

Appendix 6c – Assessment of Taxi Policy Survey Responses

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)																																				
Q1 to Q13	Taxi Trade Member Taxi business Councillor Parish Council Public Other	<ul style="list-style-type: none">Agreements Agreement levels are those that strongly agree or agree minus those that disagree or strongly disagree.DisagreementsArguments for the proposalsArguments against the proposals	<ul style="list-style-type: none">Supportive of proposalOpposition to proposalDiscussion pointsOpinions/Recommendations <p>NOTES: 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 65 responses , of which 48 had some background in employment or ownership within the taxi industry	NA	<p>Are you responding as:</p> <table><tr><th></th><th>Frequency</th></tr><tr><td>Licensed hackney carriage driver</td><td>38</td></tr><tr><td>Licensed private hire driver</td><td>11</td></tr><tr><td>Licensed operator</td><td>8</td></tr><tr><td>Licensed vehicle proprietor</td><td>10</td></tr><tr><td>Member of the public</td><td>17</td></tr><tr><td>Other</td><td>3</td></tr></table> <p>If other, please specify</p> <table><tr><th></th><th>Frequency</th></tr><tr><td>Passenger assistant</td><td>1</td></tr><tr><td>Radio operator</td><td>1</td></tr><tr><td>School escort</td><td>1</td></tr><tr><td>Total</td><td>3</td></tr></table> <p>Are you a licensed driver, operator, or employee?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><tr><td>Yes</td><td>48</td><td>76%</td></tr><tr><td>No</td><td>15</td><td>24%</td></tr><tr><td>Total</td><td>63</td><td>100%</td></tr></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	Total	3		Frequency	Percent	Yes	48	76%	No	15	24%	Total	63	100%
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Q2 Do you agree or disagree that the policy is		<p>Yes Just under two thirds of respondents found the policy easy to understand.</p>	<p>N/A</p> <p>Do you agree or disagree that the policy is easy to understand?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr></table>		Frequency	Percent																																	
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easy to understand?		<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>No</p> <p>Just over a third of respondents found the policy difficult to understand.</p>	<table><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>Total</td><td>63</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level¹: +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%	Total	63	100%														
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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>Yes</p> <p>Ninety percent of respondents thought the proposed policy provides enough protection for children and vulnerable adults</p> <p>No</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>What should be added or removed from the draft policy to improve it?</p>	<p>Do you agree or disagree that the policy provides enough protection for children and vulnerable adults?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>63</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: +71% Non-taxi related agreement level: +43%</p> <p>If you disagree, what do you think should be added or removed from the draft policy to improve it?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table>		Frequency	Percent	Strongly agree	13	21%	Agree	34	54%	Neither agree nor disagree	9	14%	Disagree	3	5%	Strongly disagree	4	6%	Total	63	100%		Frequency	Percent	Response	4	6%	No response	61	94%	Total	65	100%
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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>Yes</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>No</p> <p>Just over a quarter disagreed</p>	<p>Do you agree or disagree that the policy includes everything you think should be in such a policy?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>63</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: +13% Non-taxi related agreement level: +7%</p> <p>If you disagree, what do you think should be added or removed from the draft policy to improve it?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><tr><td>Response</td><td>8</td><td>12%</td></tr></table>		Frequency	Percent	Strongly agree	7	11%	Agree	16	25%	Neither agree nor disagree	23	37%	Disagree	11	17%	Strongly disagree	6	10%	Total	63	100%		Frequency	Percent	Response	8	12%						
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the draft policy to improve it?		<p>What do you think should be removed from the draft policy?</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 & 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><tr><td>No response</td><td>57</td><td>88%</td></tr><tr><td>Total</td><td>65</td><td>100%</td></tr></table>	No response	57	88%	Total	65	100%
			No response	57	88%				
Total	65	100%							
<p>What do you think should be removed from the draft policy?</p> <p>1 Officer Comments: 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>Vehicle Emissions and Manufacture Criteria</p> <p>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>Renewal Applications (Existing Vehicles / Continued Licensing)</p> <ul style="list-style-type: none">- 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) <p>TO ASK MEMBERS:</p> <p>2 Points noted. Locality tests for PHD - ask members if they no longer want us to test PHD on topographical knowledge TO ASK MEMBERS</p> <p>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 - <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 josmith@ddfire.gov.uk Proposed alteration to policy to remove requirements for licensed vehicles to carry a fire extinguisher</i></p> <p>4 REMOVED AND REPLACED WITH MORE SUITABLE WORDING</p> <p>5 Information taken from Guide Dogs Publication Taxi and PHV Policy - Assistance Dogs campaigns@guidedogs.org.uk 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>8 Points noted – REMOVE FROM POLICY</p> <p>9 Points noted – CHANGE WORDING</p> <p>10 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</p> <p>11 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</p> <p>12 Points noted – WORDING ALTERED SLIGHTLY BUT LEAVE IN</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 21days 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>What do you think should be added to the draft policy?</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>What do you think should be added to the draft policy?</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>5 These comments have been noted and AGREED CHANGE</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>7 Points noted – EXEMPTIONS ARE PROVIDED. NO CHANGE TO POLICY ADVOCATED, HOWEVER MEMBERS MAY WISH TO SHORTEN CONTRACT PERIOD TO BELOW 60 DAYS.</p> <p>8 Points noted but recommend that no changes to proposed policy are required – no change to proposals recommended.</p> <p>9 Points noted re suggested removal of fire extinguishers and first aid kits – requested fire and rescue service comments – to request Members opinions</p> <p>10 Points noted – WORDING CHANGE AGREED</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>14 Points noted - THIS COULD BE CONSIDERED BY MEMBERS HOWEVER IT WOULD HAVE A CONSIDERABLE EFFECT ON FINANCING ARRANGEMENTS.</p>
