their ability or otherwise to carry out</p>
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		<p>5 Regarding condition 9.8 - with the greatest of respect, local authorities are not in a position to dictate to medical professionals the type of medical examination needed in order to verify allergies, which renders everything in this paragraph that is written in red, to be meaningless. And should therefore be removed.</p> <p>6 regarding 19.4 - Not entirely sure why social media platforms have been brought into the policy here unless it is the intention to actively monitor and stalk drivers on social media, which is beyond the remit and powers of enforcement, Facebook has a number of options, scroll past, ignore, or if really offended, block.</p> <p>7 regarding drug testing - Intelligence led is perfectly acceptable, random testing is above and beyond the remit of licensing and could be deemed to be an invasion of privacy. Removal of random drug testing suggested.</p> <p>8 page 44 regarding carrying luggage - Suggest removing this part "Where a vehicle is fitted with a removable parcel shelf it must remain in place when carrying luggage" since this is not always possible, in many cases in order to comply with the "reasonable amount" requirement, the parcel shelf must be removed. To leave such a condition in place has the effect of restricting the amount of luggage that may be "reasonable"</p> <p>9 page 45 regarding condition 33 use of temporary screens - Never promote, encourage or support the use of Velcro or adhesive fastenings, to do so causes damage to the interior of the vehicles, when removed, and allows for such screens to be pulled down and used as a weapon against the drivers. This topic is currently under review by the DfT and the TRL, so it may be worth holding back on setting such</p>	<p>their job as a licensed driver. A licensed driver remains a licensed driver even when not working as a taxi driver. If a taxi driver burgled a house and stole in their own time, when not working as a taxi driver, would this render their actions irrelevant to their role as a licensed driver? We think that any licensed driver who acts improperly and unlawfully may be guilty of misconduct and that may affect their propriety and suitability to hold a DCC licence – no change to proposals recommended.</p> <p>7 Taking into consideration all responses and, arguments relating to the proposed intelligence lead and random drug and alcohol testing we are minded continuing with our proposals. In implementing such a policy, we will pay attention to comments regarding racial profiling and racism. We will ensure that, even when acting on intelligence, appropriate policies, procedures, safeguards, working practices and other appropriate controls are in place – no change to proposals recommended.</p> <p><b>8 Points noted – REMOVE FROM POLICY</b></p> <p><b>9 Points noted – CHANGE WORDING</b></p> <p><b>10 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</b></p> <p><b>11 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</b></p> <p><b>12 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</b></p>
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		<p>conditions pending the outcome or guidance issued by the regulators here.</p> <p>10 regarding condition 35 on page 46 - This requirement to remove the screen within a maximum of 21 days should be removed completely, we have seen the repeated lockdowns, and the tier systems being introduced, the screens must be allowed to remain installed, or at the very least, if a time scale is to be added, then maybe within 21 days of COVID19 being completely eradicated and no longer posing any risk to health, which may never happen, otherwise the removal of such protective devices may lead to the virus being spread again and the "R" number going back up.</p> <p>11 regarding page 46 condition 36 Certification - Should be removed completely unless and until vehicle manufacturers issue such certificates for council issued license plates, taxi meters, fire extinguishers, or even their own dealership replacement parts, in the words of MIRA, such certification is impossible to obtain.</p> <p>12 Page 49 part 11 provision of entry step - Part 11 should be removed on the basis that if such a step is supplied as an additional component then there is a higher risk of liability in the event of the passenger slipping off this step, preference should be given to built in steps. At the very least, a cautionary statement must be added here to advise of potential added risk of liability.</p> <p><b>What do you think should be added to the draft policy?</b></p> <p>1 The Sub-Committee liked the design (coverage of the vehicle in part with pictures of prominent landmarks and important buildings in the region) and asked us to reconsider the terms of our policy on this issue, going forward, stating this type of covering should be encouraged.</p>	<p><b>What do you think should be added to the draft policy?</b></p> <p>1 Points noted – NO CHANGE REQUIRED</p> <p>2 Points noted – THIS WOULD NOT BE A PRACTICAL OPTION AT THE CURRENT TIME BUT WILL BE KEPT UNDER REVIEW. THIS IS A PROCEDURAL MATTER NOT A POLICY ISSUE - NO CHANGE REQUIRED – no change recommended.</p> <p>3 SEE OPTIONS FOR VEHICLE AGE AND EMISSIONS POLICY</p> <p>4 Points noted – AGREED CHANGE APPENDIX 2 'DISHONESTY'</p>
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		<p>2 Would the Council allow all licence holders to set up a direct debit on a 1- or 3-year basis to pay for their licenses. This is good and reliable practise for insurance cover which can be opted out on request but if maintained would guarantee continuity of such licences and payments to Durham County Council.</p> <p>3 If we want to improve the safety factor, we have more efficient and simple methods available such as more compliance checks and imposing 3 vehicle checks per year instead of the standard 2.</p> <p>4 If Councillors want to add a clause to the policy i.e. "any inaccuracies, or failure to record or report convictions, will normally result in the refusal of an application". Perhaps one for further discussion. SB</p> <p>5 Page 5, para 1.3: It is noted that, whilst the policy addresses the obligations for the trade under the Equality Act 2020, the Council has failed to acknowledge the statutory duties placed upon itself by the Public Sector Equality Duty (PSED) under section 149 of the said Act.</p> <p>6 Page 12, para 9.8: The Council is asked to make clear that those who suffer from acute anxiety when confronted by a dog or near a dog would also be entitled to a medical exemption certificate.</p> <p>7 Pages 17 - 18, paras 15.25 – 15.32: The Council is asked to reconsider its position in relation to the requirements it imposes for the grant of an exemption under section 75(3) of the Local Government (Miscellaneous provisions) Act 1976. With the greatest of respect, at present the Council might as well say that it will not grant such an exemption, because the chances of an individual, let alone a business, securing enough work from contracts of at least 60 days duration each to qualify for an exemption and to be able to afford to not</p>	<p><b>5 These comments have been noted and AGREED CHANGE</b></p> <p>6 Re acute anxiety carrying a dog - policy covers this matter as it stands, no changes to proposal required – no change to proposals recommended.</p> <p><b>7 Points noted – EXEMPTIONS ARE PROVIDED. NO CHANGE TO POLICY ADVOCATED, HOWEVER MEMBERS MAY WISH TO SHORTEN CONTRACT PERIOD TO BELOW 60 DAYS.</b></p> <p>8 Points noted but recommend that no changes to proposed policy are required – no change to proposals recommended.</p> <p><b>9 Points noted re suggested removal of fire extinguishers and first aid kits – requested fire and rescue service comments – to request Members opinions</b></p> <p><b>10 Points noted – WORDING CHANGE AGREED</b></p> <p>11 Points noted – NO CHANGE REQUIRED – no change to proposals recommended.</p> <p>12 It is implicit in English law that all drivers, including taxi drivers, must comply with road traffic legislation. This is not a matter of policy but is a matter of legislation. A policy should not duplicate legal requirements already in place via national statutes and regulations. By way of analogy, taxi drivers should not be stealing or assaulting people however such misdemeanours are already controlled and restricted by statute so for the reasons provided above, we do not specify that licensed drivers should not steal or assault people – no change to proposals recommended.</p> <p>13 Points noted however this is not legally possible under current legislation nor would it be practical to enforce, control, assess or manage even if it were necessary or appropriate to do so – no change to proposals recommended.</p> <p><b>14 Points noted - THIS COULD BE CONSIDERED BY MEMBERS HOWEVER IT WOULD HAVE A CONSIDERABLE EFFECT ON FINANCING ARRANGEMENTS.</b></p>
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		<p>11 Regarding condition 17 - Suggest adding that is subject to a license issued by this authority.</p> <p>12 The Parish Council believes that the following general statement ought to be included in Appendix 1 of the draft Policy: "that drivers must comply with traffic laws and all council traffic regulations /restrictions /requirements at all times as a condition of their licence."</p> <p>13 I suggest that you reintroduce the system where taxi firms from outside Durham County are excluded from plying their trade within the county and taxi firms from within Durham County are limited to operating in their former District Council areas.</p> <p>14 I feel really strongly that we should be promoting electric, zero emissions, and hybrid petrol vehicles above diesel as we have severe pollution problems in the City Centre, and also need to hit our climate targets This should be with zero fee charges for electric vehicles, balanced out with higher fees for more polluting vehicles or by subsidy.</p>																									
<p>Q5 Do you think that any of the requirements of the new national standards for taxi and private hire licensing should be left out of our new policy and if so, which ones and why?</p> <p>Yes, there should be one or more left out or No.</p>		<p><b>Yes</b> Around half thought none of the requirements of the new national standards for taxi and private hire licensing should be left out of the new policy or had no opinion.</p> <p><b>No</b> Around half thought one or more of the requirements of the new national standards for taxi and private hire licensing should be left out of the new policy</p> <p>1 <i>No and it is believed that the Council has incorporated all subjects covered by the Statutory Standards in its draft taxi policy.</i></p>	<p><b>Do you think that any of the requirements of the new national standards for taxi and private hire licensing should be left out of our new policy and if so, which ones and why?</b></p> <table border="1" data-bbox="1034 983 1872 1088"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Yes, there should be one or more left out</td> <td>32</td> <td>53%</td> </tr> <tr> <td>No</td> <td>28</td> <td>47%</td> </tr> <tr> <td><b>Total</b></td> <td><b>60</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee "Yes": 62% Non-taxi related "Yes": 29%</p> <p><b>If yes, which do you feel should be left out and why?</b></p> <table border="1" data-bbox="1034 1209 1541 1315"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>23</td> <td>35%</td> </tr> <tr> <td>No response</td> <td>42</td> <td>65%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table>		Frequency	Percent	Yes, there should be one or more left out	32	53%	No	28	47%	<b>Total</b>	<b>60</b>	<b>100%</b>		Frequency	Percent	Response	23	35%	No response	42	65%	<b>Total</b>	<b>65</b>	<b>100%</b>
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<p>If yes, which do you feel should be left out and why?</p>		<p><b>Arguments for leaving out any of the requirements of the new national standards for taxi and private hire licensing</b></p> <p>1 regarding paragraph 7.5 - <i>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.</i> - On the very basis that "you would offer a fast track application process", this would be far easier and more efficient to suspend only, in which case should such contradictory evidence come to light after the fact, the suspension could simply be lifted, as opposed to creating an unnecessary cause to reapply as a new applicant. Such powers of revocation have led to severe problems within the industry as it deprives drivers of their right to a fair hearing, such finite decisions to revoke should be referred to licensing committees to determine.</p> <p><b>Arguments for leaving in all the requirements of the new national standards for taxi and private hire licensing</b></p> <p>1 It is believed that the Council has incorporated all subjects covered by the Statutory Standards in its draft taxi policy.</p> <p>2 Primarily, there is clearly a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector. The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department for Transport's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed (the 'fit and proper' person test); safeguarding children and vulnerable adults; the Immigration Act 2016</p>	<p><b>Arguments for leaving out any of the requirements of the new national standards for taxi and private hire licensing</b></p> <p>1 The DfT National Standards require Councils to make suitable arrangements to enable the immediate revocation of licences – see committee report and DfT UK National Standards. A transparent, effective and efficient system involving clear separation between the investigator and the decision maker must be in place. To facilitate compliance with the guidance and enable a swift methodology for immediate revocations, Officers recommendation is to enable appointed officers to issue immediate revocations following constitutional changes and changes to delegated authority; in addition to the implementation of a suitable fast-track reinstatement/re-application process should post-revocation evidence emerge that vindicates the licence holder from wrongdoing that would require revocation – no change to proposals recommended.</p> <p><b>Arguments for leaving in all the requirements of the new national standards for taxi and private hire licensing</b></p> <p>1 and 2 There is clearly a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector. The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department for Transport's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed (the 'fit and proper' person test); safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure. It is noteworthy that the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document (and which the proposed County Council policy seeks to incorporate) are the result of extensive consultation with the taxi and private hire vehicle sector, regulators and safety campaign groups – no change to proposals recommended.</p>
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		<p>and Common Law Police Disclosure. It is noteworthy that the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document (and which the proposed County Council policy seeks to incorporate) are the result of extensive consultation with the taxi and private hire vehicle sector, regulators and safety campaign groups.</p>																																		
		<p><b>Agree</b> The general public agrees with the proposal</p> <p><b>Disagree</b> Over half strongly disagree with the proposals on vehicle emissions and the age of licensed vehicles. However, this is the overriding opinion of the taxi industry.</p> <p><b>Arguments for the proposed vehicle age restrictions</b></p> <p>2 Strongly agree that there is a need to address air quality, whilst also strongly disagreeing with the timeframe for the introduction of such measures.</p> <p>In effect, the submission I make on behalf of Blueline Taxis is that Durham County Council's current policy in relation to emission standards is right and that it should not be changed Blueline</p> <p><b>Arguments against the proposed vehicle age restrictions</b></p> <p>1 Vehicle owners cannot afford to buy new vehicles. Many people will be forced out of the trade, either into retirement or unemployment. The financial impact of the</p>	<p><b>Do you agree or disagree with the proposals on vehicle emissions and the age of licensed vehicles?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>12</td> <td>18%</td> </tr> <tr> <td>Agree</td> <td>10</td> <td>15%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>3</td> <td>5%</td> </tr> <tr> <td>Disagree</td> <td>4</td> <td>6%</td> </tr> <tr> <td>Strongly disagree</td> <td>36</td> <td>55%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: -48% Non-taxi related agreement level: +47%</p> <p><b>If you disagree, which ones and why not?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>35</td> <td>54%</td> </tr> <tr> <td>No response</td> <td>30</td> <td>46%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p><b>Arguments for the proposed vehicle age restrictions</b></p> <p><b>1 North East Transport Plan 2021-2035</b> Page 50 – 'Shovel Ready Schemes – Delivery Plane' 100 Enforcement of 'engine idling' at taxi ranks and bus stops (see City Parish Council Response)</p> <p><b>Arguments against the proposed vehicle age restrictions</b></p> <p><b>1 Officer Comments:</b> Taking into consideration all responses and, arguments against the proposed vehicle age restrictions (1 to 18) , the following policy based solely on emission standards is proposed to replace the previous proposals on vehicle emissions and the age of licensed vehicles:</p> <p><b>Vehicle Emissions and Manufacture Criteria</b></p>		Frequency	Percent	Strongly agree	12	18%	Agree	10	15%	Neither agree nor disagree	3	5%	Disagree	4	6%	Strongly disagree	36	55%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Response	35	54%	No response	30	46%	<b>Total</b>	<b>65</b>	<b>100%</b>
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		<p>coronavirus pandemic on all parts of the hackney carriage and private hire trades cannot be understated with many drivers, owner-drivers, fleet owners and private hire operators having received no or very little direct or indirect financial assistance from Government. The Council is asked to also have regard to the financial impact that introducing the proposed policy would have currently. Anyone forced into changing vehicle after 1 April 2021 may well not be able to afford to buy a vehicle that would meet the requirements for a new vehicle.</p> <p>2 Vehicle owners will get into debt buying new vehicles</p> <p>3 Drivers approaching retirement may have to buy a new vehicle but won't have enough time to pay for vehicle</p> <p>4 Having bought a new vehicle, a lack of money will lead owners to allow longer periods of time between repairs, servicing and maintenance thereby affecting public safety</p> <p>5 The Council is seeking to raise / harmonise standards with its partners in the North East Strategic Licensing Group in order to ensure that all vehicles licensed in the region will be able to enter the soon to be created Newcastle City Centre Clean Air Zone ("the CAZ"). The standard to be required of a licensed vehicle to be able to enter the CAZ without being liable to pay a charge, is not age related and use of an age limit is an artificial way to achieve this, especially in the first instance and transitionally. If the objective is to reduce harmful exhaust emissions, it should not matter what age a vehicle is, so long as it meets the Euro 6 diesel or Euro 4 petrol standard</p> <p>6 Age policies should not be those proposed, which are too restrictive,</p>	<p><b>New Applications (Newly Licensed Vehicles)</b> - New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 6" or higher.</p> <p><b>Renewal Applications (Existing Vehicles / Continued Licensing)</b></p> <ul style="list-style-type: none"> <li>- After the 31<sup>st</sup> March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower (From Manufacturing emission standard January 2006; 16 years old)</li> <li>- After the 31<sup>st</sup> March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower (From Manufacturing emission standard January 2011; 13 years old)</li> </ul> <p><b>TO ASK MEMBERS</b></p>
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		<p>especially when no age criteria currently exist</p> <p>7 Although strenuously opposed to imposing an age for a vehicle to be first licensed, if an age has to be specified, my client suggests that it should be “less than 5 years of age” as that would permit the licensing of vehicles that come out of lease hire at 4+ years. The suggested terminal age limits would be [8] years for saloon and estate cars and [10] years from MPVs, minibuses and WAVs (wheelchair accessible vehicles). Additionally, the Council is asked to consider increasing age limits to 10 years for saloon vehicles and to 12 years for WAVs.</p> <p>8 If the cost to owners-drivers of changing to a vehicle that is compliant with the new policy is too great, they will either leave the trade or look to vehicle fleet owners and operators to rent a vehicle from. The cost of buying or leasing such increased numbers could be prohibitive to vehicle fleet owners and operators, as too many vehicles would all have to be bought in a short period of time.</p> <p>9 Whilst not asked in the online survey, the implementation date of [1 April 2021] is too soon and will not allow for transition to be made to any newly adopted policy.</p> <p>10 Regulators should carry out their activities in a way that supports those they regulate to comply and grow.</p> <p>11 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.</p>	
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		<p>12 local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are commensurate with the benefits a policy is meant to achieve.</p> <p>13 There is no justification for such prescriptively low age limits which renders the conditions far from meeting the “reasonably necessary” criteria, the simple reason for this is that since Euro6 engines were introduced in 2015, by the date of adoption of this policy (expected to be 2021 unless delayed) a 6 year entry age limit and an exit age limit of 11 years would achieve exactly the same results, at a far more affordable price to the trade and therefore be in accordance with the regulators code of 2014. Also, this would consider the 5-year finance packages taken out when purchasing vehicles, the extra time would have far less of a financial impact on the trade you regulate, and therefore be in accordance with the regulators code 2014.</p> <p>14 the proposed extensions for WAVs should apply to all purpose built vehicles and minibuses on the basis that these vehicles are all built on the same chassis and are just as expensive to purchase and to insure, with an added 2 year life span for such vehicles over and above the age limit for standard vehicles.</p> <p>15 in relation to the exemption for zero emission vehicles, The only real difference between the two vehicle types is the conventional engine being replaced by an electric motor in the same engine bay, they all have the same chassis type, the same suspension type, the same brakes etc, so we are struggling to see any justification for such a broad exemption here.</p> <p>16 I agree with new cars coming onto the fleet after 1st April 2024 being euro 6, we all should be working towards making the</p>	
