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

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**Responsible Cabinet Member – Councillor Nick Wallis,  
Leisure and Local Environment Portfolio**

**Responsible Director – Ian Williams, Director of Economic Growth**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To invite Members to approve the final draft of the Council's revised policy document (see **Appendix C**) in respect of Hackney Carriages and Private Hire vehicles, their drivers and Operators, which is due to take effect from 1 January 2016.

**Summary**

2. This report seeks Members approval of the revision of the Council's Taxi Licensing Policy. The revised Policy reflects changes to the licensing and other legislation including amendments to licence durations and removal of counterpart driving licences. It also reflects the concerns raised by the Rotherham enquiry into child sexual exploitation as well as updating some of the current policies and conditions and providing additional guidance for applicants. The Policy was last approved on 26 January 2012.

**Recommendations**

3. It is recommended that Council approve the final draft of the Licensing Policy which will affect all licences due from 1 January 2016.

**Reasons**

4. The recommendation is supported to introduce and reinforce measures to ensure the protection 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 to the taxi trade in the Borough.

**Ian Williams, Director of Economic Growth**

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## Background Papers

- (i) The Equality Act 2010
- (ii) The Town Police Clauses Acts 1847 and 1889
- (iii) The Local Government (Miscellaneous Provisions) Act 1976
- (iv) Darlington Council's Byelaws in respect of Hackney Carriages, 1990
- (v) The Current Policies and Conditions in respect of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

S17 Crime and Disorder	This report addresses issues specifically relating to criminal offences
Health and Wellbeing	There are no issues which this report needs to address
Efficiency	This report has no impact on the Council's Efficiency Programme.
Diversity	The proposals will increase equality of opportunity for the disabled travelling public
Carbon Impact	There are no issues which this report needs to address
Wards Affected	The proposals affect all Wards
Groups Affected	The proposal affects all travellers
Budget and Policy Framework	This report represents a change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The proposals contribute to the growth of a sustainable economy whilst protecting the general public

## MAIN REPORT

### Background

5. Hackney carriages are public hire vehicles which are permitted to ply for hire in the controlled district of Darlington and also from designated taxi ranks within Darlington. They may also undertake pre booked fares. Private hire vehicles on the other hand are limited to pre booked fares only and such bookings must be made through a licensed private hire operator. The licensing of hackney carriage and private hire vehicles, drivers and private hire operators is regulated by a range of legislation but specifically the Town Police Clauses Act 1847 (the 1847 Act) and The Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).
6. Currently, hackney carriages and private hire are controlled by a mixture of Council policies, licence conditions and byelaws. 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 1847 Act permits the Council to make Byelaws to regulate the

conduct of Hackney Carriage Drivers. Policies are the overarching requirements of licensing by Darlington Borough Council (e.g. age of vehicles, Driving Standards Agency tests etc) and these are usually a pre-requirement to making an application. NB conditions cannot be attached to Hackney Carriage Driver Licences with the current legislation.

7. 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.
8. The entire policies and conditions relating to the taxi trade were last reviewed and approved by Council on 26 January 2012 following full consultation.
9. All policies and conditions have been revisited and as a result, some have been reviewed. **Appendix 1** to this report details the proposed amendments to the Policy. The revised Policy is attached at **Appendix C**.
10. At the time of writing this report, Darlington Council has 170 licensed Hackney Carriage vehicles and 75 licensed private hire vehicles. Of these 17 are wheelchair accessible, (13 hackney carriages and 4 private hire vehicles). For simplification, both types of vehicles are referred to in this report as "Taxis". In addition there are also 211 hackney carriage drivers, 119 private hire drivers and 60 combined hackney carriage and private hire licensed drivers and 3 Private hire operators.
11. Licences are currently granted for a 12 month period throughout the year. Changes to current licences can therefore only take effect at the renewal of licence. If Members are minded to approve the introduction of the new policies and conditions, these will be phased in when a renewal licence is granted. This will mean that the new conditions will apply to the entire current trade within a 12-month period but will apply to all new applicants with immediate effect from 1 January 2016.

### **The Consultation Process**

12. The consultation period commenced on 22 June 2015 and concluded on 21 August 2015.

### **Consultation with Licence Holders**

13. 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 proposed revisions to the policy. A Copy of the full revised policy was placed on the Council's Website with a direct link provided for easy accessibility. No responses from the trade were received.

### **Consultation with other Stakeholders**

14. A consultation exercise was also undertaken 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 can have a direct input into the conditions contained within the Policy.

