

# Council Agenda



**6.00 pm Thursday, 26 November 2020  
via Microsoft Teams**

**In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:**

**<https://www.darlington.gov.uk/livemeetings>**

**Members of the Public may submit questions to be asked on their behalf of the relevant Portfolio Holder. Questions should be submitted to Paul Dalton ([paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk)) by 6.00 pm on Wednesday, 25 November 2020.**

1. Introductions / Attendance at Meeting.
2. Minutes - To approve the Minutes of the Meeting of this Council held on 24 September 2020 (Pages 1 - 4)
3. Declarations of Interest.
4. Sealing.
5. Announcements.
6. Questions - To answer questions (where appropriate notice has been given from):-
  - (a) The Public;
  - (b) Members to Cabinet/Chairs;
7. Council Reports.
  - (a) Review of Policies and Conditions relating to Hackney Carriages, Private Hire Vehicles and their Drivers and Operators –  
Report of the Director of Economic Growth and Neighbourhood Services  
(Pages 5 - 326)
8. Cabinet Reports.

- (a) Overview Report of the Leader of the Council; (Pages 327 - 330)
  - (b) Overview Report of the Stronger Communities Portfolio; (Pages 331 - 338)
  - (c) Overview Report of the Adults Portfolio; (Pages 339 - 342)
  - (d) Overview Report of the Children and Young People Portfolio; (Pages 343 - 348)
  - (e) Overview Report of the Economy Portfolio; (Pages 349 - 354)
  - (f) Overview Report of the Health and Housing Portfolio; (Pages 355 - 360)
  - (g) Overview Report of the Local Services Portfolio; and (Pages 361 - 366)
  - (h) Overview Report of the Resources Portfolio. (Pages 367 - 370)
  - (i) The Council Plan 2020-2023 –  
Report of the Chief Officers Executive  
(Pages 371 - 386)
  - (j) Council Tax Support - Scheme Approval 2021-2022 –  
Report of the Managing Director  
(Pages 387 - 430)
  - (k) Treasury Management Annual and Outturn Prudential Indicators 2019/20 –  
Report of the Managing Director  
(Pages 431 - 450)
9. Scrutiny Reports - To consider Scrutiny Overview Reports:-
- (a) Adults Scrutiny Committee; (Pages 451 - 452)
  - (b) Children and Young People Scrutiny Committee; (Pages 453 - 458)
  - (c) Communities and Local Services Scrutiny Committee. (Pages 459 - 460)
  - (d) Economy and Resources Scrutiny Committee; and (Pages 461 - 464)
  - (e) Health and Housing Scrutiny Committee. (Pages 465 - 468)
10. Notice of Motion
- (a) To consider a Motion submitted by Councillor Harker, and seconded by Councillor Mrs. H. Scott –  
  
'The group More In Common Darlington (MICD) were inspired by Jo Cox, the MP for Batley and Spen, who became a victim of hate when she was murdered in 2016. Like Jo Cox, MICD believes that people have more in common than anything that might divide them. The group's aim is to find ways of reducing animosity towards people from different nations and faiths, towards women, the

LGBTI community, those with disabilities, the homeless and others.

As part of Hate Crime Awareness Week MICD created a United Darlington Charter. It asks us to make a declaration to afford everyone who lives, or works, or visits Darlington to equal respect, status, trust, hospitality, friendship, and kindness.

**This Council therefore resolves and agrees to:**

- a) Commend the work done by More In Common Darlington and The Jo Cox Foundation;
- b) Adopt the United Darlington Charter.’  
(Pages 469 - 470)
- (b) To consider a Motion submitted by Councillor Wallis, and seconded by Councillor Snedker –

**‘Council resolves:**

To ask Cabinet to consider a report at its meeting on 12th January 2021 which will prevent vehicular highway access between the proposed Skerningham development and the existing highway network between the A167 at its junction with the A1150 to the west, and the river Skerne to the east.

This report to specifically give consideration to preventing access from the Skerningham development onto Whitebridge Drive, Beaully Drive, Sparrowhall Drive, Whinbush Way (including any potential access between Caithness Way and Galloway) and Barmpton Lane, and to maintain the integrity of Green Lane from its junction with Whinfield Road to its junction with Glebe Road.’

- (c) To consider a Motion submitted by Councillor Paley, and seconded by Councillor Holroyd –

**‘Council resolves:**

To ask Cabinet at its meeting on 12th January 2021 to consider a report which will protect Springfield Park on its current boundaries from any future development, including highways work. This report will include consideration of creating a Deed of Dedication for the park.’

