

General Licensing Registration Committee

14th January 2016



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

Report of Joanne Waller, Head of Environment, Health and Consumer Protection, Neighbourhood services

Purpose of the Report

1. To inform Members of the outcome of the consultation exercise with stakeholders on proposals to revise the existing Durham County Council Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the "taxi policy". The consultation on the existing policy was an integral part of the overall policy review process, leading to the adoption of a revised policy by Council. The existing policy is attached as Appendix 2. For the purposes of this report, unless otherwise stated, the use of the term "taxi" will include private hire vehicles.
2. To seek recommendations to Council regarding revisions to the current DCC taxi licensing policy with particular reference to the following issues:
 - Vehicle top signs (signs displayed on the roof of taxis)
 - New, more stringent safeguarding measures to improve safety of drivers and passengers
 - Vehicle age restrictions for vehicles and engine emission standards
 - Suspension of licensed vehicles
 - Numeracy and literacy testing for new drivers
3. In addition to these key subjects a number of other, secondary proposals were identified that may also be included as revisions to current policy. These additional proposals are:
 - Inclusion of a deadline for accessible vehicle training to be carried out.
 - Inclusion of more offences to the current list of relevant offences.
 - When an applicant has previously been disqualified from driving, changing the time period from two to five years following the date of conviction for the granting of a taxi driver licence
 - Inclusion of a new relevant offence of battery to the list of relevant violent offences.
 - Inclusion of an additional condition relating to roof carriers and access to seats.
 - Special vehicles to undertake MOT test twice yearly instead of annually.

- Reviewing the policy every five years instead of every three years.
 - Updates to the list of traffic offences where a licence will not normally be granted.
4. All proposed alterations to current policy are shown in Table 1 in Appendix 3. These have been included in the proposed revision provided in Appendix 5.

Background

5. The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in May 2011. The Policy states that the Council will review it every three years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly. Owing to other service priorities, the review of taxi policy was postponed until 2015.
6. In April 2015 Cabinet gave its approval to begin a formal 12 week public consultation on proposed revisions to the existing taxi policy. The consultation exercise sought views on the existing current policy as well as highlighting potential areas for change and some specific proposals that were subject to a broader consultation. Consultees included members of the taxi trade, trade representatives, taxi service users and all relevant authorities and organisations.
7. The consultation was widely advertised in the local and regional press and also was available on the Council's website. The consultation briefing paper is shown in Appendix 4.
8. Based on officer's assessment of the current policy and taking into consideration the responses to the consultation, a proposed policy for consideration and scrutiny has been produced. This draft policy is attached as Appendix 5.
9. The proposed policy has been also been produced in accordance with the provisions and power 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.
10. The primary aim of licensing in relation to hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services. In assessing the consultation responses and formulating a draft revision efforts have been made to balance the needs and wants of the trade against the requirements of the legislation, available good practice and the necessity to safeguard the public, especially those who use taxis, including users who may be vulnerable e.g. the very young, old, intoxicated etc.

Consultation Responses

11. As part of the review of the Hackney Carriage and Private Hire Licensing Policy, consultation responses have been collated in the Consultation Results Report as attached in Appendix 6.