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		<p>environment cleaner but discarding a perfectly usable vehicle simply because of its age is wrong. The council need to look at the current circumstances and take this into account. It is going to take many years for the economy to recover and forcing people into getting debt to carry out their job is immoral.</p> <p>17 Approximately 375 of the 1,256 vehicles currently licensed by Durham County Council to operate as either taxis or private hire vehicles, are at present more than 8 years old. This approach is too restrictive, and the age of the vehicle must not be the deciding factor for this. In order to address this issue and in an effort to not restrict the trade further, the Parish Council suggests that the policy ought simply to be that, after 1st April 2024, all vehicles, be they new or existing, must meet the Euro 6 vehicle emissions standard.</p> <p>18 The Parish Council is acutely aware of the important role which taxis can play in tackling anti-social behaviour in Durham City and any policy which would effectively eliminate 30% of the current fleet must surely be resisted.</p> <p><b>Arguments for the proposals on vehicle emissions</b></p> <p>1 Strongly agree that there is a need to address air quality, whilst also strongly disagreeing with the timeframe for the introduction of such measures.</p> <p>2 If the objective is to reduce harmful exhaust emissions, it should not matter what age a vehicle is, so long as it meets the Euro 6 diesel or Euro 4 petrol standard.</p> <p>3 I agree with new cars coming onto the fleet after 1st April 2024 being euro 6, we all should be working towards making the environment cleaner but discarding a</p>	<p><b>Arguments for the proposals on vehicle emissions</b></p> <p>1 <b>Officer Comments:</b> Taking into consideration all responses and, arguments against the proposed vehicle age restrictions (1 to 18) , the following policy based solely on emission standards is proposed to replace the previous proposals on vehicle emissions and the age of licensed vehicles:</p> <p><b>Vehicle Emissions and Manufacture Criteria</b></p> <p><b>New Applications (Newly Licensed Vehicles) -</b> New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 6" or higher.</p> <p><b>Renewal Applications (Existing Vehicles / Continued Licensing)</b></p> <ul style="list-style-type: none"> <li>- After the 31<sup>st</sup> March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower (From Manufacturing emission standard January 2006; 16 years old)</li> <li>- After the 31<sup>st</sup> March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower (From Manufacturing emission standard January 2011; 13 years old)</li> </ul>
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		<p>perfectly usable vehicle simply because of its age is wrong.</p> <p>4 the Parish Council applauds what is clearly an effort by the County Council to encourage environmental sustainability and to reduce carbon emissions from its licensed vehicles, the Parish Council believes that this approach is too restrictive and the age of the vehicle must not be the deciding factor for this. The Parish Council suggests that the policy ought simply to be that, after 1st April 2024, all vehicles, be they new or existing, must meet the Euro 6 vehicle emissions standard.</p> <p>5 I feel strongly that we should be promoting electric, zero emissions, and hybrid petrol vehicles above diesel as we have severe pollution problems in the City Centre, and need to hit our climate targets</p> <p>6 I do agree with the Euro 6 emission standard of vehicles from 2024</p> <p><b>Arguments against the proposals on vehicle emissions</b></p> <p>Zero emission vehicles - fully electric and zero emission (at source) vehicles would be exempt from the age restriction / emissions policy.</p> <p>1 Is there any actual reason for this? The only real difference between the two vehicle types is the conventional engine being replaced by an electric motor in the same engine bay, they all have the same chassis type, the same suspension type, the same brakes etc, so we are struggling to see any justification for such a broad exemption here.</p>	<p><b>TO ASK MEMBERS</b></p> <p><b>Arguments against the proposals on vehicle emissions</b></p> <p><b>1 Officer Comments:</b> Taking into consideration all responses and, arguments against the proposed vehicle age restrictions (1 to 18) , the following policy based solely on emission standards is proposed to replace the previous proposals on vehicle emissions and the age of licensed vehicles:</p> <p><b>Vehicle Emissions and Manufacture Criteria</b></p> <p><b>New Applications (Newly Licensed Vehicles) -</b> New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard "EURO 6" or higher.</p> <p><b>Renewal Applications (Existing Vehicles / Continued Licensing)</b></p> <ul style="list-style-type: none"> <li>- After the 31<sup>st</sup> March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower (From Manufacturing emission standard January 2006; 16 years old)</li> <li>- After the 31<sup>st</sup> March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower (From Manufacturing emission standard January 2011; 13 years old)</li> </ul> <p><b>TO ASK MEMBERS</b></p>
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<p>7 Do you agree or disagree with the proposed adoption of the new policy in respect of previous convictions and offences as developed by the Institute of Licensing?</p> <p>If you disagree, which policy proposals do you disagree with and why.</p>		<p><b>Agree</b> Over half agree with the proposal in respect of previous convictions and offences as developed by the Institute of Licensing.</p> <p><b>Disagree</b></p> <p><b>Which policy proposals do you disagree with and why?</b></p> <p>1 The institute of licensing “safe and suitability guidance” which is under fire from the taxi and private hire industry nationally, the adoption of such a policy is for each council to decide, such a condition must take into consideration a period of time over which those 7 points have been accumulated, for example, if 3 or more of those points are due to be removed from the applicants license, then the 5 year suggested punishment here has already almost expired.</p> <p>2 The Council appears not to agree with the Institute of Licensing developed policy as the Council rightly proposes to depart from it in relation to minor motoring offences</p> <p>3 Blueline Taxis urges the Council not to adopt the convictions policy developed by the Institute of Licensing, as largely incorporated into the Statutory Standards, but to adopt a clearer and simpler policy that adopts the principles of rehabilitation and</p>	<p><b>Do you agree or disagree with the proposed adoption of the new policy in respect of previous convictions and offences as developed by the Institute of Licensing?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>19</td> <td>29%</td> </tr> <tr> <td>Agree</td> <td>18</td> <td>28%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>7</td> <td>11%</td> </tr> <tr> <td>Disagree</td> <td>3</td> <td>5%</td> </tr> <tr> <td>Strongly disagree</td> <td>18</td> <td>28%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +15% Non-taxi related agreement level: +60%</p> <p><b>If you disagree, which policy proposals do you disagree with and why?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>15</td> <td>23%</td> </tr> <tr> <td>No response</td> <td>50</td> <td>77%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p><b>Which policy proposals do you disagree with and why?</b></p> <p>Taking into consideration all responses and, arguments relating to the proposed adoption of the new policy in respect of previous convictions and offences as developed by the Institute of Licensing, we advocate for maintaining our proposed policy – no change to proposals recommended.</p> <p>We consider that we have simplified and clarified the current policy in relation to convictions etc. and consider that the proposed level of detail will provide enough detail for all policy users including Members, officers, and the public. We have considered the alternatives suggested by respondents and have concluded that no compelling reasons for departure from our proposed policy has been put forward – no change to proposals recommended.</p> <p>Our proposals do not mirror the IOL standards in all respects and we are minded to highlight the complete IOL standards simply as a further point of reference. These comments have been noted. We have proposed to mirror the IOL standards except in relation to the minor motoring offences or motoring offences involving disqualification – no change to proposals recommended.</p> <p>These are the IOL Standards:</p> <p><b>Motoring convictions</b> 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.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed</p>		Frequency	Percent	Strongly agree	19	29%	Agree	18	28%	Neither agree nor disagree	7	11%	Disagree	3	5%	Strongly disagree	18	28%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Response	15	23%	No response	50	77%	<b>Total</b>	<b>65</b>	<b>100%</b>
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		<p>results in a policy being adopted by the Council that would mean drivers would not have any live criminal convictions.</p> <p>4 In relation to convictions and cautions, my clients respectfully suggest that the policy should simply provide:</p> <ul style="list-style-type: none"> <li>• Whilst every case will be considered on its own merits, the following sets out the approach the Council will usually take.</li> <li>• In respect of an application for the initial grant of a licence, it is for the applicant to satisfy the Council on the balance of probability that he / she is a fit and proper person to be granted a licence. Once a person is licensed, they shall be presumed to remain a fit and proper person to be licensed, unless the Council is satisfied on the balance of probability that he / she is no longer a fit and proper person as a result of a conviction, caution, complaint or other non-convictional information.</li> </ul> <p>(The above reflects the legal position following <i>Kaivanpor v Director of Public Prosecutions</i> [2015] EWHC 4127 (Admin), a copy of which can be provided on request.)</p> <ul style="list-style-type: none"> <li>• Anyone with a conviction or caution for a sexual offence, who is on the sex offender register [barred from working with children or vulnerable adults] or in respect of whom non-convictional information or a complaint is made of a sexual nature, will be referred to the [General Licensing &amp; Registration Sub-Committee] for consideration, but will usually be refused a licence.</li> <li>• [Anyone who has had a previous licence revoked by another local authority will be referred to the General Licensing &amp; Registration Sub-Committee for consideration, but will usually be refused a licence unless there are exceptional reasons to now be satisfied that the applicant is a fit and proper person.]</li> </ul>	<p>unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.</p> <p><b>Drink driving/driving under the influence of drugs – we have included this</b> Where an applicant has a conviction for drink driving or 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.</p> <p><b>Using a hand-held device whilst driving – we have included this</b> Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, 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.</p> <p>This is what we have in the proposed policy:</p> <p><b>Motoring offences</b></p> <p><b>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.</b></p> <p><b>Minor traffic offences or vehicle related offence</b></p> <p><b>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including vehicles.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>Major traffic offence or vehicle related offence</b></p> <p><b>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence connected with motor insurance.</b></p> <p><b>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.</b></p>
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		<ul style="list-style-type: none"> <li>• Anyone with a conviction or caution for being concerned in drug dealing or drug cultivation will be referred to the Regulation and Review Committee for consideration but will usually be refused a licence.</li> <li>• A licence will not be granted to anyone who has a live criminal conviction, i.e. a conviction for a criminal (not motoring) offence that has not become spent by virtue of the Rehabilitation of Offenders Act 1974 and, in that regard, it should be noted that some sentences never become spent.</li> <li>• Anyone who has [6 penalty points endorsed on their DVLA driving licence will be required to satisfactorily complete a driving improvement scheme course.].</li> <li>• Anyone disqualified from driving under the totting-up provisions will be licensed upon the restoration of their driving licence.</li> <li>• Anyone disqualified for driving under any other circumstances will not be licensed until their driving licence had been restored to them for twice the period for which they were disqualified. By way of examples: (i) If disqualified for 14 days, a licence will not be granted (or would be suspended) for 28 days after the restoration of their driving licence; and (ii) If disqualified for 3 years as a result of a second conviction for driving with excess alcohol within a period of 10 years, a licence will not be granted for 6 years after the restoration of their driving (or their licence would be revoked by the Council).</li> </ul>	<p><b>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. – same as IOL</b></p> <p><b>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. – same as IOL</b></p> <p><b>We also add to the IOL standards in a couple of areas – we expand upon dishonesty, add taxi offences and other relevant factors. See comparison of National Standards with Policy Proposals in Table X Appendix X</b></p>																		
<p>Q8 Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?</p>		<p><b>Agree</b> Nearly two thirds agree with the proposed intelligence led and random drug and alcohol testing.</p> <p>1 Strongly agree. It is understood that such a policy has been operated by, at least, Stockton-on-Tees Borough Council for many</p>	<p><b>Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?</b></p> <table border="1" data-bbox="1034 1206 1704 1362"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>32</td> <td>49%</td> </tr> <tr> <td>Agree</td> <td>17</td> <td>26%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>1</td> <td>2%</td> </tr> <tr> <td>Strongly disagree</td> <td>15</td> <td>23%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +52%</p>		Frequency	Percent	Strongly agree	32	49%	Agree	17	26%	Neither agree nor disagree	1	2%	Strongly disagree	15	23%	<b>Total</b>	<b>65</b>	<b>100%</b>
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<p>If you disagree, which policy do you disagree with and why?</p>		<p>years and possibly also by other Tees Valley local authorities.</p> <p>2 However, unless the Council is prepared to risk being accused of racial profiling and / or of institutional racism, the Council will want to ensure that, even when acting on intelligence, it has appropriate policies, procedures and safeguards in place to ensure that such testing is not the result of racism.</p> <p>3 Intelligence lead or evidence based is perfectly understandable and not only accepted but supported.</p> <p>4 Intelligence led is perfectly acceptable</p> <p><b>Disagree</b></p> <p><b>Which policy do you disagree with and why?</b></p> <p>1 Random is fundamentally flawed. But there can be no “we want to so we will” (random) testing.</p> <p>2, Random testing is above and beyond the remit of licensing and could be deemed to be an invasion of privacy.</p>	<p>Non-taxi related agreement level: +60%</p> <p><b>If you disagree, which policy do you disagree with and why?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>15</td> <td>23%</td> </tr> <tr> <td>No response</td> <td>50</td> <td>77%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taking into consideration all responses and, arguments relating to the proposed intelligence lead and random drug and alcohol testing we are minded continuing with our proposals. In implementing such a policy, we will pay attention to comments regarding racial profiling and racism. We will ensure that, even when acting on intelligence, appropriate policies, procedures, safeguards, working practices and other appropriate controls are in place – no change to proposals recommended.</p>		Frequency	Percent	Response	15	23%	No response	50	77%	<b>Total</b>	<b>65</b>	<b>100%</b>																					
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<p>Q9 Do you agree or disagree with our proposals for drivers to do refresher training on the prevention of child sexual exploitation every three years?</p> <p>If you disagree, please state why.</p>		<p><b>Agree</b></p> <p>Over half agree with the proposal for drivers to do refresher training on the prevention of child sexual exploitation every three years. The taxi industry is equally for and against the proposal.</p> <p>1 Strongly agree with the principle of refresher training, but such training must be readily available; not be of an inappropriately long duration; and not be disproportionately expensive, whether a separate fee is charged or whether it is included in the renewal application fee.</p> <p>2 Rather than requiring a driver to take the refresher training before the renewal of a licence, requiring it to be taken within a</p>	<p><b>Do you agree or disagree with our proposals for drivers to do refresher training on the prevention of child sexual exploitation every three years?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>25</td> <td>38%</td> </tr> <tr> <td>Agree</td> <td>11</td> <td>17%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>3</td> <td>5%</td> </tr> <tr> <td>Disagree</td> <td>8</td> <td>12%</td> </tr> <tr> <td>Strongly disagree</td> <td>18</td> <td>28%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: 0%</p> <p>Non-taxi related agreement level: +60%</p> <p><b>If you disagree, please state why.</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>24</td> <td>37%</td> </tr> <tr> <td>No response</td> <td>41</td> <td>63%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table>		Frequency	Percent	Strongly agree	25	38%	Agree	11	17%	Neither agree nor disagree	3	5%	Disagree	8	12%	Strongly disagree	18	28%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Response	24	37%	No response	41	63%	<b>Total</b>	<b>65</b>	<b>100%</b>
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		<p>specified period after the grant of the renewed licence, would avoid the risk of drivers not booking themselves onto a course in good time before the expiry of their current licence. It is appreciated that it might be said that attending refresher training is no different to getting a vehicle tested in order to renew its licence, but there will always be greater availability and flexibility to vehicle testing than to the provision of classroom based refresher training.</p> <p><b>Disagree</b> The taxi industry is equally for and against the proposal.</p> <p><b>If you disagree, why?</b></p> <p>1 We fail to see the purpose, benefit or reasonableness of repeating the same test every 3 years, the course will be exactly the same and therefore be a waste of time, effort and money on the part of the existing licensee, on first application we understand and agree with.</p>	<p>Taking into consideration all responses and, arguments relating to the proposals for drivers to do refresher training on the prevention of child sexual exploitation every three years, we are not persuaded to alter our proposals – no change to proposals recommended.</p> <p>As the requirement to undergo CSE awareness refresher training prior to being re-licensed will be part of the process establishing the propriety of the prospective licensed driver, we disagree with the proposal that refresher training should be done after renewal. In order to give existing licensed drivers time to book on and complete the CSE awareness refresher training prior to the expiry of their driver's licence, we propose that: <b>FROM 31<sup>ST</sup> MARCH 2022, 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.</b></p>																																	
<p>Q10 Do you agree or disagree that all drivers should be trained in disability awareness?</p> <p>If you disagree, please state why?</p>		<p><b>Agree</b> Nearly two thirds agree with that all drivers should be trained in disability awareness.</p> <p>1 Strongly agree and there would seem to be no good reason why this should not also be included in the refresher training, subject to the comments made above at A9. BlueLine Taxis would also like to see training extended to cover customer service and for this also to form part of the triennial refresher training.</p> <p><b>Disagree</b> Nearly one third disagree that all drivers should be trained in disability awareness.</p> <p><b>If you disagree, why?</b></p>	<p><b>Do you agree or disagree that all drivers should be trained in disability awareness?</b></p> <table border="1" data-bbox="1034 836 1704 1018"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>19</td> <td>30%</td> </tr> <tr> <td>Agree</td> <td>22</td> <td>34%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>7</td> <td>11%</td> </tr> <tr> <td>Disagree</td> <td>2</td> <td>3%</td> </tr> <tr> <td>Strongly disagree</td> <td>14</td> <td>22%</td> </tr> <tr> <td><b>Total</b></td> <td><b>64</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +31% Non-taxi related agreement level: +60%</p> <p><b>If you disagree, please state why.</b></p> <table border="1" data-bbox="1034 1118 1541 1225"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>18</td> <td>28%</td> </tr> <tr> <td>No response</td> <td>47</td> <td>72%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taking into consideration all responses and, arguments relating to the proposals for drivers to be trained in disability awareness, we are minded to insert such a requirement in our proposed policy for consideration by Members. We are also minded to ask Members if they would want the requirement for disability awareness refresher training to be included in the proposed policy and if so, at what frequency? <b>I.e. for new applications, all prospective drivers to have undergone disability awareness training and for existing licensed drivers, E.g. From 31st March 2022, all licensed drivers must undergo</b></p>		Frequency	Percent	Strongly agree	19	30%	Agree	22	34%	Neither agree nor disagree	7	11%	Disagree	2	3%	Strongly disagree	14	22%	<b>Total</b>	<b>64</b>	<b>100%</b>		Frequency	Percent	Response	18	28%	No response	47	72%	<b>Total</b>	<b>65</b>	<b>100%</b>
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			<p><b>DISABILITY awareness refresher training before their licence is renewed, if they have not already received DISABILITY awareness training (or DISABILITY awareness refresher training) within the previous 3 years.</b></p>																																	
