
**CONSULTATION DOCUMENT:
REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY CARRIAGES,
PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS**

Purpose of Report

1. To consult with Members in respect of the proposed revised Policies and Conditions relating to the licensing of Hackney Carriages and Private Hire Vehicles, their drivers and operators.
2. To invite Members to confirm all remaining Policies and Conditions.

Information and Analysis

3. Currently, hackney carriages and private hire vehicles, drivers and operators are controlled by a mixture of primary legislation, byelaws and Council policies and licence conditions.

The Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act) permits the Council to attach conditions to the grant of Private Hire Driver and Operator Licences and Private Hire and Hackney Carriage Vehicle Licences “as it may consider reasonably necessary”.

The Town Police Clauses Act 1847 (The 1847 Act) permits the Council to make Byelaws to regulate the conduct of Hackney Carriage Drivers. Policies are umbrella requirements which usually act as a pre-requirement to the making of an application. NB Conditions cannot be attached to Hackney Carriage Driver Licences within the current legislation.

4. The 1976 Act also gives a right of appeal to the Magistrates’ Courts to any person who is aggrieved by any of the conditions placed on a licence. Such appeal must be made within 21 days of receipt of licence.
5. The entire policies and conditions relating to the taxi trade were last reviewed and approved by full Council in January 2012.
6. Officers have reviewed the Hackney Carriage and Private Hire Licensing Policy and have introduced measures to reinforce the protection for members of the general public, in particular children and vulnerable adults, and to provide an enforcement

framework that takes account of legislative changes and amendments, whilst providing encouragement and support the taxi trade in Darlington.

7. This report details the new proposals contained within the document referred to at paragraph 6 above. In addition, it is proposed that the majority of current policies and conditions are retained.

For a detailed analysis of the proposals Members are referred to Appendix A to this report which provides the rationale for new conditions or the or amendment of a particular condition or policy

Consultation with Licence Holders

8. The consultation period commenced on 22 June 2015 and concluded on 21 August 2015.
9. On 18 June 2015, a newsletter was sent to every licensed driver, vehicle proprietor and licensed private hire operator. The newsletter was accompanied by a summary of the revision of the policy. Copies of the full revision were placed on the Councils Website with a direct link provided for easy accessibility. No responses from the trade were received.
10. At the time of writing this report there are 174 Hackney Carriages and 76 Private Hire Vehicles with 217 Hackney Carriage Drivers, 57 Joint Hackney Carriage and Private Hire Drivers and 120 Private Hire Drivers working through 3 Private Hire Operators.

Consultation with other Stakeholders

11. At the same time the section also consulted with other stakeholders including Darlington Borough Council Members, Durham Police, Durham Fire Authority, Darlington Association on Disability (DAD), Highways, Environmental Health, Trading Standards, Planning, Public Health, Events, Home to School Transport Section and other local transport providers. These stakeholders have a direct input into the conditions contained within the Policy.
12. The other Tees Valley Local Authorities and Durham Council were also consulted upon the policy.
13. Comments were received from the Director of Public Health concerning smoking and e-cigarettes (Vaping) in vehicles, and seeking clarification with regard to driving whilst under the influence of legal or illegal drugs and these are detailed at **Appendix 2** to this report.

Legal Implications

14. This report has been considered by the Head of Legal Services for legal implications in accordance with the Council's approved procedures. There are no issues which the Head of Legal Services considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

15. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is considered that the contents of this report may have such effect, as it provides a framework to protect the safety of the public.

Referral to Council

16. As Members are aware only full Council can approve policy matters. The amended Policy will therefore be placed before Council for consideration on 19 November 2015

Recommendations

17. Members are invited to:
 - Note the contents of this report.
 - Support the proposals for new and/or amended policies and conditions as detailed in Appendix 1 to this report.
 - Confirm that all other policies and conditions as detailed in the current licensing policy document be retained.

**IAN WILLIAMS
DIRECTOR OF ECONOMIC GROWTH**

Background Papers

The Local Government (Miscellaneous Provisions) Act 1976

The Town Police Clauses Act 1847

The Darlington Council Byelaws 1990

The Council's conditions and policies relating to the licensing of vehicles, drivers and operators 2012

The proposed draft licensing policy in respect of hackney carriage and private hire vehicles, drivers and operators.