Policy Review Proposals and Reasoning

12. **Vehicle top signs (minimum specifications)** - Hackney carriages are currently required to display a taxi top sign (on the roof) of a design approved by the Council which is illuminated when the vehicle is available for hire. The question asked was “do you agree or disagree that the policy should state exactly what a top sign for hackney carriages should look like, including the wording displayed on it”. Almost 64% of respondents agreed that the policy should state what a top sign should look like.
13. It is not proposed to specify in detail the attributes of a top sign as to do so could be unnecessarily constraining and prescriptive. It is recommended that top signs for hackney carriage vehicles should display the word “Taxi” and be capable of illumination. If private hire vehicles are to retain the ability to carry a top sign, they would be prevented from displaying the word “Taxi” or “Cab” anywhere on the top sign.
14. Should top signage be displayed by either hackney carriages or private hire vehicles that does not meet this minimum specification or includes any other information that is deemed to be improper or inappropriate, this policy inclusion would enable the Council to deal appropriately with the situation under the policy provisions. Any further specifications could be attached to this provision of the policy however it should be appreciated that the application of changes such as size, colour, font etc. to top signs would involve expense that would have to be shouldered by the trade.
15. **Vehicle top signs (prevention of use by private hire vehicles)** – It was considered to stop private hire vehicles using top signs so people can distinguish more easily between a hackney carriage and a private hire vehicle. The question asked was “do you agree or disagree that only hackney carriages should be allowed to display a top sign”. Just over 73% of respondents agreed that only hackney carriages should be allowed to display a top sign.
16. The ability to differentiate between hackney carriages and private hire vehicles is important for legal and enforcement purposes. However the differentiation between any type of licensed and unlicensed is arguably more important for public safety purposes. There may be insurance issues associated with a private hire vehicle and driver acting as a hackney carriage (using a taxi rank and being hailed in the street) however all private hire vehicles are tested to the same standards as hackney carriages and all private hire drivers are subject to the same checks and requirements as those who drive hackney carriages.

17. Although the majority of respondents agreed with the suggestion, many also commented that the presence of a top sign indicates that the vehicle is licensed by the authority and may help to prevent unsuspecting travellers from using unlicensed vehicles driven by unlicensed drivers. The top signage on private hire vehicles is often used to advertise and promote the private hire business and also helps customers to recognise the vehicles they have booked. It is argued that there are plenty of other means by which private hire vehicles licensed by Durham County Council may be differentiated from hackney carriages without having to remove the top signs.
18. On balance, whilst the consultation responses supported the changes, there is not a compelling argument for requiring the removal of all existing top signs from private hire vehicles so long as they comply with the Council's minimum specifications for such signage. If however Members decide that private hire vehicles licensed by the council should not display top signs it is recommended that this is implemented in a phased approach with the prevention of such signage on any newly licensed private hire vehicles after a given date. This would minimise any adverse effects on the existing private hire fleet within the County who apparently benefit from using a top sign currently.
19. **Safeguarding of drivers and passengers (installation of CCTV systems in licensed vehicles)** – A number of options are being considered to help ensure that drivers and passengers of license vehicles in County Durham feel safe and secure.
20. One option being considered is to make CCTV in taxi vehicles compulsory. This condition would be enforceable, clear and robust to ensure recorded material is used properly and it will be applied in line with both the Data Protection Act 1998 and the guidance of the Information Commissioner. Any improper use or re-broadcast of recorded material would result in severe disciplinary action being taken against offenders. We asked “do you agree or disagree that CCTV in taxis should be compulsory”. Half (50.6%) of the respondents agreed that CCTV in taxis should be compulsory.
21. The inclusion of this proposal stemmed from recent high profile CSE investigations across the country including Operation Sanctuary, a Police operation in the North East region. The mandatory requirement of CCTV systems in taxis is a recommendation of Northumbria Constabulary and the requirement is currently under consideration by many of the councils in the region.
22. Notwithstanding the above the link between the presence or absence of CCTV in hackney carriages and private hire vehicles and the safeguarding of passengers and drivers in County Durham is unknown. For legal reasons, general audio recording is forbidden in passenger carrying vehicles and from experiences involving Durham drivers, the great majority of complaints regarding both passengers and drivers involve matters associated with what has allegedly been said or spoken inside the vehicle. In such circumstances video footage would be of limited value to assist in subsequent investigations.