<p>Q11 Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard?</p> <p>If you disagree, please state why.</p>		<p><b>Agree</b></p> <p>Over half agree that all taxis and private hire vehicles should have internal CCTV fitted as standard.</p> <p>1 Strongly agree, but note that the draft policy at page 41, para 18 and page 62, Appx 8 do not provide that all licensed vehicles should be fitted with a CCTV system. Whilst supporting the principle of requiring all licensed vehicles to be fitted with CCTV, it is noted that the Council has not produced any evidence to support such an approach and has not made reference to addressing any of the statutory and other requirements detailed in the Statutory Standards at pages 38-39, Annex – CCTV Guidance.. If the Council cannot establish that there is a legitimate need to require the installation of CCTV in licensed vehicles, BlueLine Taxis supports the approach expressed in the draft taxi policy, but urges the Council to do all it can to promote to drivers the installation of CCTV systems, because anecdotally it seems they are far more frequently the victim to criminal and anti-social behaviour by passengers and members of the public than they are the victims of drivers.</p> <p>2 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:</p> <ul style="list-style-type: none"> <li>• deterring and preventing the occurrence of crime;</li> <li>• reducing the fear of crime;</li> <li>• assisting the police in investigating incidents of crime;</li> <li>• assisting insurance companies in investigating motor vehicle accidents.</li> </ul> <p><b>Disagree</b></p> <p><b>If you disagree, why?</b></p>	<p><b>Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard?</b></p> <table border="1" data-bbox="1034 316 1704 501"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>18</td> <td>28%</td> </tr> <tr> <td>Agree</td> <td>19</td> <td>29%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>8</td> <td>12%</td> </tr> <tr> <td>Disagree</td> <td>4</td> <td>6%</td> </tr> <tr> <td>Strongly disagree</td> <td>16</td> <td>25%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: +15% Non-taxi related agreement level: +60%</p> <p><b>If you disagree, please state why.</b></p> <table border="1" data-bbox="1034 600 1541 703"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>21</td> <td>32%</td> </tr> <tr> <td>No response</td> <td>44</td> <td>68%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>See Department for Transport Statutory Taxi &amp; Private Hire Vehicle Standards Annex – CCTV Guidance page 38.</p> <p>Following consultation, DCC Licensing Services has been unable to identify if there are any local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p> <p>Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).</p> <p><b>Taking into consideration all responses and, arguments relating to the question about whether all taxis and private hire vehicles should have internal CCTV fitted as standard, we proposed to keep the policy in relation to the fitting of CCTV in licensed vehicles as it is and not to mandate its installation as standard in all licensed vehicles – no change to proposals recommended.</b></p>		Frequency	Percent	Strongly agree	18	28%	Agree	19	29%	Neither agree nor disagree	8	12%	Disagree	4	6%	Strongly disagree	16	25%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Response	21	32%	No response	44	68%	<b>Total</b>	<b>65</b>	<b>100%</b>
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<p>Q12 Do you agree or disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme?</p> <p>If you disagree, please state why.</p>		<p><b>Agree</b> The general public agrees with the proposal.</p> <p><b>Disagree</b></p> <p><b>If you disagree, why?</b> Over half disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme. <b>However, this is the overriding opinion of the taxi industry</b></p> <p>1 It should depend on the offences. Doing 33 in a 30 is vastly different to 79 in 50 for example.</p> <p>2 since drivers have invariably already undergone such tests, there is no justification for repetitions of the same thing which would achieve very little if anything at all</p> <p>3 This should depend on the type or nature of offence, for example a parking ticket offence would not indicate a full driving test, therefore there should be options which could be taken by licensing committee such as "take no action, issue a warning, require a driving refresher course be undertaken, revoke or suspend a license" as opposed to a finite decision regardless of circumstances.</p>	<p><b>Do you agree or disagree that applicants with 6 points on their DVLA driving licences should be required to undertake a driver improvement scheme?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Strongly agree</td> <td>14</td> <td>22%</td> </tr> <tr> <td>Agree</td> <td>11</td> <td>17%</td> </tr> <tr> <td>Neither agree nor disagree</td> <td>4</td> <td>6%</td> </tr> <tr> <td>Disagree</td> <td>11</td> <td>17%</td> </tr> <tr> <td>Strongly disagree</td> <td>25</td> <td>38%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taxi driver/operator/employee agreement level: -33% Non-taxi related agreement level: +47%</p> <p><b>If you disagree, please state why.</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>32</td> <td>49%</td> </tr> <tr> <td>No response</td> <td>33</td> <td>51%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>Taking into consideration the responses received and the intended purpose of the proposal, to protect the public we consider that driver improvement schemes to allow for poor driving issues may be properly addressed catering for the improvement of driving practice by sub-standard drivers and offers a suitable alternative to other means of enforcement action and committee determination – no change to proposals recommended.</p>		Frequency	Percent	Strongly agree	14	22%	Agree	11	17%	Neither agree nor disagree	4	6%	Disagree	11	17%	Strongly disagree	25	38%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Response	32	49%	No response	33	51%	<b>Total</b>	<b>65</b>	<b>100%</b>
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<p>Q13 Do you have any other suggestions or comments to make?</p>		<p><b>Other Suggestions and Comments</b></p> <p>1 The Parish Council would equally welcome any and all new initiatives by the County</p>	<p><b>Do you have any other suggestions or comments to make?</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>Response</td> <td>29</td> <td>45%</td> </tr> <tr> <td>No response</td> <td>36</td> <td>55%</td> </tr> <tr> <td><b>Total</b></td> <td><b>65</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p><b>Are you:</b></p> <table border="1"> <thead> <tr> <th></th> <th>Frequency</th> <th>Percent</th> <th>Taxi driver, operator, or employee</th> <th>Not a taxi driver, operator or employee</th> </tr> </thead> <tbody> <tr> <td>Male</td> <td>50</td> <td>78%</td> <td>42</td> <td></td> </tr> <tr> <td>Female</td> <td>14</td> <td>22%</td> <td>6</td> <td></td> </tr> <tr> <td><b>Total</b></td> <td><b>64</b></td> <td><b>100%</b></td> <td><b>48</b></td> <td></td> </tr> </tbody> </table> <p>1 These comments have been noted – no change to proposals recommended.</p>		Frequency	Percent	Response	29	45%	No response	36	55%	<b>Total</b>	<b>65</b>	<b>100%</b>		Frequency	Percent	Taxi driver, operator, or employee	Not a taxi driver, operator or employee	Male	50	78%	42		Female	14	22%	6		<b>Total</b>	<b>64</b>	<b>100%</b>	<b>48</b>		
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		<p>Council to support the roll out of Electric Vehicles as part of its existing fleet.</p> <p>2 The Parish Council is concerned at the wording in para 19.4 of the draft policy, in relation to the reference to use of social media. It is the Parish Council's view that this policy ought to be more specific and state that this would only be relevant on a social media platform on which the user is specifically identifiable as a Durham licensed Taxi driver. The Parish Council believes that what a driver happens to put on his/her own personal social media pages in their own time has nothing to do with their ability or otherwise to carry out their job as a licensed driver and the policy needs to distinguish this.</p> <p>3 It is the Parish Council's understanding that only 6% of the current licensed fleet of vehicles in Durham is wheelchair accessible. The Parish Council wishes to stress its support that every effort be made to increase this provision of these vehicles, in order to ensure access for all in Durham.</p> <p>4 The Parish Council believes that the following general statement ought to be included in Appendix 1 of the draft Policy: <i>"that drivers must comply with traffic laws and all council traffic regulations /restrictions /requirements at all times as a condition of their licence."</i></p> <p>5 In relation to the section on License Conditions for Horse-Drawn vehicles in the draft policy, the Committee agreed that the existing sentence: "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" ought to be amended to state that this must take place at least once every 6 months as opposed to annually, so as to better safeguard the welfare of the animal</p>	<p>2 Licensing Services has received complaints from licensed drivers alleging their receipt of abuse and threats etc via social media from other licensed drivers. These complaints have been investigated and actions have taken by the licensing authority on the basis that a licence holder who makes threats or abuses other people via social media may be acting improperly and may tender them unsuitable to hold a DCC Taxi driver Licence. We dispute the assertion that <i>what a driver happens to put on his/her own personal social media pages in their own time has nothing to do with their ability or otherwise to carry out their job as a licensed driver</i>. A licensed driver remains a licensed driver even when not working as a taxi driver. If a taxi driver burgled a house and stole in their own time, when not working as a taxi driver, would this render their actions irrelevant to their role as a licensed driver? We think that any licensed driver who acts improperly and unlawfully may be guilty of misconduct and that may affect their propriety and suitability to hold a DCC licence – no change to proposals recommended.</p> <p>3 These comments have been noted – no change to proposals recommended.</p> <p>4 It is implicit in English law that all drivers, including taxi drivers, must comply with road traffic legislation. This is not a matter of policy but is a matter of legislation. A policy should not duplicate legal requirements already in place via national statutes and regulations. By way of analogy, taxi drivers should not be stealing or assaulting people however such misdemeanours are already controlled and restricted by statute so for the reasons provided above, we do not specify that licensed drivers should not steal or assault people – no change to proposals recommended.</p> <p><b>5 These comments have been noted and our proposed policy may be changed to reflect this suggestion. HJ to check with Animal Health Team</b></p>
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	<p>6 Page 12, para 7.7 Such powers of revocation have led to severe problems within the industry as it deprives drivers of their right to a fair hearing, such finite decisions to revoke should be referred to licensing committees to determine.</p> <p>7 Page 13 para 8.1 This is a requirement of the regulators code, not to “seek to work with” but that “regulators must actively engage with those they regulate”</p> <p>8 Page 21 para 19.4 Not entirely sure why social media platforms have been brought into the policy here unless it is the intention to actively monitor and stalk drivers on social media, which is beyond the remit and powers of enforcement, Facebook has a number of options, scroll past, ignore, or if really offended, block.</p> <p>9 Page 24/25 Eligibility, c) in order to comply with the obligations, set under the equalities act, there must be an assistant available in order to read out the questions and possible answers for those without the ability to read and write. Also, Under the same equalities act, it is an offence to ask for proof, or to even question such disabilities in much the same way as it is deemed to be unlawful for drivers to question any claim to exemption for the wearing of a facemask or to ask for proof.</p> <p>10 Page 27 e) Exploitation (CSE) awareness training course. We fail to see the purpose, benefit or reasonableness of repeating the same test every 3 years, the course will be exactly the same and therefore be a waste of time, effort and money on the part of the existing licensee, on first application we understand and agree with.</p> <p>11 Page 28 In light of the comments within section 7 above, it might be pertinent to ensure that the allegations made are valid before making such entries into the NR3 register, without the element of protection in</p>	<p>6 That all licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence is a requirement of the new national standards for taxi and private hire licensing. Suitable and appropriate measures must be in place to safeguard the public and be applied for the protection and fast-track reinstatement of revoked licences – no change to proposals recommended.</p> <p><b>7 These comments have been noted and our proposed policy may be changed to reflect this suggestion. CHANGE TO WORDING AGREED</b></p> <p>8 As with 2 above, Licensing Services has received complaints from licensed drivers alleging their receipt of abuse and threats etc via social media from other licensed drivers. These complaints have been investigated and actions have taken by the licensing authority on the basis that a licence holder who makes threats or abuses other people via social media may be acting improperly and may tender them unsuitable to hold a DCC Taxi driver Licence. We can confirm that there is and has never been any <i>intention to actively monitor and stalk drivers on social media</i> – no change to proposals recommended.</p> <p><b>9 These comments have been noted AS WE ALSO USE THE TESTS TO ASSESS ENGLISH LANGUAGE COMPETENCY, WE DO NOT NEED TO ALTER THIS SECTION OF THE POLICY</b></p> <p>10 The respondent has assumed that the <i>course will be the same and therefore be a waste of time</i>. Refresher training is an aspect of retraining taken by a person already qualified, trained or made aware of a subject or has previously been assessed as suitably knowledgably or competent in a field with the intention of updating skills and/or knowledge to a changed standard, or providing the opportunity to ensure that no important skills or knowledge have been lost due to lack of use – no change to proposals recommended.</p> <p>11 These comments have been noted. Licensing Services can confirm that reasonable validation checks are performed as is appropriate under the circumstances of any case – no change to proposals recommended.</p>
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		<p>place, drivers may find themselves entered on to the register for no justifiable reason.</p> <p>12 Page 28 DBS Update Service - On the basis of the possible delays in achieving an up to date report it may be more advisable to issue a temporary or conditional "without prejudice" license pending the submission of the up to date DBS report as opposed to running the risk of the license expiring through nothing more than DBS delays</p> <p>13 Page 30 Voluntary return of licence - This is not actually the case, if a driver surrenders his license, the issuing authority may not refuse to accept the license, as this would in fact keep a driver licensed against his will, this paragraph needs clearing up to demonstrate and clarify the fact that "the surrendering of a license will not result in any pending or unresolved investigation being terminated, nor would it prevent the entry of those results being added to the NR3 register"</p> <p>14 page 32 s) Passenger receipts - Unless the council is going to provide and issue a template receipt to all private hire drivers, with availability for more on request by each driver, then there is no justification to prescribe the details of the receipt, this is based not only on the time taken to prepare such receipts, but also on the fact that when requested, the reason for such a receipt is more for tax purposes, where they only need date, time and amount charged for accountancy purposes, many passengers would not want such detail to be included in the document. Besides which, the driver and vehicle number are invariably two different numbers and should therefore be two separate columns.</p> <p>15 Page 35 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</p>	<p>12 In the interests of public safety, Licensing Services do not consider it appropriate <i>to issue a temporary or conditional "without prejudice" license pending the submission of the up to date DBS report</i>. It is the responsibility of the licensing authority to ensure so far as is reasonably practicable to determine the suitability of any applicant and existing driver prior to grant or renewal – no change to proposals recommended.</p> <p>13 These comments have been noted however, Licensing Services, following consultation with DCC Legal Services, are confident in our current position in relation to the voluntary surrender of driver licences by drivers who have been implicated in misconduct and who are seeking to avoid or evade action being taken by the Council that may result in their details being added to the NR3 register – no change to proposals recommended.</p> <p><b>14 MINOR CHANGE TO WORDING – MINIMUM WORDING TO IDENTIFY VEHICLE USED</b></p> <p>15 These comments have been noted. We have proposed to mirror the IOL standards except in relation to the minor motoring offences or motoring offences involving disqualification.</p> <p>These are the IOL Standards:</p> <p><b>Motoring convictions</b></p>
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		<p>elapsed since the completion of any sentence imposed. -</p> <p>This is the institute of licensing "safe and suitability guidance" which is under fire from the taxi and private hire industry nationally, the adoption of such a policy is for each council to decide, such a condition must take into consideration a period of time over which those 7 points have been accumulated, for example, if 3 or more of those points are due to be removed from the applicants license, then the 5 year suggested punishment here has already almost expired.</p>	<p>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.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.</p> <p><b>Drink driving/driving under the influence of drugs – we have included this</b> Where an applicant has a conviction for drink driving or 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.</p> <p><b>Using a hand-held device whilst driving – we have included this</b> Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, 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.</p> <p>This is what we have in the proposed policy:</p> <p><b>Motoring offences</b></p> <p><b>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.</b></p> <p><b>Minor traffic offences or vehicle related offence</b></p> <p><b>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including vehicles.</b></p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>Major traffic offence or vehicle related offence</b></p>
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		<p>16 Page 40 failure to disclose: "being reported for an offence" and /or ongoing investigations may not have been brought the attention of the applicant, therefore this section must include a term such as "that they are aware of" in order to make this condition reasonable</p> <p>17 Page 41 para 9 - Any deterioration of such plates must be reported to the licensing authority for a replacement plate to be issued free of charge</p> <p>18 Page 41 para 10 Re internal licence plate / complaint sticker placed on the window of each passenger compartment - suggested clarification here, "attached to a window" or "must be visible from within the passenger area" the term "the window of each passenger compartment is vague and open to confusion.</p>	<p><b>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence connected with motor insurance.</b></p> <p><b>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.</b></p> <p><b>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. – same as IOL</b></p> <p><b>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. – same as IOL</b></p> <p>We also add to the IOL standards in a couple of areas – we expand upon dishonesty, add taxi offences and other relevant factors – no change to proposals recommended. See comparison table</p> <p>16 suitable checks and enquiries would be made to ensure that the subject would have reasonably been expected to have been aware of any offences prior to any decisions being made and action taken – no change to proposals recommended.</p> <p><b>17 – no change to proposals recommended.</b></p> <p><b>18 – no change to proposals recommended.</b></p> <p><b>19 CHANGE TO POLICY WORDING</b></p>
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		<p>19 Page 42 para 19 - Suggested amendment, firstly "on" is very confusion, please clarify, since these are moving vehicles, it is highly unlikely if not impossible for any animal or pet to be carried "on" any licensed vehicle, further suggestion is "without the hirers consent" in which case the hirer must be asked for consent at point of booking / hiring, since many passengers would have no such objections.</p> <p>20 Page 43 para 20 tinted windows - Whilst we appreciate the note of discretion here, there should be no such discretion, since there is no such lawful reason or justification for such restrictions rearwards of the "B" post (rear windows) furthermore this aspect as described in f) has been subject to successful judicial review, has been abolished by several local authorities and is currently subject to DfT review, may we suggest this be amended to read "rear windows must be of manufacturers standard for the vehicle, aftermarket tints or films will not be accepted.</p> <p>21 Page 43 para 22 Fire Extinguishers - Suggested inclusion of CO2 extinguishers here? Since they are as effective but cause far less damage or mess inside the vehicle.</p> <p>22 Page 45 para 32 unaccompanied carriage or delivery of alcohol and tobacco - There is no lawful justification for this, although we do see the precaution you are trying to achieve here, to have such a condition would suggest drivers checking all bags when doing deliveries from such superstores such as ASDA or TESCO which could be deemed to be intrusive by the public.</p> <p>A better solution to this would be to introduce a condition that drivers must not delivery alcohol or tobaccos products to any person who is under the age of 18, such a stipulation would be legal, and would put drivers in a justifiable position to claim a</p>	<p>20 Points noted and accepted – change proposed policy to read at <b>Page 43 para 20 tinted windows "rear windows must be of manufacturers standard for the vehicle, aftermarket tints or films will not be accepted.</b></p> <p><b>Checked with D and D Fire and Rescue Service – To Request Member's opinions</b></p> <p><b>22 REMOVED AND REPLACED WITH MORE SUITABLE WORDING</b></p>
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		<p>refund for any such items not delivered from the retailer from whom the delivery is being carried out.</p> <p>23 Page 45 para 33 33. The use of temporary screens for safety and infection control purposes - Never promote, encourage or support the use of Velcro or adhesive fastenings, to do so causes damage to the interior of the vehicles, when removed, and allows for such screens to be pulled down and used as a weapon against the drivers. This topic is currently under review by the DfT and the TRL, so it may be worth holding back on setting such conditions pending the outcome or guidance issued by the regulators here.</p> <p>24 Page 50 conditions for stretch vehicles - So a stretched reliant robin is not allowed? If this is not the point you were trying to make here by stipulate minimum of four road wheels, then what is it? Suggest reducing this to read "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."</p> <p>25 Page 54 and 55 para 13 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. - Suggested amendment, current paragraph is very confusing and misses important options</p> <p>Operators must require a minimum of a basic DBS check from all individuals listed on their employment register of booking and dispatch staff upon commencing appointment if a basic disclosure is used, then it must be renewed every 3 years, this can be avoided by opting for the enhanced disclosure instead, and then the applicant</p>	<p><b>23 Point noted - it may be worth holding back on setting such conditions pending the outcome or guidance issued by the regulators here. WORDING CHANGED</b></p> <p><b>24 Point noted – consider alteration to read: "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." Check with LC and HJ CHANGES TO WORDING MADE</b></p> <p>25 Point noted – no change to proposals recommended.</p>