15. The other 4 Tees Valley Local Authorities and also Durham Council were consulted upon the policy.
16. 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 A to this report.**

### **Further Consultation**

17. Due to changes to legislation introduced through the Deregulation Act 2015 and proposals to introduce mandatory training requirements in respect of Child Sexual Exploitation (CSE) awareness there was a further consultation exercise with the licensed Trade advising them of this proposal. This consultation process commenced on Monday 21 September and concluded on Friday 2 October 2015 and also included the offer of 80 free places at two upcoming awareness events in relation to Child Sexual Exploitation Awareness to be held on 28 October 2015.
18. No responses from the trade were received in relation to Deregulation Act proposals or the CSE awareness training requirement although all places for the training event have been taken.
19. The proposed changes to the policy have been appended at **Appendix B** and show the rationale behind such changes.

### **Consultation with the Licensing Committee**

20. On 29 September 2015, a report in respect of the proposals contained within this report was presented to the Council's Licensing Committee and Members gave their support to the recommended changes to the Policy.

### **Equalities Impact Assessment**

21. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2010 and DAD was involved in the consultation process. There is nothing contained within this report that would adversely impact upon this assessment.

### **Conclusion**

22. The proposed changes to policy and conditions will provide clarity for the licensed trade and ensure a more licensing regime to protect the travelling public

**RESPONSE TO CONSULTATION  
COMMENTS FROM DIRECTOR OF PUBLIC HEALTH**

- P50 *Not drive while having misused legal or illegal drugs* – I would prefer it say ‘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?
- Language throughout around ‘*cautions, reprimands and final warnings*’ (P54 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
- 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. Serious/high risk offenders will come under the remit of the National Probation Service (NPS). The newly created Community Rehabilitation Company (CRC) will oversee lower level Court Orders and low to medium risk offenders. 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. In the past, this would have potentially been for a much more serious level of criminality than would be the case under these new regulations so you would need to look into the details on a case by case basis.
- 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. As discussed, for example, you could put a blanket ban on use whilst the taxi is in operation with fare paying passengers on board. I don’t think you need to get into the level of detail around the current health evidence, or contradictory viewpoints around them. You could, however, include the information below around local support available for those who wish to quit smoking, or nicotine, altogether. As the evidence base grows and more national guidance is available, we can revisit these sections as part of the policy review process
- Adults, or young people, can access Stop Smoking Services (SSS) via a number of GPs and pharmacies – not all – across Darlington. These are sourced by the individual by calling the NHS Smoking Helpline number which lists all providers across the country - **0300 123 1044**. Locally, this support includes a 12-week programme of behavioural support plus recommendations for any medication. Prescribed medication would then be done via the individual’s own GP e.g. for champix tablets. We also operate a Nicotine Replacement Therapy (NRT) voucher scheme which allows individuals accessing the support programme to get up to 12 weeks of nicotine products from a pharmacy on production of a voucher given to them by their smoking advisor.

This is free to people who don't pay prescriptions and costs the same as a prescription charge (currently just over £8) for those who pay for prescriptions.

- Drug & alcohol treatment services are now integrated, covering all age groups and all substances. The young people's element of it also includes smoking cessation support but the adult element doesn't at the moment. The service is called the Recovery & Wellbeing Service and operates out of The Gate (the old Salvation Army Building on Northgate). The number is: **01325 267230**

## PROPOSED AMENDMENTS TO THE POLICY

<b>Current Policy</b>	<p><b>Implementation and Review</b></p> <p>The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above</p>
<b>Proposed Policy</b>	<p>The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.</p>
<b>Rationale</b>	<p>It is proposed to bring the Taxi Policy revision period in line with the Licensing Act 2003. The Council may monitor and review the Policy or areas of the Policy prior to the five-year review period when considered necessary.</p>

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<b>Current Policy</b>	<p><b>DVLA Driving Licences</b></p> <p>The following documents are to be submitted in person for a new application for a private hire or hackney carriage driver licence:- “Valid Driving Licence including part D9 paper counterpart.”</p>
<b>Proposed Policy</b>	<p>The DVLA requires the holder of the licence to give permission for access to driver records by way of a mandate which will be valid for a period of three years. This means that drivers will no longer have to produce their Counterpart DVLA driving licence.</p> <p>An application for a driver’s licence is to be made prior to the applicant taking the required knowledge test. The following documents with relevant fees are to be submitted in person for a new application:</p> <p style="padding-left: 40px;">a) A completed D796 DVLA Mandate</p>
<b>Rationale</b>	<p>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 has entered into a contract with the DVLA to enable checking of driving entitlement and driving history directly with the DVLA.</p>