23. It could be argued that the mere presence of CCTV facilities could have a deterrent effect however no independent statistical evidence has been acquired or made available to establish this.
24. CCTV could be used to protect the driver from attacks and reduce the incidence of passengers making off without paying the necessary fare. The current policy does not prevent the installation of CCTV systems in taxis licenced by the council and drivers, proprietors and trade employers should already be applying existing health and safety requirements including risk assessments to their business activities. Should such assessments indicate the need for CCTV to safeguard drivers from passengers they are at liberty to install CCTV at their own volition.
25. Although there have been improvements in CCTV equipment over the years and some budget systems are available at relatively low cost, the Council should specify the minimum requirements for any CCTV system should it become a mandatory requirement for licensed vehicles. Issues such as number of cameras, installation and technical specifications, reliability, storage capacity, video access arrangements, data protection and controls etc. could mean that some available CCTV systems would not be acceptable. Costs per system have been suggested to be in the region of between £400 and £800. Such costs are not trivial and many respondents questioned or argued against the compulsory installation of vehicle CCTV systems on the basis of cost to the trade. It is accepted that primarily these arguments were made from members of the trade
26. It is accepted that the use of CCTV in vehicles could have a positive effect on public safety in terms of enforcement agencies being able to identify potential offenders or offences. However, the absence of audio recordings does limit the overall effectiveness of such systems.
27. Taking all of the issues into consideration, at the present time and with the absence of direct evidence to link illegal activity occurring in taxis in County Durham it is not recommended that taxis are required to have a CCTV system installed. However, the use of CCTV to an acceptable standard by the Police is strongly encouraged in all licensed vehicles and it is recommended that this proposal is put on hold pending the outcome of a regional review by the North East Strategic Regional Licensing Group (NESLG) or when such evidence is presented which suggests that CCTV as a mandatory requirement would be necessary and proportionate.
28. **Safeguarding of drivers and passengers (random drug testing arrangements for licensed drivers) -**
29. We asked “do you agree that taxi drivers should be required to have random drug testing”. Nearly 77% of respondents agreed that taxi drivers should be required to have random drug testing.
30. It is important to be clear about the exact nature of this proposal and it may be that this question was not posed in the correct manner. Officers considered that there should be some inclusion in the policy to be explicit in relation to the

possibility that licensed drivers may be subject to drug testing in the same way that they could be subject to random breath tests for alcohol.

31. It is not being proposed that council officers should be responsible for carrying out such tests or that all licensed drivers should have to submit to such testing as a matter of course. The proposal is that as a matter of policy, in conjunction with the police and if necessary the medical profession and based on received intelligence, licensed drivers may be subject to drugs testing either on a programmed or individual basis. The proposal is not to subject all drivers to random drugs testing on a scheduled, regular basis.
32. **Safeguarding of drivers and passengers (the identification of licensed drivers)** - We asked “do you agree or disagree that taxis and their drivers should be clearly identifiable by the display of items such as in-car signage, armbands or taxi badges”. 80% agreed that both taxis and drivers should be clearly identifiable.
33. Currently licensed drivers are required to display two official identification badges provided by the council, one on their person and one in a prominent location inside the vehicle. Other means of identification are available such as arm bands to be worn by the driver and alternative means of signage that can be displayed in the vehicle.
34. There are practical difficulties in specifying exactly how identification should be displayed as licensed vehicles do have different internal arrangements. A number of comments received from drivers opposed the wearing of arm bands for a number of reasons. It would not be possible to make it a condition of a hackney carriage driver’s licence that the driver should for example wear an armband on the left arm as conditions cannot be attached to such licences.
35. It is recommended that the wording of the policy is altered to make it clear that identification must be worn and displayed in such a manner as to be clearly visible to all passengers inside the vehicle
36. To assist there will be additional badges available to drivers so that they may be worn or displayed prominently in their vehicle. This arrangement supported by appropriate enforcement activities should ensure that drivers provide suitable and appropriate means of identification to all passengers and will assist enforcement actions should they be necessary.
37. **Safeguarding of drivers and passengers (increasing the frequency of criminal record checks)** - Currently, taxi licence holders are subject to a three yearly Disclosure and Barring Service (DBS) check to ensure they are suitable to hold a licence. It was considered that this could be changed to require an annual check for all drivers. We asked “do you agree or disagree that checks should be carried out annually instead of every three years”. 45% of respondents agreed that DBS checks should be carried out annually.
38. Since commencing the public consultation, more information has been provided on the subject of disclosure as a direct result of the Crown Court case Bouhdid v Durham County Council 6th August 2015. As a result of this

ruling, communications with the Criminal Records Office (DBS), regional colleagues and Legal Services have led officers to recommend a more robust stance on this subject.