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		<p>registering on the update service in the same way as for driver applications.  DBS certificates provided by the individual should be no more than 28 days old when submitted, a copy to be kept on the employment files which should be retained for the duration that the individual remains employed.  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.</p> <p>26 Page 55 para 17 - Suggest adding that is subject to a license issued by this authority. Amend the last part which is confusing, the use of PCV and PSV is either permitted, or it is not, the consent of the booker has no bearing on local authority conditions.</p> <p>27 Appendix 8 C.C.T.V Installed in any Licenced Vehicle para 1 - Suggested edit to simply read "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.  The ICO regulation states that passengers must be alerted to the fact that the area is subject to CCTV recording equipment, there is no stipulation to have it repeated once entered the vehicle, which renders the amendment a reasonable compromise.</p> <p>28 Appendix 8 C.C.T.V Installed in any Licenced Vehicle para 5 - This condition only applies in cases where the driver or vehicle owner has direct access to the data and is therefore "data controller" where the data is locked out and a third party controller is used, then there is no such stipulation.</p> <p>29 Appendix 8 C.C.T.V Installed in any Licenced Vehicle para 6 - Suggested amendment to read "the data controller shall</p>	<p>26 Point noted – no change to proposals recommended.</p> <p><b>27 point noted. Appendix 8 C.C.T.V Installed in any Licenced Vehicle para 1 Suggest amending proposal to read: - "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. CHANGES TO WORDING MADE</b></p> <p><b>28 Point noted, CHANGES TO WORDING MADE</b></p> <p><b>29 Point noted, CHANGES TO WORDING MADE</b></p>
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		<p>ensure that no other person has access to the data stored within the system"</p> <p>30 If the Council cannot establish that there is a legitimate need to require the installation of CCTV in licensed vehicles, BlueLine Taxis supports the approach expressed in the draft taxi policy, but urges the Council to do all it can to promote to drivers the installation of CCTV systems, because anecdotally it seems they are far more frequently the victim to criminal and anti-social behaviour by passengers and members of the public than they are the victims of drivers.</p> <p>31 Page 5, para 1.3: It is noted that, whilst the policy addresses the obligations for the trade under the Equality Act 2020, the Council has failed to acknowledge the statutory duties placed upon itself by the Public Sector Equality Duty (PSED) under section 149 of the said Act.</p> <p>32 Page 7, para 3.4: The Council is asked to remove, for those applying to be licensed as a private hire driver, the requirement to pass the topographical knowledge test, as has been recommended by the Department for Transport since 2010 (see DFT Best Practice Guidance, para 76).</p> <p>33 Page 9, para 6.1 f): Whilst the Council's ability to liaise with the police is acknowledged, the Council and the police need to be alert to the risk of circumventing the DBS process and the Council receiving information to which it has no legal right. In this regard, please refer to para 4.4 of the Statutory Standards. If the police have not shared information formally through the DBS process or the common law disclosure process, information should not be casually disclosed to officers or the Subcommittee by a junior ranking officer or a PCSO.</p> <p>34 Page 9, para 7.1: The correctness of the assertion that authority is delegated to the Licensing Sub-Committee is question, as in</p>	<p>30 Taking into consideration all responses and, arguments relating to the question about whether all taxis and private hire vehicles should have internal CCTV fitted as standard, we proposed to keep the policy in relation to the fitting of CCTV in licensed vehicles as it is and not to mandate its installation as standard in all licensed vehicles – no change to proposals recommended.</p> <p><b>31 Points noted and accepted, public sector equality duty - section 149 - to add the council acknowledges the duties under section 149 as per the public sector equality duty CHANGES TO WORDING MADE</b></p> <p><b>32 Points noted. Locality tests for PHD - ask members if they no longer want us to test PHD on topographical knowledge TO ASK MEMBERS</b></p> <p><b>33 Points noted. Requesting information from Police - we have a sharing information agreement - advice accepted - LC to check with Legal Services re the way we are doing it. ???</b></p> <p><b>34 Page 9 7.1 re committee - CHANGES TO WORDING MADE</b></p>
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		<p>my experience such matters are dealt with (and are presumably delegated to) the General Licensing &amp; Registration Sub-Committees.</p> <p>35 Page 12, para 9.8: The Council is asked to make clear that those who suffer from acute anxiety when confronted by a dog or near a dog would also be entitled to a medical exemption certificate. It is acknowledged that such psychological issues may not be so easily proven, especially if there is no recorded clinical history, as those who are now licensed are unlikely to have been able to access mental health services as a result of a dog attack when they were a child. The Council would be in danger of discriminating against a person with a mental health disability if it were to fail to address how it will deal with drivers suffering from psychological trauma from a dog attack.</p> <p>36 Page 13, para 11.1: Please append a copy of the departmental enforcement policy to the taxi policy and cross-reference to it in this paragraph.</p> <p>37 Page 15, para 15.6 and page 40, Appendix 3: Vehicle Licences, Standard Conditions, condition 13: The Council is asked to vary this proposed change, so as to permit self-promotional material being displayed on the front door of a licensed vehicle. It is unreservedly accepted that such material should not obscure or detract the Council door signage, but self-promotional material along the sill and / or lower door would neither obstruct nor detract the Council door signage. Blueline Taxis currently displays self-promotional material in this position, which is currently permitted by 7 of the 8 local authorities by which it is licensed, and it is believed the eighth will shortly propose revising its policy to permit this too.</p>	<p>35 Re acute anxiety carrying a dog - policy covers this matter as it stands, no changes to proposal required – no change to proposals recommended.</p> <p><b>36 Enforcement policy - added sentence to say this can be accessed via the council's website</b></p> <p><b>37 Re self-promotional material on vehicles - amended to allow for this – may be applied to the front door sill and lower door</b></p>
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		<p>38 Pages 17 - 18, paras 15.25 – 15.32: The Council is asked to reconsider its position in relation to the requirements it imposes for the grant of an exemption under section 75(3) of the Local Government (Miscellaneous provisions) Act 1976. With the greatest of respect, at present the Council might as well say that it will not grant such an exemption, because the chances of an individual, let alone a business, securing enough work from contracts of at least 60 days duration each to qualify for an exemption and to be able to afford to not undertake any other work must be almost zero, if not zero. The Council is asked to grant the exemption in respect of certain contracted work, whilst requiring the vehicle to display plate and signage at all other times, as expressly permitted by the wording of the said section.</p> <p>39 Page 19, paras 17 &amp; 18: It is hoped that these changes are intended to address the situation where a person who is not the owner of a vehicle wrongly obtains the vehicle licence in their sole name. As officers and lawyers may recall, when I previously raised this matter in late 2018 / early 2019, the Council asserted that, in relation to hackney carriages, section 40 of the Town Police Clauses Act 1847 permitted the licence to be granted to someone who is not a proprietor of the vehicle, if that person and the proprietor consent to that arrangement by both signing the form. The Council's interpretation was fatally flawed in that section 40 goes on to create a criminal offence by providing that anyone who "in such requisition [states] the name of any person who is not a proprietor or part proprietor of such carriage ... shall be liable to a penalty". Whether within these paragraphs or paragraph 15, the Council is asked to make clear that only a vehicle's owner(s) can be named as licence holder(s) and that they alone may sign the application form, whether that vis for a hackney carriage or a private hire vehicle.</p>	<p><b>38 grant of an exemption – No change to policy wording as exemptions have been issued, however Members may wish to consider reducing the number of days e.g. 40 or 30. The more frequently stickers are changed, the more replacements will be needed. We do not allow magnetic livery – no change to proposals recommended but TO ASK MEMBERS</b></p> <p>39 Transfer of vehicle - page 19 para 17 and 18 The Council note that there is no recognition, in law, of a hackney carriage proprietors' licence. There is only reference to hackney carriage vehicle licences and this Council has always formed the view that the legislation does not specifically state that such a licence can only be held by the vehicle's proprietor. No change to policy required – no change to proposals recommended.</p> <p>The legislation is specific. Section 40 of the Town Police Clauses Act 1847 states that a vehicle licence application must be signed by the vehicle's proprietor. No change to policy required – no change to proposals recommended.</p>
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		<p>40 Page 28, Appendix 1: Drivers, Continuing Suitability / Renewal Process: It is respectfully submitted that, as a result of changes made to this section, it ought to be split into two separate sections as it is now unclear as to what is a renewal requirement and what is a requirement for continuing suitability.</p> <p>41 Page 28, Appendix 1: Drivers, Continuing Suitability / Renewal Process: The need to produce the DVLA photocard driving licence at renewal is questioned when it is assumed, although not stated, that the Council will require the driver to produce a DVLA access code to enable the Council to check their online DVLS Driver Record. It is assumed the Council will, at initial application or at an earlier renewal, had sight of the driver's DVLA driving licence and other identification documents for the purposes of processing an Enhanced DBS check.</p> <p>42 Page 29, Appendix 1: Drivers, Continuing Suitability / Renewal Process: With the greatest of respect, the interpretation of the effect of the judgment in Exeter City Council v Sandle [2011] EWHC 1403, fails to have regard for the facts of that case. The case concerned the late renewal application for a hackney carriage vehicle licence with a council that applied quantitative controls to such licences and had a waiting list of persons who wished to be granted such a licence upon one becoming available. In that case and those circumstances, the High Court made clear that there was a need to balance the competing interest of the licence holder who applied for renewal late and those on the waiting list for the grant of a licence. In those specific circumstances the court said as stated in the appendix to the taxi policy. There is no reason why a renewal of a driver's licence could not be permitted later than the 2 days referred to in the judgment or the 3 days specified in the taxi policy, because the delay does not</p>	<p><b>40 improve clarity of layout? Change to wording agreed.</b></p> <p>41 continuing suitability - provide a DVLA code to perform a DVLA check. This is procedural associated with the application process therefore no need to change policy wording to remove need to view DVLA photocard on renewal. This is however accepted and changes to procedures have been made to include this alteration to the processing of renewal applications. No policy change required - – no change to proposals recommended.</p> <p>42 Points noted renewal process Exeter v sandal - no change required as we already apply this principle transparently and clearly – no change to proposals recommended.</p>
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		<p>prejudice the interests of any other person. Similarly, neither would the renewal of a vehicle licence prejudice the interests of any other person, because there is no cap on the number of hackney carriages the Council will license (unlike the position in Exeter) and a local authority cannot regulate the number of private hire vehicles. The Council is asked to acknowledge that, in exceptional circumstances, it may be prepared to grant the renewal of a licence more than 3 days after expiry. Currently, one might have to consider the position of a driver who did not apply on time for the renewal of their licence, because they were hospitalised with COVID-19 for weeks or months.</p> <p>43 Pages 29 - 30, Appendix 1: Drivers, Continuing Suitability / Renewal Process: Despite the Council's assertion that it can (and has previously purported to) refuse to accept the surrender of a licence, surrender is something that can be done by a licence holder and for which the Council has not statutory power to refuse to accept it. Undoubtedly, legislation should provide for surrender and for a local authority's power to accept surrender in situations such as those described, but statute does not permit this and the Council, being itself a creature of statute, can only do that permitted by law.</p> <p>44 Page 40, Appendix 3: Vehicle Licences, Standard Conditions, condition 10: For the purposes of enhancing public safety by making private hire vehicles more easily identified by the public, in particular the customer that has booked such a vehicle, Blueline Taxis would like to see this condition amended to include a requirement that every private hire vehicle must display signage on the vehicle identifying the private hire operator for which it works. This not only assists customers generally but is of particular benefit to disabled passengers if they are visually impaired and even to wheelchair users and persons with mobility problems as no one wants to get to a</p>	<p>43 These comments have been noted however, Licensing Services, following consultation with DCC Legal Services, are confident in our current position in relation to the voluntary surrender of driver licences by drivers who have been implicated in misconduct and who are seeking to avoid or evade action being taken by the Council that may result in their details being added to the NR3 register. No policy change required – no change to proposals recommended.</p> <p>44 Points noted however, no change to proposed policy necessary – no change to proposals recommended.</p>
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		<p>vehicle, only to discover it's not even a licensed vehicle. Clear operator livery also enables other motorists and members of the public generally to raise complaints about the behaviour of a driver or the manner of their driving with an operator when they may not have complained to the Council or the police because they did not get the plate or vehicle registration number. And, of course, such clear operator signage also enhances compliance checks and aids enforcement by licensing officer and police officers.</p> <p>45 Pages 41 - 42, Appendix 3: Vehicle Licences, Standard Conditions, conditions 22 &amp; 23: The Council is respectfully asked to follow the practice and example of some of the other local authorities in the region, and to remove the requirements to carry fire extinguishers and first aid kits. Drivers are not trained to be competent to use either. Tyne and Wear Fire and Rescue Service issued advice about fire extinguishers to local authorities in its area in early 2016 and, as a result, licensed vehicles in that wider area do not carry fire extinguishers.</p> <p>46 Pages 41 - 42, Appendix 3: Vehicle Licences, Standard Conditions, condition 32: The Council is asked to remove this condition prohibiting licensed vehicles from being used for the unaccompanied carriage and delivery of alcohol and tobacco products. The COVID-19 pandemic has resulted in many drivers being required to diversify with the unaccompanied carriage of takeaway meals and grocery collection and delivery services. It is unreasonable to expect a driver to rummage through a customer's grocery shopping to establish whether it includes a packet of cigarettes or a bottle of wine and, if they were to do so, what are they then supposed to do, because the customer has by then paid the retailer for the goods.</p> <p>47 Pages 52 – 53, Appendix 5: Private Hire Operator, Standard Conditions, conditions</p>	<p><b>45 Points noted re suggested removal of fire extinguishers and first aid kits – to ask fire brigade about this again and NHS re first aid kit HJ to check and depending on response, officers to advise and Members to decide?</b></p> <p><b>46 Condition removed, and change to policy wording to require drivers to ensure no deliveries to children/under 18's.</b></p> <p>47 Points noted however proposed policy requirement is in accordance with the National Standards and Basic disclosure for PHO staff is proposed therefore no change necessary notwithstanding the comments made and issues raised – no change to proposals recommended.</p>
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		<p>13 – 16: Whilst acknowledging that the proposed requirement for a Basic criminal records check arises from the Statutory Standards and are capable of being implemented in relation to new staff, neither the Statutory Standards nor the Council acknowledges, let alone addresses, the employment law issues relating to varying staff contracts and the risk of an employer having to dismiss staff if they refused to agree to the variation and risk of the dismissed employee(s) bringing unfair dismissal claims. The employment law minefield is too complex to summarise herein, but the Council is respectfully asked to seek internal advice from its own HR / personnel department and / or its own legal officers, but in the absence of such internal expert advice, is respectfully referred to ACAS guidance 'changing a contract of employment' at <a href="https://www.acas.org.uk/changing-an-employment-contract">https://www.acas.org.uk/changing-an-employment-contract</a></p> <p>48 If Councillors want to add a clause to the policy i.e. "any inaccuracies, or failure to record or report convictions, will normally result in the refusal of an application". Perhaps one for further discussion.</p> <p>49 I would ask, as a matter of urgency that on an annual or 2/3year basis, depending on the legality and logistics and agreement with the licence holder, that moneys for renewal are automatically paid to the council. These changes would need to be put into the policy and as such the need to normally write to the licence holder would not be required. Would the Council allow all licence holders to set up a direct on a 1- or 3-year basis to pay for their licenses. This is good and reliable practise for insurance cover which can be opted out on request but if maintained would guarantee continuity of such licences and payments to Durham County Council.</p>	<p><b>48 Request that Councillors may want to add a clause to the policy i.e. "any inaccuracies, or failure to record or report convictions, will normally result in the refusal of an application". Wording altered in Appendix 2 re 'dishonesty'</b></p> <p>49 This is not a policy matter but relates to processes and procedures. At the present time this is not a practical solution however it will be kept under review. No policy change required – no change to proposals recommended.</p>
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		<p>50 I note that there is no differential licensing fee schedule depending on the emissions of the vehicles.</p> <p>I feel really strongly that we should be promoting electric, zero emissions, and hybrid petrol vehicles above diesel as we have severe pollution problems in the City Centre, and also need to hit our climate targets This should be with zero fee charges for electric vehicles, balanced out with higher fees for more polluting vehicles or by subsidy.</p> <p>51 Wheelchair Accessible Vehicles: 7. The gradient of the ramp for an unassisted wheelchair user should be 4.76 degrees and 10 degrees for assisted wheelchair users.</p> <p>When we apply these measurements most of the taxis fail this requirement by a few degrees (measurements fall between 12°- 15°) unless they have air suspension which can be dropped to allow wheelchair access. The only way around this is if the taxi deploys its ramp onto a curb then the angle is significantly lowered, so you may want to review these dimensions.</p> <p>52 I suggest that you reintroduce the system where taxi firms from outside Durham County are excluded from plying their trade within the county and taxi firms from within Durham County are limited to operating in their former District Council areas.</p> <p>53 The committee have asked me to investigate whether there could be an annex attached to the Licensing policy or a letter sent out to licensed drivers reminding them of their obligations to follow Government regulations and guidelines in relation to Coronavirus.</p> <p>S Grigor</p>	<p><b>50 Points noted - Officers/Members could make such a decision however it would have significant implications for taxi licence financing – no change to proposals recommended.</b></p> <p><b>51 Policy wording amended at Appendix 3 ‘wheelchair accessibility conditions’</b></p> <p>52 Points noted however this is not legally possible under current legislation nor would it be practical to enforce, control, assess or manage even if it were necessary or appropriate to do so. No policy change required – no change to proposals recommended.</p> <p>53 We wouldn’t wish to go down the route of sending out a letter as the expense of doing so is significant, with over 1500 licensed individuals it costs in excess of £1000 to send out a letter second class to all of them.</p> <p>We shouldn’t put things in policy that are a matter of legislation i.e. if the law requires something, then it’s not a matter of policy requirement, it’s a matter of legal compliance; no change to policy required – no change to proposals recommended.</p>
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**Table 2 Comparison of National Standards and IOL Standards with Policy Proposals**