Julie Richings Ext : 6391

PROPOSED CHANGES TO CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

1. To bring the Taxi Policy revision period in line with the Licensing Act 2003, it is proposed to extend the period between policy revisions from 3 to 5 years. The Council may monitor and review this Policy or areas of the Policy prior to the five year review period when considered necessary

2. DVLA Driving Licences

The DVLA no longer issues a driving licence counterpart (D740). In order to be satisfied that an applicant has a current DVLA driving licence and also to be aware of any penalty points on the licence, the Council will require the holder of a driver licence to give permission for access to driver records by way of a mandate which will be valid for a period of three years. Drivers will no longer have to produce their Counterpart DVLA driving licence.

3. Right to Work

All applicants for a private hire operator and/or a private hire and hackney carriage driver licence will be required to prove that they have a right to work in the UK before being considered for a licence. In doing so, the Council may seek information regarding the immigration status of an individual from the Border and Immigration Service

A licence will not be granted until an applicant is able to prove they have a right to work in the UK. Checks will be made at each renewal process. All documentation will be copied and kept on the applicants personal file

4. Language Proficiency

Applicants who cannot demonstrate a reasonable level of spoken English may be required to undertake an assessment of their spoken English. An Authorised Officer at the Council offices will undertake this assessment

5. Applicants Who Have Lived Or Spent Time Abroad

Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous six-year period at the time of the application, an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non-UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English by a recognised, impartial body, from each country where they have been living.

Existing licensed drivers must notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They must also notify the

Council on their return and complete a statutory declaration on the form provided by the Council.

6. Disclosure and Barring Service and Criminal Records

From June 2013, the Council no longer receive a copy of an applicant's DBS. As such, the applicant must produce the entire original copy of the DBS certificate to the Licensing Office.

7. Driver Knowledge/Locality Test

The fee for one knowledge test is currently included in the fee for a licence. If an applicant fails to pass the test, a further fee will be charged for every subsequent test.

Should an applicant fail to pass the knowledge test within four attempts, they will be required to wait for a period of at least 3 months before a further test may be re-booked. This should provide the applicant with sufficient time to develop the necessary knowledge required in order to successfully undertake the knowledge test.

Where an application is pending in excess of 6 months the applicant will be obliged to provide a new DBS Certificate and a new Medical Assessment or a letter from the GP who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required.

If an applicant cancels a test with less than two working days' notice, fails to attend a test, or is more than 10 minutes late for the test without a reasonable excuse, a further fee shall be required prior to a re-test being booked.

8. Application Procedure

Where an application is pending in excess of 6 months, the applicant will be obliged to provide a new DBS Certificate and a new Medical Assessment or a letter from the GP who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required

9. Term of Licence

New applicants and applicants for renewal of licence may apply for a 3-year licence in those cases where there are not any issues concerning the application

Where a licence is granted for a period in excess of one year, the licence holder shall be required to attend the Licensing Office annually to make a declaration that they have not accrued any penalty points or criminal convictions, cautions, reprimands or final warnings within the preceding 12 months and that their medical status has not changed in any way.

Licence holders will be required to sign a declaration that they will be liable for prosecution if they make a false declaration or omit to provide any requisite information.

In addition, all 3 year licence holders shall be required to have valid DVLA licences, medicals and criminal record checks for the entire 3 year period.

Where this is not the case, applicants may choose to bring forward such checks to align them to a 3 year licence, however if any of these expire within the 3 year period a pro rata licence (with pro rata fee) will be considered.

In addition, it is proposed that applicants for 3 year licences are required to register for the Disclosure and Barring Service (DBS) updating system and the similar DVLA access system and provide authorised access to the Council to enable ongoing checks to be made.

In cases where applicants/renewal applicants are referred to the Council's Taxi Licensing Sub Committee in respect of matters of concern e.g. criminal or medical issues or serious complaints, it is proposed that a maximum one year licence will normally be granted and repeated for the first 3 years.

If there are no further concerns after that time period the opportunity to apply for a 3 year licence shall be offered.

Licence holders that are subject to specific annual checks eg an annual medical will be limited to an annual licence.

Licences that exceed one year will be subject to a higher licence fee.

Applicants can choose to apply for a one year licence

10. Driver Training

The Council has collaborated with Darlington Association for Disability (DAD) to set up a training package for drivers in respect of disability awareness with an additional add on session for correct loading and unloading of disabled passengers. New applicants and existing drivers will be required to attend the session(s) once it has been rolled out.