39. The DBS offer an additional option to the regular DBS certification system whereby disclosure certificates can be monitored by an authority for validity and currency. This is called the Update Service. The DBS have advocated "...that most of the concerns of the judge in this case would be assuaged if taxi/private hire licensing authorities mandated subscription to the Update Service as a condition of granting/renewing the licence". We agree with this opinion.
40. Therefore, it is recommended that to help maximise passenger safeguarding the Council adopts a taxi licensing policy that requires drivers to subscribe to the DBS Update Service. Following the current DBS check (£44), the licensed driver/applicant would be required to subscribe to the Update Service (£13). They would then only be required to pay the annual DBS Updating Service subscription, not the DBS certification cost. Failure to subscribe to the Update service will result in the suspension of their licence
41. This process would then enable the Council to check the driver's DBS status at any time with increased regularity and at no cost to the authority or to the driver. The driver would only be required to undertake another DBS certification check if their DBS certificate changed e.g. as a result of any convictions.
42. Although this recommendation goes further than the original proposal, we consider that it can be justified on the basis of public protection and would be less financially onerous for trade members in comparison to an annual DBS certification check.
43. **Safeguarding of drivers and passengers (CSE awareness training for taxi drivers)** – we asked "Do you agree or disagree that all taxi licence applicants should undergo awareness training to assist in the prevention and reporting of sexual exploitation". Nearly 57% of respondents agreed that they should.
44. This recommendation is fully supported. Almost a third of the existing licensed drivers within the County have already availed themselves of free CSE awareness training provided by the authority in conjunction with Durham Constabulary. Further free training sessions have also been planned to take place before April 2016. There has been widespread support for this training and its method of delivery by those who have attended voluntarily so far.
45. With the backdrop of the recent high profile cases and investigations of sexual exploitation, the case for awareness training for the members of trades and professions who engage with the public, especially children and young people is clear. We would advocate the appropriateness of such training for taxi drivers and there are many ways in which such training can be accessed and made available to existing and prospective trade members.

It is also recommended that the current knowledge tests for new applicants include a few questions based on awareness of CSE and SE.

46. **Safeguarding of drivers and passengers (literacy and numeracy testing for new drivers)** – In order to address issues such as incidents of potential overcharging and to help ensure basic literacy amongst trade members we asked “Do you agree or disagree that all new taxi licensing applicants should undergo basic numeracy and literacy testing to ensure customer requests are understood and fees communicated effectively”. Three quarters of respondents (76.7%) agreed that such testing should take place.
47. Accepting some of the comments received, it is agreed that in order to be successful in completing the existing knowledge and locality testing stages of the application process, applicants need to demonstrate a satisfactory level of literacy and understanding of the written and spoken word. I.e. the current testing regime incorporates literacy testing. What is currently missing is an element of basic numeracy testing.
48. It is recommend that the current knowledge tests for new applicants includes a few basic arithmetic questions based on the kinds of common transactions drivers will undertake e.g. payments for fares, giving the correct change etc. It is considered that such arithmetic questions would enhance the current testing arrangements and be wholly justifiable.
49. **Age policy for vehicles and engine emission standards (changes to existing criteria for the suitability of licensed vehicles)** – We asked “do you agree or disagree that there should be an age policy for vehicles. We also asked if an age policy for vehicles is introduced, what in your view would an appropriate maximum age be for a newly licensed vehicle and a vehicle licence renewal”. Less than half (44.2%) of respondents agreed that there should be an age policy for licensed vehicles
50. Department of Transport guidance does not view an age policy as best practice. Age policies on the face of it do seem to offer a clear guide for owners, drivers, the public and the council that issue and regulates vehicle licences. Many licensing authorities do include an age policy on vehicles however whatever vehicle ages are chosen e.g. less than 3 years old to be first licensed and to be taken off after 10 years could be subjective and somewhat arbitrary
51. Age policies can seem illogical when an old but well maintained vehicle in pristine condition has to be removed from a company’s licensed fleet whilst newer, younger vehicles that may be less well maintained and in poorer condition are able to remain licenced. Such policies may also serve to drive down quality and standards of vehicles as owners will be less inclined to invest in higher specification vehicles that can suffer from greater depreciation and will have to be sold on following their period of being licensed

