

General Licensing & Registration Committee

5 June 2023

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

Ordinary Decision



Report of Corporate Management Team

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

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

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To present the revised Durham County Council's Hackney Carriage and Private Hire Licensing Policy, referred to as the "taxi policy" to General Licensing and Registration Committee (GLRC) and seek the Committee's agreement to recommend the Policy to Council for adoption.

Executive summary

- 2 The current Durham County Hackney Carriage and Private Hire Licensing Policy was initially adopted by the Council in April 2016. The policy was further amended in April 2018.
- 3 The current taxi policy provides that the Council will review it every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly.
- 4 Consultation on the existing policy and proposed changes is integral to the overall policy review process, leading to the adoption of a revised policy by Council. A full, 12-week public consultation originally took place between September 2020 and November 2020. A further 4 week consultation exercise was undertaken during June and July 2022 to consider the impact of coronavirus on the trade and passengers as part of the policy review.

- 5 Following consideration of the report to GLRC on 6th March 2023, Members agreed to amend the proposed Durham County Council's Hackney Carriage and Private Hire Licensing Policy to enable the continued licensing of Euro 5 vehicles until end of March 2026.
- 6 GLRC also voted on and agreed to remove the requirement for hackney carriage driver licence applicants to have to sit a locality test as part of the application process.
- 7 The final version of the taxi policy, as modified by GLRC is shown in Appendix 2.

Recommendation(s)

- 8 GLRC is recommended to:
 - (a) consider the final version of the taxi policy and recommend it to Council for adoption.

Background

- 9 The Policy Review - The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in April 2016. The policy was amended in 2018 because of changes to immigration legislation.
- 10 Following its last revision, several matters in the policy had been identified that needed to be considered as part of a policy review.
- 11 Consultation on the existing policy and proposed changes is integral to the overall policy review process, leading to the adoption of a revised policy by Council. A full, 12-week public consultation originally took place between September 2020 and November 2020 and following the consultation, the responses were collated, assessed, and considered by officers.
- 12 Proposals were presented to GLRC on 13 September 2021 concerning:
 - (a) the possible introduction of new vehicle age restrictions and updated engine emission standards
 - (b) changes to the policy on the determination of suitability of applicant and licence holders for vehicle, driver and operator licences associated with the adoption of standards developed and promoted by the Institute of Licensing (IOL)
 - (c) introduction of disability awareness training and subsequent refresher training for this subject and for the existing safeguarding awareness training including child sexual exploitation (CSE) awareness
 - (d) changes to officer delegations to enable immediate revocation of hackney carriage and private hire driver licences by senior officers subject to specific criteria and control measures
 - (e) the incorporation of newly published statutory taxi and private hire vehicle standards
 - (f) intelligence led and random drug and alcohol testing
 - (g) the introduction of driver improvement schemes
 - (h) Contract exemptions
- 13 In March 2022, Members requested a further, 4-week public consultation in relation to the version of the policy previously agreed by GLRC to consider the impact of coronavirus on the trade and passengers as part of the policy review. A second consultation exercise was undertaken between Monday 20 June and Sunday 17 July 2022.