- (d) To consider a Motion submitted by Councillor Snedker, and seconded by Councillor Holroyd –

**Motion to reinstate the Climate Change Working Group**

**‘This Council notes that:**

On 18 July 2019 an amended Climate Emergency motion was passed.

One of the resolutions (h) contained in the motion, as amended, was to “Set up

a cross-party working group to develop an action plan and milestones to achieve carbon neutral status.”

Our view is that the working group was systematically undermined and its terms of reference changed, without explanation, contrary to the motion, including that it should limit itself to monitoring progress only and should only meet quarterly or twice a year and recently stood down altogether

At this time, the action plan referred to in the motion is still not ready for implementation and there are no milestones in place.

The motion that was passed required this council to undertake various actions (including but not limited to):

- Set up a cross party working group
- To develop an action plan and milestones
- To achieve carbon neutral status

At this time, these actions remain undone.

**This Council resolves to:**

Ask Cabinet to bring forward a plan at its meeting on 12 January 2021 to reinstate the cross-party working group.

That this plan include terms of reference that provide confidence to any members serving on the working group that they will be allowed to work towards meeting the resolutions contained in the Climate Emergency motion.’

11. Membership Changes - To consider any membership changes to Committees, Subsidiary Bodies and Other Bodies.



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Wednesday, 18 November 2020**

**Town Hall**  
**Darlington.**

**Membership**

The Mayor, Councillors Ali, Allen, Baldwin, Bartch, Bell, Boddy, Dr. Chou, Clarke, Cossins, Crudass, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Durham, Harker,



Haszeldine, Heslop, Holroyd, Howell, C L B Hughes, L Hughes, Johnson, B Jones, Mrs D Jones, Keir, Laing, Layton, Lee, Lister, Lucas, Marshall, McCollom, Mills, Newall, K Nicholson, M Nicholson, Paley, Preston, Renton, A J Scott, Mrs H Scott, Snedker, Tait, Tostevin, Wallis and Wright

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk) or Telephone 01325 405805

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## COUNCIL

Thursday, 24 September 2020

**PRESENT** – The Mayor, Councillors Ali, Allen, Baldwin, Bartch, Bell, Boddy, Dr. Chou, Clarke, Cossins, Crudass, Crumby, Mrs Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, Howarth, C L B Hughes, L Hughes, Johnson, B Jones, Mrs D Jones, Keir, Laing, Layton, Lee, Lister, Lucas, Marshall, McCollom, Mills, Newall, K Nicholson, M Nicholson, Paley, Preston, Renton, A J Scott, Mrs H Scott, Snedker, Tait, Tostevin, Wallis and Wright.

**APOLOGIES** – Councillor Howell.

### 20 **MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 16 JULY 2020**

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 16 July 2020.

**RESOLVED** – That the Minutes be approved as a correct record.

### 21 **DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

### 22 **ORDER OF SEALING DOCUMENTS**

Presented – The Register showing the documents which had been sealed since the last meeting of Council.

### 23 **ANNOUNCEMENTS.**

**Suzanne Joyner, Director of Children and Adults Services** – The Mayor advised Members that Suzanne Joyner, Director of Children and Adults Services, was leaving to join Rotherham Metropolitan Borough Council as Director of Children's Services, and thanked Suzanne for her significant contribution to Children and Adults Services in Darlington.

The Mayor informed Members that James Stroyan had taken over as the Acting Director of Children and Adults Services, on an interim basis, and welcomed James to his first meeting of the Council.

**Miriam Davidson, Director of Public Health** – The Mayor announced that Miriam Davidson, Director of Public Health, was attending her last meeting of the Council prior to her retirement. The Mayor paid tribute to Miriam and thanked her for her service.

### 24 **QUESTIONS - TO ANSWER QUESTIONS (WHERE APPROPRIATE NOTICE HAS BEEN GIVEN FROM):-**

#### (1) **THE PUBLIC;**

There were two questions, with notice, from Members of the Public, who each received an answer thereon.

(**Note:** The questions, with notice, were asked by The Mayor on behalf of the Members of the Public, in accordance within Paragraph 27 of the Meetings (Coronavirus) Protocol).

**(2) MEMBERS TO CABINET/CHAIRS;**

There were three questions, with notice, from Members to a Member of the Cabinet, who each received an answer thereon.

**25 COUNCIL REPORTS.**

**(1) REGISTER OF VILLAGE GREENS**

The Managing Director submitted a report (previously circulated) to put in place a procedure for the determination of applications to make corrections to an entry in the Register of Village Greens.