52. However, it is recognised that the standard of vehicles licensed is an important issue. Equally due to the amount of travelling licensed vehicles do, they may be contributing to air quality levels across the County
53. To improve vehicle standards and help improve local air quality through the reduction of exhaust emissions from taxis, we are considering the introduction of vehicle age limits for new vehicle applications and vehicle renewals. This would replace the emission criteria that are currently in place.
54. If introduced, vehicles would need to meet the prescribed age limits if they are to be licensed.
55. On the basis of responses received and information available officers do not recommend that we fundamentally depart from our current policy based on European Technical Emission standards for manufactured vehicles.
56. Officers recommend a continuation of the use of Euro Tech emission criteria for new vehicles being licensed for the first time in County Durham. We recommend that from the date of the adoption of the new policy, all newly licensed vehicles should meet Euro Tech 5
57. Whilst an age policy as such is not recommended, it is recognised that invariably, older vehicles are more likely to develop faults than newer cars. In order to maintain standards of the Councils licensed fleet, it is recommended that vehicles over 10 years old are subject to three tests per year as opposed to the two they currently have to pass
58. **Suspension of licensed vehicles** - All taxi licence holders are required to present their vehicle for regular testing. The question posed was “do you agree or disagree that licensed vehicles not presented for test at an appointed date and time should be suspended immediately”. Almost 63% of respondents agreed with this proposition.
59. It is not uncommon for licensed vehicle owners and drivers to contact Licensing Services to ask for prearranged vehicle testing appointments to be rearranged for a variety of given reasons. It is however unusual for requests to be received that would involve bringing forwards a vehicle test. The majority of requests involve the postponement of the agreed vehicle test date.
60. Evidence does exist that suggests that despite some of the excuses provided by vehicle owners and drivers, many of the vehicles that are the subject of such requests to delay or postpone testing may be mechanically unfit and may require repairing prior to testing. It is not always possible or feasible to check the validity of such requests and the inference may reasonably be made that the reason for a postponed testing appointment is associated with mechanical unfitness unless proved otherwise, the onus being on the owner/driver, not the Council to prove this.
61. Officers recommend the policy includes the provision to immediately suspend vehicles that are not presented for testing at the allotted time unless the appointment has been rescheduled for an earlier date and time. Following a

suspension, should the owner/driver be able to prove mechanical fitness e.g. by declaration supported by a recent MOT certificate or AA/RAC inspection certificate etc. the suspension could be lifted pending the outcome of the re-arranged vehicle test.

62. **Other comments** - The Table of Changes lists all the proposed changes to the taxi licensing policy. This includes the proposals in the above questions as well as other potential changes being considered as part of the review. Taking into account all of the proposed changes we asked do you have any other comments on the proposals or is there anything else that you think should be added to the policy.
63. **Policy preventing the duplication of trading names** – complaints associated with two companies allegedly trading under the same business name prompted complainants and their representatives to argue for the DCC taxi licensing policy to address this matter.
64. Although valid reasons were submitted to explain why from a business perspective such a situation is less than desirable, the reasoning was far from compelling from a public protection or safeguarding point of view. In addition, the control or use of business names is governed by a separate regulatory regime and not Licensing.
65. Officers do not consider that DCC policy should interfere in what amounts to private trading disputes, especially in the absence of public protection issues. Should a policy be included that did prevent taxi companies from trading under the same or similar names the Council may become embroiled in protracted private trade disputes over which company name came first etc. It would also be difficult to see how licensing policy could deal with companies in this manner retrospectively that may have been trading for months or years under a given name.
66. For these reasons we do not recommend inclusion of a policy on the duplication of trade names
67. **Airport taxis and the use of metered fares higher than the maximum tariff set by the Council** – Some taxis licensed by councils in the region operate from time to time from Newcastle International Airport. The 'airport taxis' may wish to operate metered airport tariffs that are set at a rate which is higher than the maximum corresponding tariff(s) set by the Licensing Authority. The current DCC Hackney Carriage and Private Hire Licensing Policy requires taximeters in hackney carriages licensed by the authority to be calibrated within the Council's approved hackney carriage maximum fare scales.
68. Taxis licensed by a remote authority are subject to the licence conditions attributable to the authority that licensed them. In this case, unless the taxis were to be licensed by Newcastle City Council, even though the airport is within the boundary of Newcastle upon Tyne it remains responsibility of the remote authority to set the maximum vehicles fares that can be charged. As a result officers do not see any legal or compelling policy related argument for

changing its current policy on such matters in relation to taxis whose drivers choose to work from the airport.