National Standards	IOL standards	Proposed Policy
<p><b>Crimes resulting in death</b></p> <p>Where an applicant or licensee 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Exploitation</b></p> <p>Where an applicant or licensee 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Offences involving violence against the person</b></p> <p>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.</p>	<p><b>Offences involving violence</b></p> <p>Where an applicant has a conviction for an offence of violence, 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.</p>	<p><b>As national standards propose</b></p>
<p><b>Possession of a weapon</b></p> <p>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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Sexual Offences</b></p> <p>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.</p>	<p><b>Sexual Offences</b></p> <p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Dishonesty</b></p> <p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be</p>	<p><b>As national standards propose</b></p>	<p>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</p>

<p>granted until at least seven years have elapsed since the completion of any sentence imposed.</p>		<p>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) Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority l) 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.</p>
<p><b>Drugs</b></p> <p>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.</p> <p>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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Discrimination</b></p> <p>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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Motoring Convictions</b></p> <p>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.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities</p>	<p><b>Minor traffic offences or vehicle related offence</b></p> <p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has 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.</p>	<p>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.</p> <p><b>Minor traffic offences or vehicle related offence.</b></p>

<p>seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.</p>	<p><b>Major traffic offence or vehicle related offence</b></p> <p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence 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. (Taken from Institute of Licensing suggested guidance on suitability)</p>	<p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has 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. (Taken from Institute of Licensing suggested guidance on suitability)</p> <p>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.</p>
		<p><b>Major traffic offence or vehicle related offence</b></p> <p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence 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. (Taken from Institute of Licensing suggested guidance on suitability)</p>
<p><b>Drink driving / driving under the influence of drugs</b></p> <p>Where an applicant has a conviction for drink driving or 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Using a hand-held device whilst driving</b></p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>