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<b>Proposed Policy</b>	<p><b>Right to Work</b></p> <p>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.</p>
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<b>Rationale</b>	<p>For British applicants without a current British passport, a birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance number is required.</p> <p>The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006. The Government's Department of Transport (DfT) Best Practice Guidance in relation to hackney carriage and private hire provides for licensing authorities to check on an applicant's right to work in the UK before granting a licence</p>
<b>Proposed Policy</b>	<p><b>Language Proficiency</b></p> <p>Applicants who cannot demonstrate a reasonable level of spoken English may be required to undertake an assessment of their spoken English. This assessment will be undertaken by an Authorised Officer at the Council offices</p>
<b>Rationale</b>	<p>Introduced in response to complaints from members of the public concerning drivers' ability to understand English</p>
<b>Current Policy</b>	<p><b>Applicants Who Have Spent Time Abroad</b></p> <p>Where an applicant has spent 3 months or more living abroad usually an enhanced CRB disclosure in itself will be insufficient to satisfy the Council that the applicant is a fit and proper person.</p>
<b>Proposed Policy</b>	<p>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.</p> <p>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.</p> <p>Where applicants have not lived in the UK for a continuous 6-year period they 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.</p>
<b>Rationale</b>	<p>To ensure that licence holders or applicants who have criminal convictions which were committed outside the UK are not licensed without consideration of those convictions.</p>
<b>Current Policy</b>	<p><b>Criminal Records Check</b></p> <p>The applicant for a Criminal Record Disclosure will be sent a separate disclosure report to their home address. The Council will</p>



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also receive a copy of the report, which will form part of the application

**Proposed Policy** The Disclosure Barring Service (DBS) report will be sent to the applicant's home address. The Council will not receive a copy of the report and the applicant **MUST** produce the entire original copy of the DBS certificate to the Licensing Office. Photocopies or part disclosures will not be accepted.

Once a copy has been received, it will be referred to an Authorised Officer for checking and if satisfactory, it will be returned immediately. If an officer is not available, the DBS disclosure will be placed within the driver's folder and stored in a secure cabinet until an Authorised Officer is able to check it. Please note that copies of disclosures are not stored on drivers' files at any time unless the driver authorises the storage in lieu of the criminal conviction declaration.

**Rationale** From 17 June 2013, the DBS introduced changes to the way in which DBS certificates were issued. From that date, the DBS will only issue disclosures to the applicant. The Council therefore no longer receives a copy.

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**Current Policy**      **Driver Knowledge Test**

In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct / conditions, Highway Code and licensing legislation. Tests for hackney carriage drivers include a more detailed assessment of local geography, location of hackney carriage ranks and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.

**Proposed Policy** As above +:  
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. Such fees are to be paid prior to the test date being booked. Bookings for a test appointment will not be accepted without the payment of the fee.

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.

Applicants should note that 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 would 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.

**Rationale** To provide clarity for applicants and to ensure that applicants are fully prepared for knowledge tests rather than repeatedly taking the test.

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**Current Policy**      **Medical Condition**

The Council must be notified, in writing, within 14 days of any deterioration in the driver's medical condition that may affect their ability to drive **private hire vehicles**

**Proposed Policy** The Council must be notified, in writing, within 14 days of any deterioration in the driver's medical condition that may affect their ability to drive **licensed vehicles**. Where notification to the DVLA is required e.g. sleep apnoea they must also notify the Council in writing at the same time that DVLA is notified.

**Rationale** The current policy condition applies only to drivers of private hire vehicles. Hackney Carriage driver licences cannot have conditions (other than the byelaws) attached to them. The additional clause has been inserted into the policy in the general section to include all drivers.

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**Proposed Policy**      **Disability Awareness Training**

New applicants and existing drivers will be required to attend accredited training session(s) in respect of disability awareness and assisting disabled passengers.

**Rationale** The Council has collaborated with Darlington Association for Disability (DAD) to provide a training package for drivers in respect of disability awareness with an additional add on session for correct loading and unloading of disabled passengers.

Once the DAD training Scheme has been accredited, it will be rolled out to the trade to ensure that disabled passengers are transported safely and with dignity at all times.

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**Current Policy**      **Insurance Write Offs**

Vehicles that have at any time been declared an 'insurance write off' will not be licensed.

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**Proposed Policy** 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

**Rationale** Current Policy has been expanded to provide clearer advice to trade

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**Current Policy** **PH Exemption and Conditions**  
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.

**Proposed Condition** 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 vehicle and
- b) the overall level of service provision constitutes an executive hire, or
- c) the overall specification of the vehicle constitutes a novelty vehicle

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.

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

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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.