- 14 The results of this consultation were presented to GLRC on 17 November 2022. At that committee meeting, Members modified the proposed policy in relation to requirements for vehicle emissions, fire extinguishers and first aid kits. They also agreed to recommend to Council the adoption of the modified policy, to come into operation on 1 January 2023.
- 15 On 7th December 2022, at full Council the report was deferred, and a motion passed that the Portfolio Holder would meet with representatives of Durham Taxi and Private Hire Association (DTPHA). This meeting took place 5 January 2023.
- 16 Following on from the meeting with trade representatives, a further report was presented to GLRC on 6th March 2023 and included an additional option for the Committee to consider a possible change to the policy, that was previously agreed by this Committee in November 2022 and to extend the deadline for licensing of Euro 5 vehicles from March 2025 until March 2026.
- 17 At the meeting of the GLRC on 6th March 2023, Members considered the proposed taxi policy and options to either keep to the policy as previously agreed or continue licensing of Euro 5 vehicles until March 2026. Members agreed to enable the continued licensing of Euro 5 vehicles until March 2026. After the 1st April 2026, we will not accept renewal applications for licensed vehicles meeting Euro 5 or lower.
- 18 During the GLRC meeting, further discussion and debate took place regarding the knowledge and locality tests in relation to hackney carriage drivers.
- 19 Recognising the differences in the way in which hackney carriages and private hire vehicles can operate, Members had previously agreed to remove this application requirement but only for private hire driver licences. As private hire vehicles must be prebooked through an operator this would allow the driver more time in which to plan the route in advance.
- 20 Hackney carriage vehicles may operate from taxi ranks or stands and can pick people up from the street without being pre-booked.
- 21 Recognising the wider use of satellite navigation units in taxis following advancements in technology over recent years, a recommendation to remove the requirement for hackney carriage driver licence applicants to have to sit a locality test as part of the application process was moved, seconded and agreed following a vote.
- 22 Members of GLRC have not recommended any other measures to replace the removal of the locality testing.

Main considerations

- 23 A failure to review, revise and update the Council's taxi licensing policy would result in the Council's inability to properly administer, manage, and regulate the taxi licensing process. It would result in a failure to adopt the national standards aimed at protecting children and vulnerable persons. This would lead to unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The Council would be open to charges of maladministration and to legal challenges.
- 24 The revised taxi policy has been subject to an initial Equality Impact Screening Assessment which has taken into consideration the final draft taxi policy and previously proposed revisions to the policy as agreed by GLRC. No overall impacts have been identified across the equality strands.

Conclusion

- 25 Further consultations on the policy have taken place in accordance with the wishes of the Council and the outcome of the consultation exercises and the subsequent meeting with trade representatives has been considered as part of the review of the existing taxi policy.
- 26 The recommendations made by GLRC in relation to revisions to the taxi policy will, if agreed and adopted by Council, enable the updated, revised policy to come into operation in on 1 August 2023.

Background papers

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy 2016 (as amended in 2018)
<https://www.durham.gov.uk/media/5945/Hackney-Carriage-and-Private-Hire-Licensing-Policy/pdf/HackneyCarriagePrivateHireLicensingPolicy.pdf?m=636634554282130000>
- Report to GLRC 13 September 2021 – 'Review of the Council's Hackney Carriage and Private Hire Licensing Policy' and Appendices 1-11
<https://democracy.durham.gov.uk/documents/s143998/Revision%20of%20Taxi%20Licensing%20Policy%20Report.pdf>
- Report to GLRC 17 November 2022 - Review of the Council's Hackney Carriage and Private Hire Licensing Policy' and

Appendices Agenda for General Licensing and Registration Committee on Thursday 17 November 2022, 1.30 pm
(durham.gov.uk) [Agenda for General Licensing and Registration Committee on Thursday 17 November 2022, 1.30 pm \(durham.gov.uk\)](#)

- Report to GLRC 6 March 2023 - Review of the Council's Hackney Carriage and Private Hire Licensing Policy' and Appendices Agenda for General Licensing and Registration Committee on Wednesday 6 March 2023
<https://democracy.durham.gov.uk/documents/g15001/Public%20reports%20pack%20Monday%2006-Mar-2023%2013.30%20General%20Licensing%20and%20Registration%20Committee.pdf?T=10>
- Policy review considerations
<https://democracy.durham.gov.uk/documents/s144410/Policy%20Review%20Considerations.pdf>
- Taxi Policy Briefing Note
<https://democracy.durham.gov.uk/documents/s149020/App%205c%20-%20Taxi%20Policy%20Briefing%20Note%20Consultation.pdf>

Other useful documents

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

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Appendix 1: Implications

Legal

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

Finance

None.

Consultation

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

Equality and Diversity / Public Sector Equality Duty

The existing Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

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

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

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

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

Procurement

None.

Appendix 2: Revised Durham County Council's Hackney Carriage and Private Hire Licensing Policy

Attached as separate document.