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		<p>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>8 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 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>9 Page 43 regarding condition 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>10 Page 44 re condition 25 -There must be at least four doors. All doors must be capable of being opened from the inside. Suggest adding "and outside"</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>Yes</p> <p>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>No</p> <p>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><i>1 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>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> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>60</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee "Yes": 62%</p> <p>Non-taxi related "Yes": 29%</p> <p>If yes, which do you feel should be left out and why?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table>		Frequency	Percent	Yes, there should be one or more left out	32	53%	No	28	47%	Total	60	100%		Frequency	Percent	Response	23	35%	No response	42	65%	Total	65	100%
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<p>If yes, which do you feel should be left out and why?</p>		<p>Arguments for leaving out any of the requirements of the new national standards for taxi and private hire licensing</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>Arguments for leaving in all the requirements of the new national standards for taxi and private hire licensing</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>Arguments for leaving out any of the requirements of the new national standards for taxi and private hire licensing</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>Arguments for leaving in all the requirements of the new national standards for taxi and private hire licensing</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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		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>Agree The general public agrees with the proposal</p> <p>Disagree 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>Arguments for the proposed vehicle age restrictions</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>Arguments against the proposed vehicle age restrictions</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>Do you agree or disagree with the proposals on vehicle emissions and the age of licensed vehicles?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: -48% Non-taxi related agreement level: +47%</p> <p>If you disagree, which ones and why not?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Arguments for the proposed vehicle age restrictions</p> <p>1 North East Transport Plan 2021-2035 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>Arguments against the proposed vehicle age restrictions</p> <p>1 Officer Comments: 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>Vehicle Emissions and Manufacture Criteria</p>		Frequency	Percent	Strongly agree	12	18%	Agree	10	15%	Neither agree nor disagree	3	5%	Disagree	4	6%	Strongly disagree	36	55%	Total	65	100%		Frequency	Percent	Response	35	54%	No response	30	46%	Total	65	100%
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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>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>Renewal Applications (Existing Vehicles / Continued Licensing)</p> <ul style="list-style-type: none"> - 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) <p>TO ASK MEMBERS</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>Arguments for the proposals on vehicle emissions</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>Arguments for the proposals on vehicle emissions</p> <p>1 Officer Comments: 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>Vehicle Emissions and Manufacture Criteria</p> <p>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>Renewal Applications (Existing Vehicles / Continued Licensing)</p> <ul style="list-style-type: none"> - 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)
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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>Arguments against the proposals on vehicle emissions</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>TO ASK MEMBERS</p> <p>Arguments against the proposals on vehicle emissions</p> <p>1 Officer Comments: 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>Vehicle Emissions and Manufacture Criteria</p> <p>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>Renewal Applications (Existing Vehicles / Continued Licensing)</p> <ul style="list-style-type: none"> - 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) <p>TO ASK MEMBERS</p>
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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? If you disagree, which policy proposals do you disagree with and why.		<p>Agree Over half agree with the proposal in respect of previous convictions and offences as developed by the Institute of Licensing.</p> <p>Disagree</p> <p>Which policy proposals do you disagree with and why?</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>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> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: +15% Non-taxi related agreement level: +60%</p> <p>If you disagree, which policy proposals do you disagree with and why?</p> <table><tr><td></td><td>Frequency</td><td>Percent</td></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Which policy proposals do you disagree with and why?</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>Motoring convictions 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%	Total	65	100%		Frequency	Percent	Response	15	23%	No response	50	77%	Total	65	100%