TAXI DRIVERS REQUIREMENT TO ATTEND SAFEGUARDING VULNERABLE PASSENGERS AWARENESS TRAINING

From January 2016, applicants for private hire, hackney carriage driver licences and private hire operators will be required to have undertaken Child Sexual Exploitation/Vulnerable training and will be required to produce a certificate as evidence of such training as part of their application.

Current drivers and operators will also be required to undertake this training as part of the renewal application from January onwards.

11. Medical Conditions

If a driver has a medical condition that requires notification to the DVLA e.g. sleep apnoea they **must** also notify the Council in writing at the same time that DVLA is notified.

12. Insurance Write Offs

Vehicles that have at any time been declared an 'insurance write off' (i.e. in category A, B, C, D) and/or have their V5 document endorsed as being 'accident damaged' will not be licensed. If a licensed vehicle is involved in an accident which results in the vehicle being declared an insurance write off then the licence will be revoked and the no further application to licence the vehicle will be permitted.

13. Exemptions for Private Hire Vehicles

Private hire vehicles used for executive hire or novelty vehicles or stretched limousines will be permitted to apply for an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display licence plates.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged substantially (i.e. more than 80% of hirings) in the provision of a 'chauffeur style' executive service or the vehicle operated should be an executive type vehicle, stretched limousine or other novelty vehicle as agreed by the Council.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the Council that:

- a) the specification of the vehicle constitutes an executive vehicle¹ and
- b) the overall level of service provision constitutes an executive hire, or²
- c) the overall specification of the vehicle constitutes a novelty vehicle³

The submission of contract specifications and/or evidence of all contract and account customers, including usage will be required to support any application for an exemption. Applications for exemptions are to be made in writing with a proposed business case.

¹ An executive vehicle is a vehicle referred to as a premium class car finished to the highest specification and not a base or lower standard specification. The vehicle is to be provided with the services of a smart business wear uniformed driver

² The vehicle will not be used for typical private hire work

³ For example , a stretched limousine, or a vehicle such as a fire engine which has been converted to be used as a novelty vehicle

If an Exemption is granted, a Notice will be issued to the proprietor. The Notice shall be valid for a period not exceeding one year and shall expire alongside the private hire vehicle licence.

A rear licence plate will also be issued and this shall be carried in the boot of the vehicle at all times whilst the vehicle is being used in accordance with the exemption notice.

In addition, a discreet sign will be issued which must be displayed in or on the front windscreen at all times whilst the vehicle is being used in accordance with the exemption notice.

The Exemption Notice, the rear licence plate and the front sign shall be produced to an authorised officer or police officer when requested.

Whilst the vehicle is being used in accordance with the Notice, the driver of the vehicle shall be required to carry his private hire driver badge in the vehicle but shall be exempt from wearing it.

No advertisements of any kind shall be displayed in, on or from the vehicle at any time whilst the Exemption Notice is in force. Company logos shall not be displayed on any part of the vehicle.

Roof signs shall not be permitted and the overall appearance of the vehicle both externally and internally shall be that of an unlicensed private vehicle at all times.

14. Vehicle Licence Fees

Where a vehicle will reach its 6th anniversary during the period of a licence a reduced fee will be calculated as follows: the current administration fee plus the difference between the remaining annual licence fee, divided by 12 months and then multiplied by the number of months from the start of the licence period to the 6th anniversary (part months will be charged as full months)

15. Age Restrictions

Vehicles will only normally be licensed until the 6th anniversary of registration unless it meets the Councils Exceptionally Well Maintained Criteria. If a vehicle fails to meet the criteria it will be offered one further re-test which must be undertaken prior to the expiration of the vehicle licence. If the vehicle fails to meet the criteria upon re-test, the application for the renewal of the vehicle licence will be refused.

Age restrictions shall not apply where a licensed vehicle is converted from one type of licensed vehicle to another, provided the vehicle licence in respect of the initial vehicle licence is surrendered. The vehicle must be altered so as to comply fully with the requirements of the prospective licence in respect of the fitness, suitability, colour, size and type of vehicle, and any obligatory fixtures and fittings.

16. Incentives

A licensing incentive is given to all purpose built, fully accessible vehicles by way of a 25% reduction in the annual licence fee

Where a vehicle licence attracts an incentive there shall be an expectation that the vehicle shall be made available for a reasonable period each day for the carriage of disabled passengers unless the vehicle is mechanically unfit for use, at which time the vehicle licence will be suspended

An incentive may be withdrawn at any time should the Council receive complaints that the vehicle is not available for the use of passengers with disabilities.