The submitted report stated that the Constitution delegated decisions regarding the determination of new applications for inclusions on the Register of Village Greens (under the Commons Act 2006) to the Assistant Director Law and Governance, and that if an objection is received an independent Inspector is appointed to determine the application, however it was highlighted that the Constitution does not provide for the determination of other applications regarding village greens, such as applications to add or remove land from the register where the applicant believes that a mistake was made in registration.

Following a request for clarification by a Member, the Assistant Director Law and Governance confirmed that, in the case of contested matters, or matters which require oral representations or an inquiry, the entry in the Scheme of Delegation in relation to the appointment of an Independent Inspector should read 'shall' and not 'may' as detailed in the appendix to the submitted report.

**RESOLVED** - (a) That the current entry in the Scheme of Delegation be amended to read:

'Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation) – Assistant Director Law and Governance. In the case of contested matters, or matters which require oral representations or an inquiry, an Independent Inspector shall be appointed to determine the application.'

and that this amendment take effect from 1 October 2020.

(b) That the Assistant Director, Law and Governance is delegated to update the Constitution to reflect the changes identified.

**REASONS** – (a) To enable decisions to be taken effectively and in a timely manner as set out in the Commons Act 2006 ('the Act') and the Commons Registration

(England) Regulations 2014 ('the Regulations').

(b) To ensure that the Constitution is accurate and up-to-date.

## **26 CABINET REPORTS.**

The Cabinet Members each gave a report (previously circulated) on the main areas of work undertaken under their relevant portfolio since the previous meeting of the Council. Cabinet Members answered questions on their portfolio thereon.

## **27 TOWN CENTRE CAR PARKING**

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) to provide an update on Town Centre Car Parking charges and sought approval for funding to continue a range of parking offers to the end of December 2020.

The submitted report stated that a series of parking offers to support the town centre in June 2018 and in October 2019 had been approved, with the intention to review the impact of the initiatives, alongside the emerging Town Centre Strategy and the Council's financial position, in May 2020. It was reported that the response to the Covid-19 pandemic delayed consideration of these offers and that a decision was made at the start of the lockdown period to temporarily cease all parking charges to support the control of the virus.

The submitted report noted that as recovery continued more and more spaces were being taken by commuters and long-term parkers, leaving a shortfall for short stay visits and for shoppers, and that an amended offer on parking to support the town centre in the approach to Christmas was required.

**RESOLVED** – (a) That £392,883 additional funding to extend the parking offers outlined in Appendix 1 of the submitted report, until the end of December 2020, with the funding to be taken from General fund Reserves.

(b) That the long stay parking offer in East Street car park be retained permanently.

**REASONS** – (a) To approve the amendment to charges.

(b) To support the recovery of the town centre.

## **28 SCRUTINY REPORTS - TO CONSIDER SCRUTINY OVERVIEW REPORTS:-**

The Scrutiny Committee Chairs each submitted a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings.

## **29 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO COMMITTEES, SUBSIDIARY BODIES AND OTHER BODIES.**

There were no membership changes reported at the meeting.

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**COUNCIL**  
**26 NOVEMBER 2020**

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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 Jonathan Dulston**  
**Stronger Communities Portfolio**

**Responsible Director – Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

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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 in respect of Hackney Carriages and Private Hire vehicles, their drivers and Operators, which is due to take effect from 1 January 2021. **Appendix 1** contains proposed changes following consultation and **Appendix 2** is a draft of the policy.

#### **Summary**

2. This report seeks Members approval, following public consultation on the Council's Taxi Licensing Policy, which reflects legislative changes relating to licensing. It also includes the latest government and professional body guidelines along with new statutory standards. This draft policy has been supported by the Licensing Committee following a meeting held on the 10 November 2020. The Policy was last approved on 1 January 2016.

#### **Recommendation**

3. It is recommended that the revised Taxi Licensing Policy be approved by Full Council, which will be applied to all licences from 1 January 2021.