**Rationale** To provide clarification to the current policy – Exempt Vehicle Licence Conditions have also been included within the Policy to provide an enforcement framework

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**Current Policy** **Reduced Fees for Vehicle Licences**  
Where a vehicle reaches its 6th anniversary of registration within the first 6 months of a licence period a reduced fee of 50% of the normal licence fee will be charged. Should a proprietor wish to renew the licence of a vehicle which reaches its 6th anniversary of registration in the latter six months of a licence period then the full licence fee will apply. Alternatively the proprietor may elect to licence for the first 6 months only at the reduced fee.

**Proposed Policy** 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).

**Rationale** To support business growth within the taxi trade and offer a fairer payment system. In order to fund this rationale vehicle licence fees will be reviewed to ascertain if there has been a detrimental effect on income streams

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**Proposed Policy** **Refusal of Vehicle Licence aged 6 years and over**  
An Authorised Officer may refuse to renew the vehicle licence where the vehicle has attained the age of 6 years (ten years for purpose built vehicles) and has failed to meet the Council's required exceptionally well maintained criteria on two separate

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occasions

**Rationale** The current Policy does not provide a final action in relation to vehicles that cannot comply with the Exceptionally Well Maintained Criteria. Vehicle proprietors are provided with copies of the criteria and so have opportunity to ensure that their vehicle complies with the criteria. Once a vehicle licence has been refused, the proprietor shall have the right to appeal the refusal to a Magistrates Court.

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**Current Policy** **Incentives**  
A licensing incentive is given to all-purpose built, fully accessible vehicles by way of a 25% reduction in the annual licence fee. A similar reduction will be given to all approved vehicles that have been adapted or converted to carry wheelchairs on production of written evidence that each driver has undertaken accredited training in handling passengers with disabilities

**Proposed Policy** Current policy +  
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.

**Rationale** To encourage the availability of Wheelchair Accessible Vehicles

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**Current Policy** **Insurance Write Offs**  
Vehicles that have at any time been declared an 'insurance write off' will not be licensed.

**Proposed Policy** 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

**Rationale** Current Policy Licence condition has been expanded to provide clearer advice to trade

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## **Current Policy**

### **European Emission Standards**

- a. Euro I – became mandatory for new cars from 1993 (light goods vehicles 1994)
- b. Euro II – became mandatory for new cars from 1997 (light goods vehicles 1998)
- c. Euro III – became mandatory for new cars from 2001 (light goods vehicles 2002)
- d. Euro IV – became mandatory for new vehicles from 2006
- e. Additional standards are proposed for 2010 and 2015

## **Proposed Policy**

- a) Euro I – mandatory for new cars from 1993
- b) Euro II – mandatory for new cars from 1997
- c) Euro III – mandatory for new cars from 2001
- d) Euro IV – mandatory for new cars from 2006
- e) Euro V - mandatory for new cars from 2011.
- f) Euro VI – mandatory for new cars from September 2015

## **Rationale**

Darlington Borough Council has noted the advice given by the DfT to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels

In their advice the Government has suggested that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere.

The stricter emission standard of Euro VI for new or replacement vehicles came into effect in September 2015. Any new standards will then be phased in annually from 1 April each year. The effect of this will be that vehicles over the age of 6 years may struggle to meet the requisite emission standard and may no longer enjoy the “exceptionally well maintained” provisions

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## **Current Policy**

### **Payment Refunds**

No refund is given in respect of an unused portion of a licence except in the case of a vehicle that is damaged beyond economical repair (an insurance “write off”) or stolen and dealt with by insurance claim. In these 2 cases only if there is in excess of 6 months remaining on the original licence a credit of 50% of the licence fee will be attributed to the new vehicle presented for licensing. If the excess is less than 6 months no such refund will be made.

## **Proposed Policy**

### **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.

**Rationale**

To support business growth within the taxi trade and offer a fairer payment system. In order to fund this rationale vehicle licence fees will be reviewed to ascertain if there has been a detrimental effect on income streams

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**Current Policy      Enforcement/Disciplinary Options**

Only the Licensing Committee can, suspend a [drivers] licence. Where urgent action is necessary the Chair of Licensing Committee may suspend a licence pending referral to the Licensing Committee

**Proposed Policy      Suspension of driver licences**

The Licensing Manager may suspend a driver licence of a licensed hackney carriage or private hire licence holder where the driver:

- a) fails to comply with Group II requirements as defined in the DVLA Current Medical Standards of Fitness to Drive,
- b) is arrested, charged or accused of an offence involving serious violence, stalking, supply of a controlled substance, rape, sexual assault or inappropriate conduct with a minor or vulnerable person.\*

\* in certain cases the support from the Council's Local Authority Designated Officer (LADO) will be sought in making a decision to suspend a driver's licence.