17. Advertisements, Signs, Notices etc.

If advertising is permitted in the interior of the vehicle it shall be subject to the proviso that it does not detrimentally affect the safety or comfort of passengers, does not cause offence to passengers carried within the vehicle, and is not designed or intended to be viewed from the exterior of the vehicle

18. Accident Notification

Where a vehicle has sustained accident damage and is subsequently declared an 'insurance write off' (i.e. in category A, B, C, D) and/or the V5 document is endorsed as being 'accident damaged' the vehicle will no longer be allowed to remain as a licensed vehicle.

19. Vehicle and Meter Testing

Any vehicle, which fails to be presented for a pre-arranged inspection at the Council's Testing station, will be deemed to have failed the test. A further test and full payment of the test fee will be required and the vehicle licence shall be suspended until the test has been successfully undertaken.

A vehicle test may be cancelled by providing a minimum of 2 working days' notice, in writing, to the Licensing Section prior to the date of the test without loss of the test fee. The vehicle licence will however be suspended until such time as the vehicle test is successfully undertaken.

It shall be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy, maintained to the Councils Exceptionally Well Maintained Criteria as defined in **Appendices 17 & 18** of this Policy and fit for hire and reward purposes at all times

20. European Emission Standards

The stricter emission standard of Euro VI for new or replacement vehicles came into effect in September 2015.

21. Private Hire Operators

Duration of Licence

New applicants and applicants for renewal of licence will be offered the opportunity to make an application for a 5-year licence in those cases where there are not any issues concerning the application.

Applicants for grant and renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new certificate or search results every fifth year to facilitate the longer licensing period.

Private Hire Operators holding a 5 year licence will be required to attend the Licensing Section annually to make a declaration that they have not accrued any criminal convictions, cautions, reprimands or final warnings within the preceding 12 months and that there has not been any change in the operation of the business also. Licence holders will be required to sign a declaration that they will be liable for prosecution if they make a false declaration or omit to provide any requisite information.

Licences that exceed one year will be subject to a higher licence fee.

Applicants can choose to apply for a one-year licence

22. Sub-contracting of private hire bookings

Operators are required to keep a record of every sub contract made with the operator or arranged by the operator.

The operator must ensure that the same standard of vehicle and driver that would normally be dispatched by the operator is provided by the sub-contractor.

23. Vehicles

Payment Credit

Fees paid in relation to hackney carriage and private hire vehicle licences will be subject to a partial credit on the unexpired portion of the licence should the proprietor choose to surrender their licence during the period of the licence. This credit **must** be used to offset the cost of a new vehicle licence. The amount of credit shall be determined by the Council and an administration fee will also be levied. Credit will only be allowed where:-

- a) The vehicle licence is surrendered correctly
- b) A request for credit has been made in writing
- c) The plates and licence have been surrendered

The total credit will be calculated as the licence fee minus the current administration fee, divided by 12 months and then multiplied by the **whole** months remaining on the licence.

Once surrendered the vehicle will not be licensed by the Council unless it is less than 3 years of age at the time the application is made (or less than 5 years in respect of purpose built wheelchair accessible vehicles).

No cash alternative shall be offered at any time

Reduced Fees for Vehicle Licences

Where a vehicle will reach its 6th anniversary during the period of a licence a reduced fee will be calculated as follows: the current administration fee plus the difference between the remaining annual licence fee, divided by 12 months and then multiplied by the number of months from the start of the licence period to the 6th anniversary (part months will be charged as full months).

24. Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints

In applying these guidelines, the Council will consider its responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults. The Council must be confident that the applicant is a fit and proper person.

The Local Government Association encourages Councils to take a strong stance on indecency offences such as those relating to rape, sexual assault and Child Sexual Exploitation.

In considering any applicant with criminal convictions, conditional/unconditional cautions, reprimands, warnings or they have been interviewed under caution and been offered an alternative sanction to prosecution the Council will take into account the number and type of offences etc., any patterns of criminality and apply a totality principle to applicants with such convictions, cautions and reprimands

Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Members will consider the proliferation and the totality of the offences, convictions, cautions, complaints etc. when deciding if a person is a fit and proper person.

Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused unless there is an **exceptional** reason to depart from the Policy.