<p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, 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.</p>		
<p><b>National standards don't specifically mention</b></p>	<p><b>IOL standards don't specifically mention</b></p>	<p><b>Other violence offences</b></p> <p>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.</p>
		<p>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</p>
<p><b>National standards don't specifically mention</b></p>		<p><b>Hackney carriage and private hire offences</b></p> <p>Where an applicant has a conviction for an offence concerned with or connected to 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.</p> <p>(Taken from the Institute of Licensing suggested guidance on suitability)</p>
<p><b>National standards don't specifically mention</b></p>	<p><b>IOL standards don't specifically mention</b></p>	<p><b>Other Relevant Factors</b></p> <p>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.</p> <p>Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions, (subject to the Exceptions Order) and/or ongoing</p>

		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.
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## **Appendix 7: Vehicle Age and Emissions Policy Options Appraisal**

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## Vehicle Emissions and Age Restrictions Policy Options

### 1.0 Regional policy development

In 2019/20, several of the taxi licensing authorities (councils) in the North East region, meeting as the North East Strategic Licensing Group (NESLiG), considered and agreed a group proposal aimed at unifying licensed vehicle emission and age-related policies.

The proposed policy, developed to support local air quality initiatives and to enhance public safeguards, was intended as a 'foundation' or 'outline' policy for consideration by all North East Authorities, with some councils adopting modifications to allow for local circumstances.

#### 1.1 Taxi Emissions and Age Restriction policy proposals of the North East Strategic Licensing Group - Outline Proposal for Regional Standards at March 2020.

- **New Licences:** An age restriction policy to be adopted with a 4-year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means the EURO 6 emissions standard applies from April 2020 to all new licences;
- **Existing Vehicles.** Adopt a maximum 8-year vehicle life with a start date of April 2023. The taxi trade therefore has 4 years to comply (3 years from April 2020). This means that from April 2023 all diesel and petrol engine vehicles will be Euro 6;
- **Wheelchair accessible vehicles.** Existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date. Consequently, it is possible that a relatively low number of wheelchair accessible vehicles will be Euro 5 between April 2023 to April 2020;
- **'Full electric' and 'zero emission at source':** vehicles would be exempt

Tackling air pollution is one of several public health priorities. 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.

Prior to consultation and with the regional licensing authority approach in mind, it was considered that adoption of the following proposed policy requirements will enable Durham licensed vehicles to meet similar, improved standards already required by several other councils in our region. This will help to reduce traffic pollution and improve local air quality: (wording of NESLiG proposals changed to enhance clarity):

- **New Licences** - From **(INSERT DATE POLICY ADOPTED)** all new applications for licenced vehicles will only be accepted if the vehicle to be licenced is less than 4 years old from the date of first registration.
- **Existing Vehicles** - Adopt a maximum 8-year vehicle life with a start date of 1<sup>st</sup> April 2024. This means that from 1<sup>st</sup> April 2024 all diesel and petrol engine vehicles will be Euro 6 or above; and
- All existing licenced vehicles that are more than 8 years old will not be re-licenced after 1<sup>st</sup> April 2024.
- **Wheelchair accessible vehicles (WAV)** - Existing licenced WAV's will have an extra 2 years added to the age restriction. This means that all existing licenced WAV's that are more than 10 years old will not be re-licenced after 1<sup>st</sup> April 2024.
- **Zero emission vehicles** - fully electric and zero emission (at source) vehicles would be exempt from the age restriction / emissions policy.

The situation regarding the taxi licensing policies of other councils in the North East region has been kept under review and at the time of writing, the following list and table sets out the taxi age and emission policies adopted by most of the licensing authorities in our region.