Where a driver licence is suspended by the Licensing Manager, the driver may appeal to the Magistrates Courts within 21 days of the suspension and will also be referred to the next Licensing Committee.

**Rationale**

The current Policy requires the Licensing Committee to suspend a driver's licence, it is proposed that in the two circumstances defined above, that suspension of the licence is inevitable and so the decision can be made by the Licensing Manager. In all other circumstances the decision to suspend a licence will remain with the Licensing Committee.

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**Current Policy      Relevance of convictions, Cautions, Reprimands, Fixed Penalties, Warning and Complaints**

Darlington Borough Council uses the following guidelines to make fair and consistent decisions when considering applications for driver and operator licences from applicants who have criminal convictions, cautions, reprimands, or when dealing with other information revealed during the application process.

These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands or warnings or receive complaints which result in disciplinary action.

The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves



in a manner that does not bring their profession or the Council into disrepute.

Existing holders of licences who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the Council to consider revoking their licence.

The Council uses the Enhanced Disclosure service from the Criminal Records Bureau and may use the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences.

The Council will comply fully with the Criminal Records Bureau Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance leaflet on "Handling, Storage and Use of Disclosure Information Received from the Criminal Records Bureau" for further information.

### **General**

Every application or case will be decided on its own merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to the holders of licences.

A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for 3 to 5 years, according to the circumstances, before an application is entertained. However any person on the ISA Barred List will normally be refused a licence.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Whilst, the Council may exercise its discretion, the overriding consideration will be the protection of the public. The following examples, (based on the joint Home Office and Department for Transport guidelines 1992), afford a general guide on the action to be taken where convictions, cautions, reprimand or final warnings are admitted.

### **Minor Traffic Offences**

Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has up to six "live" penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has 9 or more points on their licence the application will be referred to the Council's Licensing Committee who may decide to refuse the

application.

At the very least a warning will be given that further offences may result in revocation of the licence and the applicant may be required to attend a Driver Improvement Course. Applicants should note that this Council does not deem speeding to be a minor offence and the receipt of more than 3 penalty points for a speeding offence may be referred to the Council's Licensing Committee.

### **Major Traffic Offences**

Major traffic offences include those on the attached list of offences that have the following codes: [Not attached]

The Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits. Although offences of excess speed do not appear in the table above the Council considers such offences to be extremely serious and drivers with such offences may be referred to Committee.

If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least 3 years after the most recent conviction, caution, reprimand or final warning.

Should the Courts decide not to disqualify a driver under the totting up procedures the Council may still consider that the driver is not a fit and proper person and may consider revocation of the private hire and/or hackney carriage driver licence.

### **Alcohol Related Offences**

A person who has been disqualified from driving as a result of a drink driving offence must normally show at least 3 years free from conviction after the restoration of their driving licence before their application will be considered. More than one conviction of this type would normally result in an application being refused.

### **Drug Offences**

An applicant with a conviction, caution, reprimand or final warning for a drug related offence will normally be required to show a period of at least 3 years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict. If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

### **Indecency Offences**

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least 3 to 5 years) free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the latter.

NB: Any person on the ISA Barred List will normally be refused a licence.

### **Violence**

Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon etc. will normally be refused a licence. An application may be granted if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the latter.

The Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment then there would be concerns over that person's ability to control their temper when working in an environment dealing with members of the public.

### **Dishonesty**

Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application will however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

### **Public Order Offences**

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage etc. will have their application referred to the Licensing Committee for consideration and will normally be refused a licence. An application will however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed,

whichever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and may lead to a licence being revoked or an application to renew the licence being refused.

### **Cautions**

The Council requires applicants to reveal any cautions they may have received. The Council acknowledges that a caution is not a conviction and therefore does not carry as great a weight however the Council also notes that an admission of guilt is required before a caution can be administered.

### **Fixed Penalties**

Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc.

Fixed penalties must be declared to the Council in the same way as offences and may be taken into consideration as part of the Council's disciplinary procedures.

### **Licensing Offences**

Convictions for offences or any failure to comply with the provisions of the Town Police Clauses Act or the relevant part of the Local Government (Miscellaneous Provisions) Act 1976, or the Council's Byelaws will be viewed seriously by the Council. The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire licence holders:

#### **Proprietor Offences**

Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a hackney carriage or private hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

#### **Driver Offences**

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a hackney carriage or private hire vehicle may have their driver licence revoked.

#### **Operator Offences**

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of private hire vehicles or drivers may have their private hire operators licence

suspended or revoked.

Should the Council choose to take action short of revocation then more than one such conviction, caution, reprimand or final warning would normally lead to the licence being revoked.