Where there is a pattern of offences, such as numerous convictions for violence, etc., the whole of the applicant's/licensee's criminal convictions will be taken into account, along with any complaints about their conduct or behaviour.

Current DfT Best Practice Guidance 2010 removed references to any recommendation of the period of time which should lapse between certain types of convictions. Where

periods free from further convictions is stipulated Members will treat this as a **minimum standard**.

In most cases, the minimum period stipulated within the policy has been given a 5-year tariff where previously the policy was 3 to 5 years free from conviction.

Drug Offences

If the conviction, caution, reprimand or final warning relates to the possession or manufacture of controlled drugs or substances with the intent to supply then it is unlikely that the application will be granted. In the case of a licensed driver, it will ordinarily result in the licence being revoked.

More than one conviction, caution, reprimand or final warning for a drug related offence will ordinarily result in an application being refused or a licence revoked.

Sex Offences

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will be refused a licence. In the case of a licensed driver, it will ordinarily result in the licence being revoked.

In exceptional circumstances, an application may be considered on its merits when the applicant can show a substantial period free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning.

Where a conviction has resulted in a custodial sentence being imposed, an application will ordinarily be refused. This will also apply if a custodial sentence was suspended.

More than one conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any other sexual offence, will ordinarily result in an application being refused or a licence revoked.

Violence

More than one conviction, caution, reprimand or final warning for violence will ordinarily result in an application being refused. In the case of a licensed driver it will ordinarily result in the licence being revoked

More than one conviction, caution, reprimand or final warning for any offence involving domestic violence will ordinarily result in an application being refused. In the case of a licensed driver, it will ordinarily result in the licence being revoked.

Dishonesty

More than one conviction, caution, reprimand or final warning for any offence involving dishonesty will ordinarily result in an application being refused. In the case of a licensed driver it will ordinarily result in the licence being revoked

Public Order

More than one conviction, caution, reprimand or final warning for any public order offence will ordinarily result in an application being refused. In the case of a licensed driver, it will ordinarily result in the licence being revoked.

25. Vehicle Licence Conditions

Appearance of Vehicle

Have an engine capacity of not less than 75 bhp.⁴

Have minimum seating capacity for at least four adult passengers and each seat shall not be less than 400 mm or 16 inches wide.

Meter/Table of Fares

The meter must be installed into the vehicle in a suitable and secure manner at all times

26. Exempted Private Hire Vehicle Licence Conditions

E1 Advertisements

No sign or advertisement of any description shall be displayed in or on the vehicle at any time whilst it is being used in accordance with the certificate of exemption

E2 Alteration of Vehicle

The proprietor must not change the design, condition or appearance of the vehicle without first obtaining the written approval of the Council.

E3 Appearance of Vehicle

The vehicle must NOT be red in colour, must be approved by the Council and shall:

- a) Have at least four doors that can be opened from both inside and outside the vehicle.
- b) Be right-hand drive
- c) Have an engine capacity of not less than 1800cc
- d) Have a minimum seating capacity for at least four adult passengers and each seat shall not be less than 400 mm or 16 inches wide.
- e) Luggage must be properly secured in a vehicle which does not have a boot.
- f) Be wind and watertight.
- g) Have windows that can open on both sides of the vehicle.
- h) Have seats properly cushioned and covered.
- i) Have a floor properly covered with carpet or other suitable covering

⁴ BHP The definition of brake horsepower means an engine's actual horsepower which is measured by a dynamometer using a brake attached to the engine's driveshaft. A vehicles BHP can be found on the V5 logbook at P2 = Max. net power (kW)

- E3 j) Have an adequate internal light to enable passengers to enter and leave the vehicle safely.

Have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are supplied by the manufacturer fitted with a space saver spare tyre the Council will permit their use in licensed vehicles, subject to the following

- i) The carriage of passengers is not permitted whilst such a tyre is fitted
 - ii) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.
 - iii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.
 - iv) Due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for imbalance) the distance travelled using a space saver should not be in excess of 50 miles.
 - v) The use of pressurised tyre sealants will not be permitted in any circumstances
- In addition tyres on the same axle must be of the same nominal size and aspect ratio
- k) Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
 - l) Be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the *normal zone of vision* i.e. the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (Policy)
 - m) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
 - n) Not be a convertible.
 - o) Not fitted with a roof sign
 - p) Not be fitted with a roof rack.
 - q) Not draw a trailer.

E4 Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

E5 Uniform

The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

E6 Change of Engine

The proprietor must inform the Council, in writing, within two working days of any change of the engine in the vehicle.