## 1.2 Regional Council Taxi Policy Comparisons and Contrasts - Overview

- Middlesbrough are taking a report to their CEOs Management Team. Currently they have a 3 / 8-year standard
- Stockton have already consulted and have a 5-years new / 12 years existing standard following an earlier consultation prior to the new regional framework and are not joining of this regional framework
- Birmingham are considering following the Wolverhampton remote licensing approach and have no age policy
- Remote licensing is still considered to bring lower environmental and public health standards to the region
- The LA statutory duty to protect air quality is one of the challenge areas to remote licensing activities
- North Tyneside are adopting the 4 / 8-year standard with a deferred April 2022 date (instead of April 2020)
- Gateshead are in the process of adopting a 4 / 8-year standard
- Sunderland are new to the scheme and will be consulting on a 4/ 8-year standard
- Northumberland are keeping the Euro 5 standard and the Euro 6 standard (in the new framework) is under review
- Darlington are going out to consultation and expect to adopt a 4 / 8-year standard depending on the consultation
- Hartlepool are adopting a well-maintained exemption subject to a definition
- Redcar and Cleveland expect to adopt a 4 / 8-year standard

- South Tyneside. The Consultation is ongoing and there has been a big response. The closing date for submission is 25th March 2020. The results will be reported to Cabinet and if any policy is adopted our implementation date could be 1st July 2020

**Table 1 Regional Council Taxi Policy Comparisons and Contrasts**

<b>Council</b>	<b>Vehicle Age 'On'</b>	<b>Vehicle Age 'Off'</b>	<b>Vehicle Emissions</b>
Darlington BC	Less than <b>4 years old</b>	More than <b>8 years old</b> except for purpose built wheelchair accessible vehicles (such as London Cabs) which may be licensed up to <b>10 years of age</b> . No age restriction for zero emission vehicles to encourage the uptake of electric vehicles	
Durham CC	NA	NA	New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard " <b>EURO 5</b> " or higher. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.
Gateshead MBC	When first registered with Gateshead Council as a HC or PH Vehicle, no vehicle shall be more than <b>three years old</b> .	No vehicle more than <b>eight years old</b> will be permitted to continue as a licensed HC or PH vehicle.	
Hartlepool	Less than <b>4 years old</b>	Vehicle licences will normally only be renewed up to <b>6 years old</b> (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to <b>13 years of age</b> . Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods. There is no age restriction for vehicles	From 1st April 2023, petrol- and diesel-powered vehicles must be <b>Euro Emission Class 6 or subsequent Class</b> .  Hartlepool's adopted policy on age limits (adopted earlier this year in response to NESLG discussions). In a nutshell, we retained our previous age policy but

		<p>that are powered solely by electricity or otherwise can be regarded as being truly 'zero emission at source'</p>	<p>added a requirement that from April 2023 all vehicles needed to be Class 6 for emissions (regardless of how well maintained they may have been otherwise). This will allow well maintained cars to continue to be licensed far beyond being six years old but only where they have a class 6 engine inside them. Cars with older, more polluting engines, will need to be replaced in April 2023 (so we have given them plenty of time to prepare for this).</p> <p>A licence will only be granted to an unlicensed vehicle when it is under four years old (from date of first registration).</p> <p>3.21 Vehicle licences will normally only be renewed up to 6 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 13 years of age).</p> <p>3.22 Vehicles which meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods.</p> <p>3.23 For a vehicle to be regarded as being 'exceptionally well maintained' it will be for the vehicle proprietor to demonstrate to the licensing authority that the vehicle has been exceptionally well maintained throughout its lifetime.</p> <p>3.24 Matters to be taken into account when determining whether a vehicle has</p>
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			<p>been exceptionally well maintained will include, but are not limited to: -</p> <ul style="list-style-type: none"> <li>a) History of mechanical checks and the number and nature of any failures</li> <li>b) History of visual appearance checks carried out by licensing officers</li> <li>c) History of spot checks carried out by licensing officers</li> <li>d) Accident history of the vehicle</li> </ul> <p>3.25 Applications for an extension of the age policy must be made in writing to the Licensing Team, accompanied by the relevant fee, a minimum of 14 days prior to the expiry of the current licence.</p> <p>3.26 In addition to the above, from 1st April 2023, petrol- and diesel-powered vehicles must be Euro Emission Class 6 or subsequent Class.</p> <p>3.27 Subject to satisfying all other relevant requirements detailed in this policy, there is no age restriction for vehicles that are powered solely by electricity or otherwise can be regarded as being truly 'zero emission at source'.</p>
Middlesbrough	Vehicles in respect of new and replacement applications must be no more than <b>three years of age</b> from the date of first registration on the date of the initial application.	The licence of any vehicle will terminate not more than eight years from the date of first registration. This will be extended to <b>10 years</b> for London Style Cabs and side loading wheelchair accessible vehicles approved by the Council.	Their current policy is for vehicles to be less than 3 years old when first licensed and for them to be licensed until 8 years old (10 years for a Wheelchair Accessible vehicle).

			However, they are about to consult on a change to the Policy – 5 years old when first licensed and for them to be licensed until 10 years old (12 years for a Wheelchair Accessible vehicle).
Newcastle CC	<b>No known vehicle emission and age criteria</b>	<b>No known vehicle emission and age criteria</b>	<b>No known vehicle emission and age criteria</b>
North Tyneside MBC	<p>From 1 April 2022 no new vehicle licence will be granted for the vehicle unless it is <b>less than 4 years old</b></p> <p>All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.</p>	<p>From 1 April 2024 a vehicle licence will not be renewed unless the vehicle is <b>less than 8 years old</b></p> <p>From 1 April 2025 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is <b>less than 8 years old</b></p> <p>All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.</p>	<p>The following age standards will be implemented over a four-year period:</p> <p>(i) From 1 April 2022 no new vehicle licence will be granted for the vehicle unless it is less than 4 years old</p> <p>(ii) From 1 April 2024 a vehicle licence will not be renewed unless the vehicle is less than 8 years old</p> <p>(iii) From 1 April 2025 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.</p> <p>All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.</p>
Redcar and Cleveland	<p>In the case of an application for the 'Grant' of a vehicle licence, the vehicle shall be under <b>3 years of age</b>.</p> <p>In the case of an application for the 'Grant' of vehicles of the type known as <b>FX4 (i.e. London type hackney carriage)</b>, the vehicle should be <b>less than 6 years of age</b>.</p> <p>In the case of an application for the 'Grant' of vehicles that are</p>	<p>The vehicle shall not be more than <b>6 years of age</b> in the case of any application for the renewal of a licence <b>unless the vehicle is exceptionally well maintained</b></p> <p>The vehicle shall not be more than <b>10 years of age</b> in the case of any application for the renewal of a licence <b>unless the vehicle is exceptionally well maintained</b></p>	<p>There has been no change to Redcar and Cleveland's policy of 3 years on first licensing and 6 years (except where exceptionally maintained) to come off.</p> <p>The policy review is currently on hold until Covid settles.</p>

	<b>wheelchair accessible</b> , the vehicle should be less than <b>6 years of age</b> .	The vehicle shall not be more than <b>10 years of age</b> in the case of any application for the renewal of a licence <b>unless the vehicle is exceptionally well maintained</b>	
South Tyneside MBC	N/A	N/A	<b>Moving toward a euro standard</b> rather than an age policy. Some form of strategy that will achieve Euro 6 by a certain point. E.g. any car entering the trade by a certain date must be <b>Euro 6 or better</b> . A longer or extended end of life date for existing vehicles will be considered.
Stockton BC	Vehicles in respect of applications for new and replacement hackney carriage and private hire licences after 1 January 2020, shall be no older than <b>five years</b> from the date of first registration, this is for both saloon vehicles and wheelchair accessible vehicles.	Any renewal of an existing hackney carriage or private hire saloon vehicle will only be granted if the vehicle does not exceed the maximum age limit of <b>twelve years</b> . For Wheelchair accessible vehicles the maximum age limit is <b>fifteen years</b> .	
Sunderland BC	Except for those vehicles <b>"exceptionally well maintained"</b> no vehicle over <b>five years old</b> , i.e. from the date of first registration, will be accepted for initial licensing	No vehicle, licensed as a hackney carriage or private hire vehicle, except those vehicles specified in (iii) below, will be accepted for further licensing once it has reached <b>seven years of age</b> from the date of first registration; and no vehicle licensed to carry five or more passengers will be accepted for further licensing once it has reached <b>ten years of age</b> from the date of first registration  All vehicles licensed outside of the Council's 'Age Policy' as specified in (a)	

	(ii) or (iii) above will be subjected to three mechanical inspections per year.	
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## 2.0 Post-consultation policy development

**2.1 Consultation Responses** - Over half of all consultation respondents strongly disagreed with the proposals on vehicle emissions and the age of licensed vehicles. However, this was the overriding opinion of the taxi industry with 74% of all responses coming from the licensed trade. This subject elicited many comments and several alternative proposals. Further assessment of this matter has taken place and alternative options are put forward for consideration.

The reasons for disagreement with the proposals are recorded in Appendix 6 which records the results of the consultation including statistical data and information, survey responses, associated commentary and discussion which includes **Table 1 Analysis of Taxi Policy Survey Responses**. Most negative responses came from licensed trade respondents and were associated with the vehicle-age related proposals. Arguments against the proposed vehicle age restrictions were generally based on financial and economic considerations such as affordability, financial pressures, lack of financial support and assistance, and debt. Other subjective and anecdotal contentions along the lines of ‘a well-maintained old car may perform better and be less polluting than a poorly maintained new car’ and similar were also put forward and do carry some weight of argument.

Several respondents also considered that faced with financial pressures, drivers and vehicle owners may be forced out of the trade, be less inclined to maintain their vehicles and would adversely affect business growth, vehicle availability and public safety. The additional pressures resulting from the Coronavirus pandemic, regional and national lockdown restrictions were cited in some responses and Covid restrictions have clearly compounded the situation facing the taxi trade.

Some respondents, in addition to their criticism of the proposed vehicle-age policy also put forward alternatives for consideration. Typically, these proposed alternatives either removed the vehicle age policy altogether or extended the compliance time periods and/or vehicle ages linked to the policy and proposed greater frequency of testing for older vehicles.

**2.2 Air Quality Considerations** – The Regional Licensing Group had requested all North East of England local authorities to consider their position on adopting common emissions standards for licenced taxis within their authoritative areas. Durham County Council (DCC) had supported this request, and the Licencing Policy was due for review in 2021. It was agreed the standard proposed would form the basis of the consultation exercise, scheduled to be carried out in 2020. In preparation for this, further

evidence about how Durham's licenced taxi fleet's emissions contribute to overall pollution levels within the City would be useful in terms of providing members more information to inform their decisions.

Durham County Council's Pollution Control Team frequently receives enquires about the significance of taxi vehicular emissions from Members and the public. It was considered that conducting a study could help assess whether future work or more target interventions are necessary in this area. A report was therefore commissioned that addresses and responds to Action 16 of the revised Durham City Air Quality Action Plan, "*To assess the significance of taxi vehicular emissions in Durham City*". The information within this report and its conclusions was intended to be of value when undertaking the next review (in 2020) of the Air Quality Action Plan. It could also inform future taxi policy development plans. DCC commissioned AECOM to perform the study.

The following is an extract from the report - **Durham Taxi Emissions Assessment for Durham County Council; Project number: 60607188; September 2019**

## **1. Conclusions and Recommendations**

1.1 *This assessment is a determination of the contribution of the Durham licensed taxi fleet to overall traffic emissions in Durham, using previous dispersion modelling undertaken for the Local Plan commission to inform its findings. The assessment has used ANPR data collected from A690 Leazes Road – Milburngate Bridge.*

1.2 *Based on this assessment the following conclusions have been made:*

- *The ANPR data collected is considered representative of the Durham area as it has been collected on two separate 24 hour occasions, outside of the school holidays, to collect both weekend and weekday data.*
- *The taxis recorded by ANPR comprised up to 23% of the overall licensed taxi fleet in Durham and the taxi trips comprised up to 6% of the overall trips recorded by the ANPR.*
- *The taxis recorded by ANPR are considered representative of the composition of the overall licensed taxi fleet.*
- *The taxi trips recorded by ANPR comprised 4% of the emissions of all vehicle trips captured by ANPR.*
- *Using Durham's Local Plan, the inferred contribution of taxis captured by ANPR to the overall NO<sub>2</sub> annual mean concentration around Milburngate Bridge can be considered to be approximately 1 µg/m<sup>3</sup>. To put this into a bit more perspective, 'background' (i.e. at locations away from the roads) NO<sub>2</sub> concentrations in Durham city centre are*

approximately 15 µg/m<sup>3</sup>, and concentrations measured at locations close to the bridge have been approximately 45 µg/m<sup>3</sup>.

- 1.3 Whilst the study reveals a relatively modest contribution of emissions from taxis to overall emissions and NO<sub>2</sub> concentrations it should be noted that due to the high volume of short city centre trips, a relatively small number of vehicles contribute to the 4% figure quoted above. Given that there is currently no age restriction policy on DCC licenced vehicles there is a risk that the contribution from taxis may increase if the taxi fleet, which is predominantly relatively old Euro 5 diesel, does not improve.
- 1.4 Therefore, measures to improve the licenced taxi fleet should be encouraged to prevent emissions from this sector increasing in future. **Adoption of a regional common emissions standard would support this recommendation.**

**2.3 Department of Transport Taxi and Private hire Vehicle Licensing Best Practice Guidance 2010 - Taken from the guidance** ‘Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of importance in designated Air Quality Management Areas (AQMAs)., Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs.

