

# County Council

20 September 2023

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

### Ordinary Decision



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## Report of Chair of General Licensing & Registration Committee

### Electoral division(s) affected:

Countywide

### Purpose of the Report

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

### Executive summary

- 2 The current Durham County Hackney Carriage and Private Hire Licensing Policy was initially adopted by the Council in April 2016. The policy was further amended in April 2018.
- 3 The current taxi policy attached as Appendix 2 provides that the council will review it every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly.
- 4 A draft revised policy has been developed following extensive consultation with interested parties and this is attached as Appendix 3.
- 5 The revised policy requires council approval before it can come into effect.

### Recommendation(s)

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

## Background

- 7 The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the council in April 2016. The policy was amended in 2018 because of changes to immigration legislation. A copy of the existing Policy is attached at Appendix 2 to the report.
- 8 Following its last revision, several matters had been identified that needed to be considered as part of a policy review.
- 9 Consultation is integral to the overall policy review process. As such, a full, 12-week public consultation took place between September 2020 and November 2020 and following the consultation, the responses were collated, assessed, and considered by officers.
- 10 Proposals were presented to the General Licensing and Registration Committee (GLRC) on 13 September 2021 concerning:
  - (a) the possible introduction of new vehicle age restrictions and updated engine emission standards.
  - (b) changes to the policy on the determination of suitability of applicant and licence holders for vehicle, driver and operator licences associated with the adoption of standards developed and promoted by the Institute of Licensing (IOL).
  - (c) introduction of disability awareness training and subsequent refresher training for this subject and for the existing safeguarding awareness training including child sexual exploitation (CSE) awareness.
  - (d) changes to officer delegations to enable immediate revocation of hackney carriage and private hire driver licences by senior officers subject to specific criteria and control measures.
  - (e) the incorporation of newly published statutory taxi and private hire vehicle standards.
  - (f) intelligence led and random drug and alcohol testing.
  - (g) the introduction of driver improvement schemes.
  - (h) contract exemptions.
- 11 At their meeting on 13 September 2021, GLRC considered the proposals and resolved to agree the following revisions to the policy for recommendation to council:

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

12 In March 2022, Members requested a further, 4-week public consultation in relation to the version of the policy previously agreed by GLRC to consider the impact of coronavirus on the trade and passengers. A second consultation exercise was therefore undertaken between 20 June and 17 July 2022.

- 13 The results of this consultation were presented to GLRC on 17 November 2022. At that committee meeting, Members modified the proposed policy in relation to the following:
- (a) Introduction of new emission standards for:
- (i) New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher.
- (ii) Renewal Applications (Existing Vehicles / Continued Licensing):
- after 1 January 2024, we will not accept renewal applications for licensed vehicles\* manufactured to the emissions standard Euro 4 or lower.
  - after 1 January 2025, we will not accept renewal applications for licensed vehicles\* manufactured to the emissions standard Euro 5 or lower.
- \*Renewal applications for wheelchair accessible vehicles will not be subject to the above vehicle emission requirements.
- (b) Requirements for carrying fire extinguishers and first aid kits would be optional and not mandatory.
- 14 GLRC agreed to recommend the revised taxi policy to Council on 7 December 2022. At full Council the report was deferred, and a motion passed that the Cabinet Portfolio Holder would meet with representatives of Durham Taxi and Private Hire Association (DTPHA). This meeting took place 5 January 2023.
- 15 Following the meeting with trade representatives, a further report was presented to GLRC on 6 March 2023 which included the option for Committee to extend the deadline for the licensing of Euro 5 vehicles. Members agreed to the continued licensing of Euro 5 vehicles until March 2026.
- 16 At the meeting of the GLRC on 6 March 2023, further discussion and debate took place regarding the knowledge and locality tests in relation to hackney carriage drivers.
- 17 Recognising the differences in the way in which hackney carriages and private hire vehicles can operate, Members had previously agreed to remove this application requirement but only for private hire driver licences. As private hire vehicles must be prebooked through an

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

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

## **Main considerations**

- 22 A failure to review, revise and update the council's taxi licensing policy would result in the council's inability to properly administer, manage, and regulate the taxi licensing process. It would result in a failure to adopt the national standards aimed at protecting children and vulnerable persons. This would lead to unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The council would be open to charges of maladministration and to legal challenges.
- 23 The revised taxi policy has been subject to an initial Equality Impact Screening Assessment which has taken into consideration the final draft taxi policy and previously proposed revisions to the policy as agreed by GLRC and is attached in Appendix 4. No overall impacts have been identified across the equality strands.

## **Conclusion**

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

## Background papers

- Policy review considerations  
<https://democracy.durham.gov.uk/documents/s144410/Policy%20Review%20Considerations.pdf>
- Taxi Policy Briefing Note  
<https://democracy.durham.gov.uk/documents/s149020/App%205c%20-%20Taxi%20Policy%20Briefing%20Note%20Consultation.pdf>

## Other useful documents

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

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## **Appendix 1: Implications**

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### **Legal**

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

### **Finance**

None.

### **Consultation**

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

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

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

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

A failure to review, revise and update the Council's taxi licensing policy would result in the continuation of the existing out-of-date policy with no replacement. This would result in the Council's failure to adopt new national

standards for taxi licensing and the inability to properly administer, manage and regulate the taxi licensing process. This would result in unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The Council would be open to charges of maladministration and to legal challenges.

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

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

### **Procurement**

None.