**Proposed Policy** Darlington Borough Council uses the following guidelines to make fair and consistent decisions when considering applications for driver and operator licences from applicants who have criminal convictions, conditional/unconditional cautions, reprimands, or when dealing with other information revealed during the application process. In doing so they have a clear objective to protect the public at all times.

**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.**

If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will be refused until at least 3 years after the most recent conviction, caution, reprimand or final warning. In the case of a licensed driver it will ordinarily result in the licence being revoked.

#### **Alcohol Related Offences**

A person who has been disqualified from driving as a result of a drink driving offence must show **at least 5 years** free from conviction after the restoration of their driving licence before their application will be considered. More than one conviction of this type would usually result in an application being refused. In the case of a licensed driver it will ordinarily result in the licence being revoked.

#### **Drug Offences**

An applicant with a conviction, caution, reprimand or final warning for a drug related offence will be required to show a period of **at least 5 years free** of a conviction, caution, reprimand or final warning before an application is considered, or 7 years after detoxification treatment if the applicant is an addict.

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.

### **Sexual 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**

Applicants with a conviction, caution, reprimand or final warning for actual bodily harm, grievous bodily harm, wounding, assault, or possession of a dangerous weapon etc. will as a rule be refused a licence. An application may be granted if the applicant can show at least **5 years free** of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or **5 years** from completion of any custodial sentence imposed, whichever is the latter.

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.

The Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment then there would be concerns over that person's ability to control their temper when working in an environment dealing with members of the public.

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**

Applicants with a conviction, caution, reprimand or final warning

for an offence involving dishonesty will be refused a licence. An application may however be considered where the applicant can show at least **5 years free** of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, whichever is the later.

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 Offences**

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage etc. will have their application referred to the Licensing Committee for consideration and will usually be refused a licence. An application may however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

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.

**Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and will ordinarily lead to a licence being revoked or an application to renew the licence being refused.**

### **Cautions**

Should the Council choose to take action short of revocation then more than one such conviction, caution, reprimand or final warning will ordinarily lead to the licence being revoked

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.

Where periods free from further convictions is stipulated Members

will treat this as a minimum standard.

**Rationale** 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.

Current DfT Best Practice Guidance 2010 removed references to any recommendation of the period of time which should lapse between certain types of convictions. However, Members of the Licensing Committee felt that it was more appropriate to generally increase the minimum period of time which should lapse between certain types of conviction.

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**Current Policy** **Appearance of Vehicle**  
All vehicles must have an engine capacity of not less than 1500 cc. and have minimum seating capacity for at least four adult passengers

**Proposed Policy** All vehicles must have an engine capacity of not less than 75 bhp, and 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.

**Rationale** This is in recognition of modern vehicle engines where a minimum brake horsepower is more suited to ensure sufficient engine size and capacity, and also to ensure that the seating within a vehicle is sufficient for an average person to travel in comfort.

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**Proposed Conditions** **Exempted Vehicle Licence Conditions**  
**Shall be the same as the Private Hire Vehicle Licence Conditions apart from**

**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

**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.

**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

**Rationale** To ensure that there is a differential between a private hire vehicle to be provided for hire and reward and an executive type vehicle where the hirer would expect the vehicle to be discreet

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**Proposed Condition**      **Hackney Carriage and Private Hire Vehicle Licence Condition**  
**Wheelchair Accessible Vehicles (WAVs)**

Where a vehicle is built or adapted to carry wheelchairs which permit the wheelchair user to remain in their wheelchair throughout the journey, the proprietor and/or driver shall ensure that:-

- a) the wheelchair is positioned in the vehicle so as to permit the passenger to face forwards or rearwards, and
- b) the wheelchair is secured using the correct restraint system which is permanently secured to the vehicle, and
- c) the passenger is secured by an appropriate 3 point seat belt which is permanently secured to the vehicle and not by the wheelchair's lap belt
- d) 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
- e) Any wheelchair ramps, wheelchair securing straps, wheelchair seatbelt extensions and any other equipment necessary for the safe transportation of wheelchair users must be kept in the vehicle at all times. Such equipment must be of the correct type for the vehicle in which it is being carried and must at all times be in a safe, serviceable and clean condition. Any such equipment must be permanently marked with the registration number of the vehicle in which it is carried

**Rationale** New licence condition to address inappropriate methods of securing wheelchairs and their passengers.

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**Current Policy**      **Vehicle Criteria for Exceptionally Well Maintained (Interior)**

In hatchback vehicles, the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.

**Proposed Policy** 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.

**Rationale** To ensure luggage does not enter the passenger compartment in the event of an accident

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## Current Policy

### Advertisements, Signs, Notices etc

No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:

- a. Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence.
- b. Signage or advertising approved in writing by the Council.

Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)

No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not:

- a. Be affixed to any window of the vehicle.
- b. Be affixed to any door or panel on which the Council issued roundel or sign is located. (Further information can be found in the appendices relating to vehicle conditions).

All advertisements shall be approved by the Council and any unauthorised advertisements will be required to be removed and appropriate action will be taken for failure to comply. Any queries regarding advertisements must be referred to the Council.

### Private Hire Vehicle Licence Conditions

#### Signs and Notices

No illuminated or fluorescent sign or advertisement shall be displayed on the inside or outside the vehicle. No sign or advertisement shall be placed on, or above, the roof level.

For the purpose of identification of **8 passenger seat vehicles** as licensed Private Hire vehicles the proprietor may:

- a) With the written approval of the Council fix to the top inside corner of the passenger side front windscreen a self adhesive notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and include only the name of the operator of the business in black letters of a maximum size 60 mm in height and also the words "PRIVATE HIRE VEHICLE" or "PRIVATE HIRE ONLY " in black letters of a minimum 25 mm in height;
-

b) With the written approval of the Council notices may be displayed upon the external bodywork of 8 seated minibuses giving the trade name and telephone number of the operator on the front, rear and sides of the vehicle, with the following specification:

- all letters and numbers shall be, all black or all white in colour and no greater than 75 mm high and painted directly upon the vehicle, or printed on self adhesive plastic film;
- the area of display for the words and number must be limited in size;
- front and rear - 630 mm wide x 75mm high;
- sides - 2000 mm x 300 mm;
- each separate notice shall include the words "PRIVATE HIRE ONLY" in a prominent position in capital letters 25 mm high.

NB: The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing. For the purpose of identification of Private Hire vehicles (saloon type) the proprietor:

1. Shall fix to both rear doors a notice that has the words "PRIVATE HIRE ONLY" in capital letters 25 mm high. The letters shall be coloured black or white. The background colour of the notice shall contrast with both the lettering printed upon it and the vehicle colour. This notice shall be a maximum size 630 mm x 300 mm, and be designed to include the name of the operator and telephone number.
2. May fix to the top inside corner of the passenger side front windscreen of the vehicle a notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and only include the name of the operator of the business in black letters of a maximum size 60 mm in height and the words "PRIVATE HIRE ONLY" or "PRIVATE HIRE VEHICLE" in black capital letters minimum size 25 mm in height.

Note: The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing.

**NB Magnetic fixing of any signage is not permitted**

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**Proposed Policy Advertisements, Signs, Notices etc.**

As above +

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Be affixed to any part of the interior or exterior of any private hire vehicle operating under an Exemption Notice.

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

## **Private Hire Vehicle Licence Conditions**

### **Advertising on Private Hire Vehicles**

Any advertisement upon a Private Hire Vehicle requires the prior written approval of the Council. Approved advertisements may be placed on the rear quarter panel only and shall not extend to the boot or rear doors of the vehicle. Adverts shall be of a stick-on plastic film type material (magnetic panels will not be allowed). The following types of advertisement will be excluded

- a) Any advertisement that it is felt likely to give rise to public offence
- b) Any advertising of gambling, alcohol, tobacco or e cigarettes or a “prohibited practice” as described by the Consumer Protection from Unfair Trading Regulations 2008
- c) Illuminated and/or fluorescent advertisements
- d) Advertisements on or above roof level

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.

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 or required or permitted by these conditions

## **Rationale**

To equate the requirements in respect of hackney carriage vehicles to private hire vehicles whilst ensuring that the differential between types of vehicles is maintained and also to introduce controls to limit the extent and content of advertising on private hire vehicles

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## **Current Policy      Term of Licence – Drivers**

All driver licences are valid for a maximum period of one year.

## **Proposed Policy      Deregulation Act 2015**

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 which exceed one year, will be subject to a higher licence fee.

Applicants can chose to apply for a one year licence

## **Rationale**

The Deregulation Act 2015 was designed to remove or reduce the burdens on businesses, individuals, public sector bodies and the taxpayer. The provisions came into force on 1 October 2015.

The 2015 Act covers a wide range of subject areas, with some sections applying directly to the licensing of hackney carriage and private hire drivers.

At present Darlington Borough Council, limits driver licences to one year with an annual renewal, at which time a full declaration is made about any changes in respect of convictions (criminal and motoring), cautions, reprimands etc and also any change in

medical conditions in respect of drivers.

Where driver licences are issued in excess of one year licence holders will be required to make an annual statement in respect of convictions, cautions and driving offences etc. and any changes in medical condition.