However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).’

The Best Practice Guidance states the following in relation to vehicle age constraints: **Age Limits.** *It is perfectly possible for an older vehicle to be in good condition. So, the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*

**2.4 An alternative approach** – Currently, Durham County Council does not operate an age policy for licensed vehicles. Our current policy is based solely on vehicle emissions and manufacture criteria and requires that new applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 5” or higher. Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above. This is clearly out of date and requires revising in order to prevent emissions from this sector increasing in future. Referring to the extract from the Durham Taxi Emissions Assessment for Durham County Council; ‘Given that there is currently no age restriction policy on DCC licenced vehicles

*there is a risk that the contribution from taxis may increase if the taxi fleet, which is predominantly relatively old Euro 5 diesel, does not improve’.*

It is possible to update and improve our current emissions standards policy without invoking age limits per se that may be deemed as being *arbitrary and inappropriate*.

Taking into consideration the above matters including the arguments against the proposed vehicle age restrictions, the following policy based solely on emission standards is proposed as an alternative policy to replace the previous proposals on vehicle emissions and the age of licensed vehicles:

### **Proposed: Vehicle Emissions and Manufacture Criteria**

#### **A. New Applications (Newly Licensed Vehicles)**

- (From the date of adoption of the new policy) New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher.

#### **B. Renewal Applications (Existing Vehicles / Continued Licensing)**

- After the 31st March 2022, we will no longer accept renewal applications for licensed vehicles meeting Euro 4 or lower (From Manufacturing emission standard January 2006; 16 years old)
- After the 31st March 2023, we will no longer accept renewal applications for licensed vehicles meeting Euro 5 or lower (From Manufacturing emission standard January 2011; 13 years old)

### **3.0 Available Options**

- 3.1 Keep the existing Vehicle Emissions and Manufacture Criteria policy (out of date and requires improving) – **not recommended**
- 3.2 Adopt the policy proposal that was consulted on as in 1.1 above, Taxi Emissions and Age Restriction policy based on the proposals of the North East Strategic Licensing Group (this policy is generally opposed by trade respondents; contains arguably arbitrary and inappropriate vehicle age limits, and may not accord with Department of Transport best practice) – **not recommended**

- 3.3 Adopt a revised policy based on improved Vehicle Emissions and Manufacture Criteria as detailed in 2.4 An alternative approach, above. (does not include an age policy) – **recommended**.
- 3.4 Adopt a policy that is different to any of the above – **unable to recommend**

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**Appendix 8: Arrangements for Immediate Licence Revocations  
by Councils in the Northeast Region**

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## **Arrangements for dealing with serious matters that may require the immediate revocation of a licence - Implications for decision-making**

The new Department of Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 which Councils must have regard to, require that all licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.

**Table 1 Arrangements for immediate licence revocations by Councils in the Northeast Region**

<b>Council</b>	<b>Sub-Committee</b>	<b>Officer Delegation</b>
Darlington BC		Delegated to Licensing Manager who make decision in consultation with the Chair of Licensing. Annual reporting of officer revocations to Licensing Committee.
Durham CC	Current	Proposed/Recommended
Gateshead MBC		Current – Head of Service has delegated power, but the decision is made in consultation with the Chair of the Regulatory Committee. Reporting of officer revocations to Licensing Committee.
Hartlepool BC		
Middlesbrough CC		
Newcastle CC		Delegated to Head of Service who exercises authority following representations from officers. Summary annual data and information reported to Licensing Members.
North Tyneside MBC		Delegated to Head of Service who exercises authority following representations from officers.
Redcar and Cleveland		Delegated to Head of Service who exercises authority following representations from officers. Summary annual data and information

		reported to Licensing Members.
South Tyneside MBC		Officer delegation – delegation to Licensing Manager with annual updates to Licensing Members.
Stockton BC		Delegated to Licensing Officers who make decision in consultation with the Chair of Licensing. Annual reporting of officer revocations to Licensing Committee.
Sunderland BC		Delegated to Executive Director who exercises authority following representations from officers. Summary annual data and information reported to Licensing Members.
Northumberland CC		Delegated to Head of Service who exercises authority following representations from officers. Annual updates to Licensing Members.

## MINUTES OF THE NESLG MEETING

HELD ON 9th FEBRUARY 2021 on MS TEAMS

Attendance:

Leanne Maloney-Kelly, Heather Gebbie, Jeff Duffield, Jonathan Bryce, Colin Dobson, Laurence Waldock, Steve Wearing, Craig Rudman, Dave Icceton, Alan Burnett, Stephen Brown

Apologies were received from:

Ian Harrison, Rachael Readman, Tim Hodgkinson, Elaine Rudman, Tracey Johnson, Tasmin Hardy.

**4 Taxis and PH - Arrangements for the immediate revocation of driver's licences.** CR referred to the Department of Transport Statutory Taxi & Private Hire Vehicle Standards (July 2020), which requires all licensing authorities to consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. Updates were given.

- Durham have plans to change their delegated powers scheme to enable selected officers to suspend licences when swift action is needed.
- North Tyneside have authorised their HoS to **revoke** licences. A report is given to the HoS.
- Newcastle have a delegated scheme to Officers.
- South Tyneside have authorised their Licensing Manager to suspend licences.
- Redcar & Cleveland have authorised Officers to suspend licences in urgent cases.
- Stockton. Officers can suspend licences in consultation with the Chair
- Sunderland. The Executive Director is authorised to **revoke** licences.
- Northumberland. Have delegated the decision to their HoS
- Darlington. The Licensing Manager can suspend licences in consultation with the Chair
- When Officers have powers to suspend licences, the tendency is to provide members with a summary either annually or periodically
- A follow up discussion followed on the 'right to a fair hearing' Comments were made about drivers being given the opportunity to respond to the facts prior to a decision being made or the requirement to have a 'statement of evidence' in sufficient detail to provide the facts.

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**Appendix 9: Comparison of Assessment of Previous Convictions  
in National Standards with Policy**

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**Table 2 Comparison of Assessment of Previous Convictions in National Standards with Policy Proposals**

<b>National Standards</b>	<b>IOL standards</b>	<b>Proposed Policy</b>
<p><b>Crimes resulting in death</b></p> <p>Where an applicant or licensee 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Exploitation</b></p> <p>Where an applicant or licensee 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Offences involving violence against the person</b></p> <p>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.</p>	<p><b>Offences involving violence</b></p> <p>Where an applicant has a conviction for an offence of violence, 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.</p>	<p><b>As national standards propose</b></p>
<p><b>Possession of a weapon</b></p> <p>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</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>

have elapsed since the completion of any sentence imposed.		
<p><b>Sexual Offences</b></p> <p>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.</p>	<p><b>Sexual Offences</b></p> <p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Dishonesty</b></p> <p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>	<p><b>As national standards propose</b></p>	<p>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) Failing to declare convictions etc. on application k) Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority l) 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.</p>
<p><b>Drugs</b></p> <p>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</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>

<p>least 10 years have elapsed since the completion of any sentence imposed.</p> <p>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.</p>		
<p><b>Discrimination</b></p> <p>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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>Motoring Convictions</b></p> <p>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.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing</p>	<p><b>Minor traffic offences or vehicle related offence</b></p> <p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has 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.</p> <p><b>Major traffic offence or vehicle related offence</b></p>	<p>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.</p> <p><b>Minor traffic offences or vehicle related offence.</b></p> <p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including vehicles. Where an applicant has 7 or more</p>

<p>the authority considers that the licensee remains a fit and proper person to retain a licence.</p>	<p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence 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. (Taken from Institute of Licensing suggested guidance on suitability)</p>	<p>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. (Taken from Institute of Licensing suggested guidance on suitability)</p> <p>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.</p>
		<p><b>Major traffic offence or vehicle related offence</b></p> <p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence 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. (Taken from Institute of Licensing suggested guidance on suitability)</p>
<p><b>Drink driving / driving under the influence of drugs</b></p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>

<p>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.</p>		
<p><b>Using a hand-held device whilst driving</b></p> <p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, 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.</p>	<p><b>As national standards propose</b></p>	<p><b>As national standards propose</b></p>
<p><b>National standards don't specifically mention</b></p>	<p><b>IOL standards don't specifically mention</b></p>	<p><b>Other violence offences</b></p> <p>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.</p>
		<p>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</p>
<p><b>National standards don't specifically mention</b></p>		<p><b>Hackney carriage and private hire offences</b></p> <p>Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence</p>

		<p>will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>(Taken from the Institute of Licensing suggested guidance on suitability)</p>
<b>National standards don't specifically mention</b>	<b>IOL standards don't specifically mention</b>	<p><b>Other Relevant Factors</b></p> <p>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.</p> <p>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.</p>

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**Appendix 10: DFT Statutory Taxi and PH Vehicle Standards with  
Proposed/Revised DCC Test**

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## DFT Statutory Taxi and PH Vehicle Standards with Proposed/Revised DCC Taxi Policy

The table below shows the recommendations set out by the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (July 2020) and where these are referenced within the proposed Durham County Council Hackney Carriage and Private Hire Licensing Policy.

<b>DFT Statutory Taxi and PH Vehicle Standards</b>	<b>Proposed DCC Taxi Policy</b>
Paragraphs 4.12 and 4.13 pages 13 and 14 – Licensee self-reporting	Appendix 1 section 2 continuing suitability / renewal process pages 27 and 28
Paragraphs 4.20 to 4.25 pages 15 and 16 – Sharing licensing information with other licensing authorities	Appendix 1, paragraph g) National Register of Taxi Licence Refusals and Revocations (NR3) page 27
Paragraphs 4.29 to 4.33 page 17 – complaints against licensees	Section 14 page 12 – Complaints procedure Appendix 3, point 1.10 page 46 (complaint sticker)
Paragraphs 4.34 to 4.36 page 18 – Overseas convictions	Appendix 1, paragraph f) suitability page 27
Paragraphs 5.12 to 5.14 page 21 – Fit and proper test	Appendix 2, pages 32 and 33
Paragraphs 5.15 to 5.17 page 22 – Criminal convictions and rehabilitation Pages 35 and 36 – assessment of previous convictions	Appendix 2 pages 32 to 43
Paragraphs 6.1 to 6.3 page 23 – Criminality checks for drivers	Appendix 1, paragraph f) suitability page 27
Paragraph 6.3 page 23 - In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list	Appendix 2, Page 42 Barred list

Paragraph 6.5 page 23 – safeguarding awareness	Appendix 1 paragraph e) Safeguarding including CSE awareness page 26
Paragraphs 6.14 and 6.15 page 25 – language proficiency	Appendix 1 paragraph c) Driver Knowledge and Locality Tests page 24
Paragraphs 7.2 to 7.6 pages 26 and 27 – criminality checks for vehicle proprietors	Section 15 Vehicle Licence Holders pages 12 and 13
Paragraphs 7.7 to 7.13 pages 27 and 28 – in vehicle visual and audio recording (CCTV)	As part of the public consultation, we are asking if CCTV should be mandatory in licensed vehicles. Following the outcome of the consultation the policy will be amended accordingly
Paragraph 7.14 and 7.15 page 28 – Stretched Limousines	Section 16, paragraph 16.31 Stretched Limousines page 17
Paragraphs 8.2 to 8.6 pages 29 and 30 – criminality checks for private hire vehicle operators	Section 21 page 19 and Appendix 5 page 56 – Private Hire Operator
Paragraphs 8.7 to 8.12 pages 30 and 31 – booking and dispatch staff	Appendix 5 paragraphs 1.13 to 1.17 pages 58 to 59
Paragraphs 8.13 to 8.15 page 31 – record keeping	Appendix 5 paragraphs 1.1 and 1.18 page 56 and 59
Paragraph 8.16 and 8.17 pages 31 and 32 – use of passenger carrying vehicles (PCV) licensed drivers	Appendix 5 paragraph 1.19 page 59
Section 9 – Enforcing the Licensing Regime pages 33 and 34	Appendix 7 pages 67 to 69

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## **Appendix 11: Equality and Diversity Impact Screening Assessment**

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# Durham County Council Equality Impact Assessment

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

## Section One: Description and Screening

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

## Subject of the Impact Assessment

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

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

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

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

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

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

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

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

3 Reference to post-accident testing requirements

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

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

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

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

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

9 Consideration of acceptance of weekly insurance cover

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

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

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

13 Consideration of inclusion of a Drivers Code of Conduct

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

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

16 Addition to Appendix 2 of Equality Act offences

17 Addition of changes to categories of write-off vehicles

18 Additional information on applications to the Council for medical exemptions

19 Clarification of prohibition on duplication of vehicle licences

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

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

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

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

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

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

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

Constabulary

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

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

## Screening

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

Initial screening (Reviewed) CR

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

No overall impacts have been identified across the equality strands.

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

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

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

- Race/Ethnicity

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

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

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

--

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

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

Reminder of our legal duties:

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

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

## Evidence

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

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

## Screening Summary

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

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

Lead officer sign off: Craig Rudman	Date: 20 <sup>th</sup> February 2020
Service equality representative sign off:	Date:

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

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

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

## Section Two: Data analysis and assessment of impact

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

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

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

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

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

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

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

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

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

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

## Section Three: Conclusion and Review

### Summary

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

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

### Action Plan

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

### Review

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

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

### Sign Off

Lead officer sign off:

Date:

Service equality representative sign off:

Date:

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