#### **Reason**

4. The recommendation is supported by the introduction and reinforcing of these measures ensures 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 and Neighbourhood Services**

## Background Papers

- I. The Equality Act 2010
- II. The Town Police Clauses Acts 1847 & 1889
- III. The Local Government (Miscellaneous Provisions) Act 1976
- IV. Darlington Council's Byelaws in respect of Hackney Carriages, 1990
- V. Immigration Act 2016
- VI. Department for Transport Statutory Taxi and Private Hire Vehicle Standards
- VII. 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	Covid-19 is an ongoing issue that will need to be considered throughout this policy in line with government guidelines
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	Reduced emission and promotion of renewable energy will be addressed in this policy
Wards Affected	The proposals affect all Wards
Groups Affected	The proposals affect 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
Delivering Success for Darlington	The proposals contribute to the growth of a sustainable economy whilst protecting the general public
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

## 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 vehicles and drivers 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, medicals, driver 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 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 the licence.
8. The policies and conditions relating to the taxi trade were last reviewed and approved by Council for implementation on 1 January 2016 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 following consultation. The revised Policy is attached at Appendix 2.
10. At the time of writing this report, Darlington Council has 161 licensed Hackney Carriage vehicles and 90 licensed private hire vehicles. Of these 12 are wheelchair accessible, (7 hackney carriages and 5 private hire vehicles). For simplification, both types of vehicles are referred to in this report as “Taxis”. In addition, there are also 166 hackney carriage drivers, 163 private hire drivers and 106 combined hackney carriage and private hire licensed drivers. Darlington currently have 3 private hire operators.
11. Licences are currently granted for up to three years. 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 three-year period but will apply to all new applicants with immediate effect from the 1 January 2021.

## **The Consultation Process**

12. At the beginning of this year the Licensing Department issued communications to say that a review of this policy would be taking place and a draft would be ready for formal consultation later in the year. Formal consultation was approved by the Licensing Committee and this took place between 21 August and 2 October 2020.

## **Consultation with Licence Holders**

13. Consultation has taken place with Operators and most licence holders were aware of the review as this was widely advertised through Darlington Borough Council website, social media and personal contact from Licensing Officers.

## **Consultation with other Stakeholders**

14. A consultation exercise was also undertaken with stakeholders including Darlington Borough Council Members, Durham Constabulary, British Transport Police, Immigration Enforcement, Durham Fire Authority, Darlington Association on Disability (DAD), Highways, Environmental Health, Trading Standards, Planning, Public Health, Darlington Safeguarding Partnership, Citizens Advice Bureau (CAB), Home to School Transport Section and other local transport providers.
15. The four other Tees Valley Local Authorities and Durham County Council were directly consulted upon through the North East Strategic Licensing Group (NESLG), which Darlington is a member.

## **Consultation Methods**

16. Licensing held meetings with representatives of the taxi trade and a representative of disability groups in Darlington, which formulated the basis of the revised draft policy. Once this draft was authorised, consultees were directed to DBC website where there was a link to the revised policy and a document highlighting the proposed changes (**Appendix 3**). To respond to this consultation a 'survey monkey' questionnaire was created, with questions based on the proposed changes, and responses were collated into reports (**Appendix 4**: data charts and **Appendix 5**: written responses). Consultees were also given the opportunity to respond directly to the Licensing Department and relevant responses have been collated into a document for consideration (**Appendix 6**).
17. It should be noted that immediately prior to the Licensing Department seeking approval to consult on the revised policy, the Department for Transport produced new Statutory Taxi and Private Hire Standards to protect children and vulnerable adults (**Appendix 7**). This document highlights that a Local Authority would require compelling evidence to deviate from these standards. These standards had been introduced in response to a previous national consultation by a Task and Finish Group for Taxi and Private Hire Licensing, which produced a document titled 'Steps Towards a Safer and More Robust System'. Key elements of this document had already been incorporated into the draft policy that was approved for consultation.

## **Consultation with the Licensing Committee**

18. A Licensing Committee meeting was held on the 10 November 2020 where Members supported the revised policy for approval by Full Council subject to amendments that have now been included in the final draft. One of these amendments was for a proposed specified pantone red colour requirement for

hackney carriage vehicles to be expanded to other shades of red, as the specified colour was not always manufactured in vehicles popular with proprietors. Following consultation with the Chair of the Licensing Committee it was decided to delay the requirement for a specified pantone to allow for further research to be carried out with manufacturers. This will not create any safety issues and a further decision can take place when a mandatory interim review of the policy is due. A second amendment was the inclusion of Darlington Borough Council's commitment to improving air quality and reducing emissions. The third amendment was the inclusion of a drivers' requirement to follow Public Health and other relevant agency advice during times of national emergency in their Codes of Conduct.

### **Equalities Impact Assessment**

19. The policy reflects the importance of equality with suggestions made during the consultation process having been incorporated into the final document. DAD have been closely involved in the consultation process throughout. The full policy was subject to an Equalities Impact Assessment screening in November 2020. No significant adverse impacts on groups with protected characteristics were identified from the changes proposed.