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## **Current Policy**

### **Term of Licence - Private Hire Operators**

All Private Hire Operator Licences are issued for a maximum period of one year.

### **CRIMINAL RECORDS CHECK (Policy)**

If you are not a licensed driver you will be required to produce a basic Criminal Records. Check or search results on criminal convictions obtained within the last month which can be either:

- a) a criminal conviction certificate issued under The Police Act 1997; or
- b) the results of a subject access search under Data Protection Act 1998 of the Police National Computer by the National Identification Service. This check will be required every 3 years.
- c) In the case of a Limited Company all directors and the Company Secretary will be required to submit a basic Criminal Records Check as detailed above.

## **Proposed Policy**

### **Deregulation Act 2015**

New applicants and applicants for renewal of licence 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 which exceed one year, will be subject to a higher licence fee.

Applicants can chose to apply for a one year licence

## **Rationale**

The Deregulation Act 2015 was designed to remove or reduce the burdens on businesses, individuals, public sector bodies and the taxpayer. The provisions came into force on 1 October 2015.

The 2015 Act covers a wide range of subject areas, with some sections applying directly to the licensing of private hire operators.

At present Darlington Borough Council, limits operator licences to one year with an annual renewal, at which time a full declaration is made about any changes in respect of convictions, cautions, reprimands etc

Where operator licence are issued in excess of one year licence holders will be required to make an annual statement in respect of convictions and cautions etc.

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**Current Condition      Sub-Contracting of Private Hire Vehicles**

***Booking Records (Legislation Section 56 (2)-(4) LG(MP)Act 1976***

Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her. The record must be kept in the form described in the following condition:

- a. Records must be kept in a suitable book, approved by the Council the pages of which are consecutively numbered.
- b. On a computer which keeps backup records and is capable of producing a hard copy.
- c. The operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her, the:
  - Name and address of the hirer
  - Date, time and pickup point of the booking;
  - Destination;
  - Number of passengers to be carried;  
When and how the booking was made i.e. telephone, personal call;
  - Plate number of the vehicle allocated;
  - Name of the driver allocated to the booking and call sign of the vehicle;
  - Amount to be charged;
  - **Remarks (including details of any sub-contract);**

**Proposed Condition      The above condition will remain with the additional requirements below**

**Sub-contracting of private hire bookings**

Every licensed private hire operator who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if

- a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
- b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
- c) the other person is a London PHV operator and the sub-



contracted booking is accepted at an operating centre in London; or

- d) the other person accepts the sub-contracted booking in Scotland.

It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.

Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.

**Rationale**

Inclusion of new licence condition in accordance with the provisions of the Deregulation Act 2015.

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**Current Policy**      **DBS update Service**

Applicants for renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the CRB every third year.

**Proposed Policy**      New applicants will need to apply for the DBS check in the normal way, and may choose to sign up to the Update Service. Drivers who require a licence in excess of one year will be required to sign up to the Update Service. We will not grant the licence until everything is complete, including being signed up to the Update Service.

If a DBS check is not scheduled during the renewal period a driver may opt to align the DBS with the renewal date by joining the Update Service; but in order to do so a new DBS check will be required. At this point a driver can subscribe to the Update Service. For those drivers who wish to take advantage of a 3 year licence, we would require a fresh DBS and proof of being signed up to the Update Service

**Rationale**

In recognition of the changes made to the DBS service which came into force from June 2013.

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## **Proposed Policy Training**

### **TAXI DRIVERS REQUIREMENT TO ATTEND SAFEGUARDING VULNERABLE PASSENGERS AWARENESS TRAINING**

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 1 January 2016 onwards.

All new drivers will be required to produce, as part of their application process, a printed certificate confirming they have finished the training. The knowledge test will then also include a short number of compulsory questions on CSE and vulnerability. Existing drivers would also be required to do the same on line training within a reasonable period of time

## **Rationale**

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities, violence, coercion and intimidation are commonly, involved in exploitative relationships.

Darlington Borough Council Licensing Section and the Local Safeguarding Children's Board is tackling child sexual exploitation and trafficking, by working together with Durham Police. By key agencies working together and sharing information, we can prevent sexual exploitation, protect children and young people and prosecute perpetrators of sexual exploitation.

Taxi drivers are central to identifying victims of sexual exploitation and may come into contact with children and young people who are transported in taxis.

The council is working with the other Tees Valley Councils so any certificate is portable between these local authorities. In addition, the Tees Valley Licensing Partnership is working with the charity; Barnardo's to produce an online training programme for taxi drivers that covers CSE and vulnerable adult awareness. At stages during the programme there will be questions to answer. If the candidate achieves the required pass mark, a certificate can be printed off.

Revised Taxi Policy