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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"> • Whilst every case will be considered on its own merits, the following sets out the approach the Council will usually take. • 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. <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"> • 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 & Registration Sub-Committee] for consideration, but will usually be refused a licence. • [Anyone who has had a previous licence revoked by another local authority will be referred to the General Licensing & 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.] 	<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>Drink driving/driving under the influence of drugs – we have included this 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>Using a hand-held device whilst driving – we have included this 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>Motoring offences</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>Minor traffic offences or vehicle related offence</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.</p> <p>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>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>Major traffic offence or vehicle related offence</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.</p> <p>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.</p>
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		<ul style="list-style-type: none">• 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.• 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.• Anyone who has [6 penalty points endorsed on their DVLA driving licence will be required to satisfactorily complete a driving improvement scheme course.].• Anyone disqualified from driving under the totting-up provisions will be licensed upon the restoration of their driving licence.• 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).	<p>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</p> <p>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</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. See comparison of National Standards with Policy Proposals in Table X Appendix X</p>																		
Q8 Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?		<p>Agree 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>Do you agree or disagree with the proposed intelligence led and random drug and alcohol testing?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></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%	Total	65	100%
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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>Disagree</p> <p>Which policy do you disagree with and why?</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>If you disagree, which policy do you disagree with and why?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></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%	Total	65	100%																					
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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>Agree</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>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> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: 0%</p> <p>Non-taxi related agreement level: +60%</p> <p>If you disagree, please state why.</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table>		Frequency	Percent	Strongly agree	25	38%	Agree	11	17%	Neither agree nor disagree	3	5%	Disagree	8	12%	Strongly disagree	18	28%	Total	65	100%		Frequency	Percent	Response	24	37%	No response	41	63%	Total	65	100%
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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>Disagree The taxi industry is equally for and against the proposal.</p> <p>If you disagree, why?</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: FROM 31ST 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.</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>Agree 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>Disagree Nearly one third disagree that all drivers should be trained in disability awareness.</p> <p>If you disagree, why?</p>	<p>Do you agree or disagree that all drivers should be trained in disability awareness?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>64</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: +31% Non-taxi related agreement level: +60%</p> <p>If you disagree, please state why.</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></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? 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</p>		Frequency	Percent	Strongly agree	19	30%	Agree	22	34%	Neither agree nor disagree	7	11%	Disagree	2	3%	Strongly disagree	14	22%	Total	64	100%		Frequency	Percent	Response	18	28%	No response	47	72%	Total	65	100%
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			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.																																	
Q11 Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard? If you disagree, please state why.		<p>Agree 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">• 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. <p>Disagree</p> <p>If you disagree, why?</p>	<p>Do you agree or disagree that all taxis and private hire vehicles should have internal CCTV fitted as standard?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: +15% Non-taxi related agreement level: +60%</p> <p>If you disagree, please state why.</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>See Department for Transport Statutory Taxi & 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>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>		Frequency	Percent	Strongly agree	18	28%	Agree	19	29%	Neither agree nor disagree	8	12%	Disagree	4	6%	Strongly disagree	16	25%	Total	65	100%		Frequency	Percent	Response	21	32%	No response	44	68%	Total	65	100%
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Appendix 6c – Assessment of Taxi Policy Survey Responses