69. **Continuation of locality tests for private hire vehicle drivers –** Competency testing of applicants for both HC and PHV driver’s licences involve knowledge and locality testing. Complaints and suggestions have been received that allege the testing for private hire drivers is restrictive, unnecessary, too difficult etc. and is hampering trade and employment within this sector of the trade in the county. Below is a table showing known advantages and disadvantages of locality testing for private hire drivers.

70. **Pros and Cons of Locality Testing for Private Hire Drivers**

No.	Pros (Advantages)	Cons (Disadvantages)
1	Ensures licenced drivers have a base or minimum level of knowledge about the locations of major roads, conurbations, locations and places and points of interest and how to get to and from such places within the whole county.	PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. Licensing Services is aware of circumstances where e.g. some people who wish only to drive children on school contracts or operate in other defined ways or specific locations are being deterred from continuing to do so, on account of what they consider to be overly burdensome topographical tests. Some private hire operators complain that they have encountered difficulties in recruiting drivers for the same reason. DoT guidance does advise local authorities to bear this in mind when assessing applicants’ suitability for PHV licences.
2	Once a driver has acquired a PHV driver’s licence they may utilise that licence to drive anywhere in or outside the County. A driver who initially starts work only doing e.g. school contract or other private hire work in a restricted manner or area of	Satellite navigation systems are readily available and common place. Although no survey has been carried out it is believed that the majority of both HC and PHV drivers will have access to such in-car or portable systems to help them to navigate around the county. These electronic

	<p>the county may decide to work in a less restricted way in any other location and for any other operator in County Durham. The reasons for not needing to have topographical knowledge throughout the county at the time of application would then be less compelling.</p>	<p>systems can also be used effectively in conjunction with A to Z and similar road maps.</p>
3	<p>Although disputed by some complainants and members of the private hire trade, officers and licensing committee members do not consider that the current locality tests for PHV drivers is overly burdensome. The current testing has been developed with the full knowledge and acceptance that</p> <p>The stringency of the testing should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.</p>	
4	<p>Satellite navigation systems can be unreliable if the internal electronic maps are not kept up to date. Road systems can change, new housing and commercial buildings can appear and new and altered road systems are an ongoing feature of the County.</p> <p>Such systems may also malfunction and break down.</p> <p>Systems are only as good as the information inputted into them by the driver/operator. If a passenger is unsure of a location or address and expects to rely on the knowledge of the driver, the effectiveness of any navigation system can be called into question.</p> <p>Difficulties may arise with the use of such systems when deciding to follow fastest or shortest routes</p>	

	especially when temporary road works may lead to detours and diversions.	
5	Although relatively cheap, generally reliable and commonplace, the removal or dilution of current locality testing for PH drivers would require the inclusion of suitably drafted conditions on either vehicle or driver licences to ensure the equipment is both fitted and used by drivers. No such conditions presently exist. There may be difficulties in drafting suitable and satisfactory conditions in terms of defining a base line specification for the navigation equipment to be used by drivers.	
6	Although PHVs are not legally available for immediate hiring in the same way as taxis and to hire a PHV, the would-be passenger has to go through an operator, the driver will not always have an opportunity to check the details of a route before starting a journey. Many PH drivers licensed by the Council are sole traders and even though an operator's licence is held in addition to the driver's licence, in reality the time between the receipt of a hire request and the dispatching of a driver can be almost instantaneous meaning that many PH drivers act almost like hackney carriage drivers taking and picking up fares with little time to plan journeys in advance. In practice, even when operators and their drivers are more separated and a booking is made in advance of the planned journey, it's very likely the operator would take the booking and enter the details of the journey in a diary. When the time/day of the booking arrives, the operator would then dispatch the next available driver & vehicle to pick up the customer. I.e. the driver would likely have no	

	advance notice of the booking or destination and would only find out when given the job from the operator at the time.	
--	--	--