E7 Change of Private Hire Operator

This vehicle may only be operated under the provisions of one Private Hire Operators Licence at any moment in time. The proprietor must notify the Council of any change in Private Hire Operator, in writing, using the Council's approved forms within 48 hours

E8 Cleanliness

The proprietor must ensure that the private hire vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

E9 Convictions

The proprietor shall within seven days disclose to the Council in writing details of any criminal or motoring convictions, fixed penalties and/or caution imposed on him or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

E10 Deposit of Driver licence

If the Proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his. Any person driving a private hire vehicle must be licensed, even if the vehicle is not being used for private hire purposes (also Section 46 (b) and (c) of LG (MP) Act 1976.

E11 Letting/Leasing of vehicles

The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. NOTE: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

E12 Licence Plates

Whilst acting in accordance with the exemption certificate issued for this vehicle, no rear plate may be displayed from the vehicle but shall be carried within the boot of the vehicle and shall be produced to an authorised officer if required. The internal front display plate shall be carried on the front windscreen of the vehicle at all times whilst this vehicle is being used in accordance with the exemption certificate

E13 Loss/Theft of Plate or licence

The proprietor must report the loss/theft of licence or identification plate(s) to the Licensing Section as soon as the loss becomes known and in any case, within 2 working days. A lost property/crime number must be obtained from the Police and details of this given to the Council.

E14 Safety Equipment

The vehicle must always carry in a conveniently and readily accessible position:

- a) A suitable and efficient multipurpose dry powder fire extinguisher or FFF aqueous foam fire extinguisher should be secured in the boot of the vehicle as recommended by the Fire Authority. (Where the extinguisher is to be used in an eight-passenger seat vehicle, which does not have a boot it is recommended that a FFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- b) A first aid box, suitable for passenger carrying vehicles, must be available in the vehicle for use by a suitably trained person to provide emergency aid at an incident, (there is no expectation that a licensed driver without first aid training would do this). The first aid kit should be in a suitable airtight container marked with a white cross on a green background. The container must be clearly marked in indelible black ink with the vehicle licence number and must contain the following:

1 first aid guidance leaflet	2 sterile eye pads
1 sterile wound dressing (7.5cm x 4.5cm)	10 antiseptic wipes (alcohol free)
24 assorted adhesive dressings	2 triangular bandages non-woven
2pairs disposable gloves	12 safety pins
3 sterile ambulance dressings	1 pair rust free blunt ended scissors

E15 Sliding Doors

Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers. The opening and closing mechanism shall not be altered so as to prevent the doors from locking into the open position

E16 Uniform

The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.

27. Hackney Carriage Vehicle Licence Conditions

Advertisements

HV1 Advertisements

- a) Any advertisement upon a Hackney Carriage requires the prior written approval of the Council. Approved advertisements may be placed on the rear doors and rear quarter panel only and be of a stick-on plastic film type material (magnetic panels will not be allowed). The following types of advertisement will be excluded
 - i) Any advertisement that it is felt likely to give rise to public offence will be refused.
 - ii) Any advertising of gambling, alcohol, tobacco or e cigarettes or a "prohibited practice" as described by the Consumer Protection from Unfair Trading Regulations 2008
 - iii) Any approved advertisement that is later found to give rise to justifiable public offence. This shall immediately be removed upon the instruction of an authorised officer.
- b) No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed in, on, or from the vehicle except as may be required by any statutory provision (including bylaws) or required or permitted by these conditions
- c) No illuminated or fluorescent advertisement shall be displayed on the inside the vehicle.
- d) No advertisement shall be placed on, or above, the roof level.

28. Vehicle Criteria for Exceptionally Well Maintained Interior

All instruments, including the PDA, two way radio and/or taximeter shall be secured within the vehicle and contained within a mounted bracket affixed to the vehicle and suitable for the purpose of preventing the instrument to travel round the vehicle in the event of an accident.

Where the vehicle is an estate car or does not have a fully segregated luggage compartment, a grille or similar guard sufficient to prevent luggage carried in the rear compartment from coming into contact with passengers in the vehicle shall be fitted.

29. Private Hire Operator Licences Legislation, Policies and Conditions

Private hire vehicles and hackney carriages licensed by Darlington Borough Council should normally be dispatched to undertake bookings. If a booking is sub contracted to or from another private hire operator, located either within the borough of Darlington or from another controlled district a detailed record MUST be kept of the sub contract and the actual booking.