<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>Agree The general public agrees with the proposal.</p> <p>Disagree</p> <p>If you disagree, why? 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</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>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> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Taxi driver/operator/employee agreement level: -33% Non-taxi related agreement level: +47%</p> <p>If you disagree, please state why.</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></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%	Total	65	100%		Frequency	Percent	Response	32	49%	No response	33	51%	Total	65	100%
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Response	32	49%																																	
No response	33	51%																																	
Total	65	100%																																	
<p>Q13 Do you have any other suggestions or comments to make?</p>	<p>Other Suggestions and Comments</p> <p>1 The Parish Council would equally welcome any and all new initiatives by the County</p>	<p>Do you have any other suggestions or comments to make?</p> <table><tr><th></th><th>Frequency</th><th>Percent</th></tr><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>Total</td><td>65</td><td>100%</td></tr></table> <p>Are you:</p> <table><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><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>Total</td><td>64</td><td>100%</td><td>48</td><td></td></tr></table> <p>1 These comments have been noted – no change to proposals recommended.</p>		Frequency	Percent	Response	29	45%	No response	36	55%	Total	65	100%		Frequency	Percent	Taxi driver, operator, or employee	Not a taxi driver, operator or employee	Male	50	78%	42		Female	14	22%	6		Total	64	100%	48		
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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>5 These comments have been noted and our proposed policy may be changed to reflect this suggestion. HJ to check with Animal Health Team</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>7 These comments have been noted and our proposed policy may be changed to reflect this suggestion. CHANGE TO WORDING AGREED</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>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</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>14 MINOR CHANGE TO WORDING – MINIMUM WORDING TO IDENTIFY VEHICLE USED</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>Motoring convictions</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>Drink driving/driving under the influence of drugs – we have included this 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>Using a hand-held device whilst driving – we have included this 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>Motoring offences</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>Minor traffic offences or vehicle related offence</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.</p> <p>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>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>Major traffic offence or vehicle related offence</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>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.</p> <p>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.</p> <p>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</p> <p>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</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>17 – no change to proposals recommended.</p> <p>18 – no change to proposals recommended.</p> <p>19 CHANGE TO POLICY WORDING</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 Page 43 para 20 tinted windows "rear windows must be of manufacturers standard for the vehicle, aftermarket tints or films will not be accepted.</p> <p>Checked with D and D Fire and Rescue Service – To Request Member's opinions</p> <p>22 REMOVED AND REPLACED WITH MORE SUITABLE WORDING</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>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</p> <p>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</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>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</p> <p>28 Point noted, CHANGES TO WORDING MADE</p> <p>29 Point noted, CHANGES TO WORDING MADE</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>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</p> <p>32 Points noted. Locality tests for PHD - ask members if they no longer want us to test PHD on topographical knowledge TO ASK MEMBERS</p> <p>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. ???</p> <p>34 Page 9 7.1 re committee - CHANGES TO WORDING MADE</p>
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		<p>my experience such matters are dealt with (and are presumably delegated to) the General Licensing & 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>36 Enforcement policy - added sentence to say this can be accessed via the council's website</p> <p>37 Re self-promotional material on vehicles - amended to allow for this – may be applied to the front door sill and lower door</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 & 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>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</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>40 improve clarity of layout? Change to wording agreed.</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 & 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>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?</p> <p>46 Condition removed, and change to policy wording to require drivers to ensure no deliveries to children/under 18's.</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 https://www.acas.org.uk/changing-an-employment-contract</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 wright 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>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'</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>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.</p> <p>51 Policy wording amended at Appendix 3 'wheelchair accessibility conditions'</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
Crimes resulting in death 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.	As national standards propose	As national standards propose
Exploitation 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.	As national standards propose	As national standards propose
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.	Offences involving violence 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.	As national standards propose
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.	As national standards propose	As national standards propose
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.	Sexual Offences As national standards propose	As national standards propose
Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be	As national standards propose	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

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granted until at least seven years have elapsed since the completion of any sentence imposed.		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.	As national standards propose	As national standards propose
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.	As national standards propose	As national standards propose
Motoring Convictions 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. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities	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.	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.

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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.	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. (Taken from Institute of Licensing suggested guidance on suitability)	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) 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. (Taken from Institute of Licensing suggested guidance on suitability)
Drink driving / driving under the influence of drugs 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.	As national standards propose	As national standards propose
Using a hand-held device whilst driving	As national standards propose	As national standards propose

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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.		
National standards don't specifically mention	IOL standards don't specifically mention	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
National standards don't specifically mention		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. (Taken from the Institute of Licensing suggested guidance on suitability)
National standards don't specifically mention	IOL standards don't specifically mention	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

Appendix 6c – Assessment of Taxi Policy Survey Responses

		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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