71. Officers consider that the advantages of locality testing to the public and to the drivers outweigh the disadvantages to the trade and help to maintain high standards of driving within this sector of the trade. Therefore it is not recommended to remove the locality testing for private hire applicants.
72. Should there be a desire to remove the locality testing element from the overall testing regime the policy should contain provision for the mandatory use of suitable satellite navigation technology by drivers of all private hire vehicles. Such systems should be kept up to date by the owners/drivers of the vehicles who will depend on the accuracy and reliability of these systems.

Recommendations

A summary of the recommendations as detailed above are

73. Vehicle Top Sign Specification
The policy is to be amended to include the provision for specifying a specification for top signs. However at this stage that specification will be limited to a top sign to include the word "taxi" and must be capable of illumination
74. Use of Vehicle Top Sign by Private Hire vehicles
Existing Private Hire vehicles can continue to use top signs providing they do not have the word "taxi" on them.
75. Identification of licensed drivers
The policy is amended to require drivers to wear appropriate identification and that all passengers travelling in a licensed vehicle must be able to see official identification at all times
76. CCTV compulsory in all licensed vehicles
The use of CCTV in all licensed vehicles is to be strongly encouraged. Whilst at this stage the provision is not recommended as a mandatory requirement, the necessity to have such a condition in the policy is to be regularly reviewed and considered by members
77. Increasing the frequency of criminal record check.
Following the required current DBS check, a driver/applicant would be required to subscribe to the Update Service within a specified period. Failure to subscribe to the Update service will result in the suspension of their licence

78. CSE awareness training for taxi drivers
The policy is amended to require that all drivers and applicants must undergo CSE awareness training. This training is currently available from a number of training providers including the Council. Also, the knowledge and locality tests are amended to include some questions around CSE awareness.
79. Literacy and numeracy testing for new drivers
It is recommend that the current knowledge tests for new applicants includes a few basic arithmetic questions based on the kinds of common transactions drivers will undertake.
80. Age policy for vehicles and engine emission standards
From the date of the adoption of the new policy, all newly licensed vehicles should meet Euro Tech 5 standards. Licensed vehicles over ten years old should be subject to three tests a year.
81. Suspension of licensed vehicles
Vehicles are immediately suspend when not presented for testing at the allotted time unless the appointment has been rescheduled for an earlier date and time.
82. Policy preventing the duplication of trading names
This issue is not to be included in the Policy.
83. Airport taxis and the use of metered fares higher than the maximum tariff set by the Council.
All licensed Durham County Council vehicles must work form the current tariffs.
84. Continuation of locality tests for private hire vehicle drivers.
Applicants for a Private Hire drivers licence continue to have some form of locality testing prior to being licensed
85. General Licensing and Registration Committee considers the consultation responses and the other policy review proposals outlined in this report and its proposed draft.
86. General Licensing Committee agrees with the revisions to the draft Hackney Carriage and Private Hire Licensing Policy (Appendix 5) and recommends its adoption by Council.

Background Papers:

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy
- The Proposals listed in the briefing paper
- Table of changes
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Department for Transport Best Practice Guidance

- Court transcript of Bouhdid v DCC 6th August 2015
- Letter to Justice Prince from the Head of legal services and Chair of Licensing
- Report of Inspection of Rotherham Metropolitan Borough Council February 2015
- Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013

Contact: Joanne Waller Tel: 03000 260924

Appendix 1: Implications

Finance

There will be a financial implication on the income from the Private Hire Operator fees as the duration of the licence will be extended from 1 year to 3 years.

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

The Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment. (See Appendix 7)

Accommodation

None

Crime and Disorder

None

Sustainability

None

Human Rights

None

Consultation – A full public consultation process will be undertaken in respect of the review of this policy.

Procurement

None

Disability Issues

None

Legal Implications

There are possible challenges by way of judicial review to changes in policy taken under 1976 Act.