30 Private Hire Operator Conditions

Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her and of every sub contract made with the operator or arranged by the operator. The records must be continuous, chronological records.

There must be only one set of records: cash and credit account bookings can be separately identified but must not be in separate sets of records.

- a) Records must be kept in a suitable form in a continuous, chronological order, approved by the Council the pages of which are consecutively numbered; or
- b) On a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment; and

Vehicles to be used

It shall be a requirement that hackney carriage and private hire vehicles and drivers that have been licensed by Darlington Council shall be used within the controlled district of Darlington unless it is necessary to sub-contract a booking. In this case the operator must ensure that the same standard of vehicle and driver is provided by the sub-contractor. This is to ensure that the travelling public of Darlington are provided with a consistent standard of service

If you are to be absent for 15 days or more you must notify the Council in writing, prior to the absence. A responsible person should be nominated to take responsibility of the business during your absence. Contact details of this person must be provided, in writing to the Council. You will still be responsible for all activities relating to the operation of the business.

31.Code of Good Conduct for Licensed Drivers

Not drive while having used or misused legal drugs which may affect their ability to drive and/or illegal drugs

Not smoke or use any alternative device such an e-cigarette whilst the vehicle is used for the purpose it is licensed for of whilst passengers are carried in the vehicle

Comment	<p>P50 <i>Not drive while having misused legal or illegal drugs –</i></p> <p>Would be preferable to state ‘while having ‘used’ legal or illegal drugs’. This would reflect that Council staff Policy on having to report even prescribed medication. It could be that taxi drivers are prescribed meds which could affect their ability to drive and we should reflect this?</p>
Officer Response	<p>It is accepted that the use of prescription drugs can have a detrimental effect on a person’s ability to drive or operate machinery, therefore it is sensible to amend the policy to reflect this</p>
Rationale	<p>Whilst a person can become tolerant to a drug over a period of time, in the short term it would be preferable to prevent the driving of a licensed vehicle though at some point a person may be able to resume driving. The policy has been amended to reflect this amendment</p>
Comment	<p>P54 Language throughout around ‘cautions, reprimands and final warnings’ (etc) needs checking with the police, as many of these sanctions are being replaced with conditional cautions, Checkpoint programme, restorative approaches etc. It is feasible that someone on a low level offence could get one of the new disposals, not classed as a conviction, but still have a drug or alcohol issue</p>
Officer Response	<p>The police have advised that many of the above programmes are aimed at first time offenders but this could include public order offences and low level thefts etc, drunk and disorderly and retail theft under £200.00. More serious offences, such as sex offending, rape, drink driving and violence where a party is injured would not qualify for a conditional caution, checkpoint programme or restorative approach.</p>
Rationale	<p>The Policy has been amended to ensure the reporting of any police intervention</p>
Comment	<p>There have also been changes to how Probation works. If someone has committed an offence and is either on an order, or has served time in prison, they will be involved with one of two organisations.</p> <p>Serious/high risk offenders will come under the remit of the National Probation Service (NPS).</p> <p>The newly created Community Rehabilitation Company (CRC) will oversee lower level Court Orders and low to medium risk offenders.</p>

Anyone who serves 1 day, or more, in prison will now be discharged on a minimum of a 12-month Licence.

Previously, only individuals serving a sentence of 12 months or more came out under Licence. This is important from your perspective as you may receive an application form from someone who is on Licence from prison.

Officer Response	In the past, anyone applying for a licence whilst still on licence would have raised concern due to the probable length of prison sentence served. Applicants affected by these new regulations will have to be reviewed on a case by case basis
Rationale	Policy has been amended to reflect the changes to probation regulations.
Comment	<p>E-cigs: I would recommend an interim position which reflects the behaviours the Authority requires to be applied in respect of vaping during the period that drivers are operating the taxis.</p> <p>For example, you could put a blanket ban on use whilst the taxi is in operation with fare paying passengers on board.</p> <p>I don't think you need to get into the level of detail around the current health evidence, or contradictory viewpoints around them.</p>
Officer Response	Whilst we would not wish to discourage the health benefits of cessation of smoking we are also mindful of the image smoking or vaping may give to young impressionable minds.
Rationale	With this in mind the policy has been amended to introduce a ban on vaping in a licensed vehicle whilst the vehicle is being used for the purpose for which it is licensed.