### **Conclusion**

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

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## APPENDIX 1

### PROPOSED CHANGES TO THE POLICY FOLLOWING CONSULTATION

#### **To subscribe to Disclosure and Banning (DBS) update service**

##### **Current policy**

DBS check on application and then once every three years

##### **Proposed policy**

All drivers must subscribe to the DBS update service which will be checked every 6 months

##### **Rationale**

This is a requirement under the new statutory taxi and private hire vehicle standards and there has been no compelling evidence to deviate from this. Subscribing to the update service will also improve efficiency, especially when a full on-line application process has been introduced. There was overwhelming support for this from respondents to the consultation

#### **NR3 Register**

##### **Current policy**

The NR3 register was only introduced in 2019 and has been adopted as best practice for the North East Region so is not in the current policy

##### **Proposed policy**

Any driver who has been refused a licence or has had their licence revoked will be recorded on this register. This register will be checked as part of the application process to assess if an individual is a fit and proper person

##### **Rationale**

This is now a requirement under the new statutory taxi and private hire vehicle standards and there has been no compelling evidence to deviate from this. It is not a 'banned' list but serves to alert licensing officers that there may be further information from a different local authority that may need to be taken into consideration before granting a licence. This has been used successfully since May 2019 without any issues being identified.

## **Disability Awareness Training**

### **Current policy**

There is currently no requirement for drivers to have disability awareness training unless they have wheelchair accessible vehicles (WAV)

### **Proposed policy**

When an on-line training system currently being developed is implemented it will be mandatory that all applicants have completed this training before their application is processed. All existing drivers must undertake the training before renewing their licence or within 12 months (whatever is sooner)

### **Rationale**

This will lead to greater awareness of disability issues with improved customer safety and satisfaction. The training package is currently being developed by Tees Valley Licensing Group, of which Darlington is a member, and they have purchased a website domain. Once developed it will be bespoke to specific issues encountered by those with a disability in our area. As owners of the website and developers of the package it will come at little or no cost to the drivers. No representations were made in relation to this during the consultation process. Although there is a requirement for Child Sexual Exploitation (CSE) awareness training, this disability awareness will complement the overall issues of vulnerability highlighted in DEFRA's statutory minimum standards. Responses from Dementia Friendly Darlington will also be taken into consideration during the development of future on-line training packages.

## **Insurance 'write offs'**

### **Current policy**

Vehicles will not be licensed if they have been categorized as a 'write off'

### **Proposed policy**

Non-structural damage (Category N) to be licensed subject to an engineer's report to say it is safe and declared suitable by DBC mechanics

### **Rationale**

Being an insurance write off means that it is not economical to repair. This is based on the length of time a mechanic would need to make good the repair. There may be circumstances where repairs could be made that would be financially viable without compromising safety where no structural damage has occurred. There is widespread support for this in the trade where vehicles could potentially be purchased at a reduced cost.

## **Age restriction and emissions**

### **Current policy**

A vehicle can be licensed if it is under 3 years old and will no longer be licensed after six years unless it is exceptionally well maintained. The exceptionally well maintained element has allowed vehicles to remain on the fleet far longer than was envisioned with older vehicles producing higher and more toxic emissions.

### **Proposed policy**

Vehicles required to be under 4 years old when first licensed and will no longer be licensed at 8 years old. This will be applied from the 1<sup>st</sup> April 2023 and the exceptionally well maintain element will be removed.

### **Rationale**

Although this policy increases the age of the vehicle from 6 to 8 years, by removing the exceptionally well maintained element and introducing an upper age limit it will ensure that all vehicles (subject to exceptions eg WAV, emission free etc) will comply with the Euro 6 engine standard that have been mandatory for all new cars from September 2015. By increasing the age a vehicle can be licensed by one year will provide proprietors with a greater choice of vehicle at a time of economic uncertainty without compromising on the ultimate aim of reducing the carbon footprint. 75% of respondents agreed with this proposal and comments from those that did not agree only took into account how well the vehicle was maintained, not how high the toxic emissions would be in older vehicles.

## **On-line application and payments**

### **Current policy**

There is nothing in the current policy that specifies payments should be made electronically

### **Proposed policy**

Only payments made electronically will be accepted

### **Rationale**

Methods of payment is a local decision that may be taken independently by Licensing Officers however for transparency it was felt that this decision should be made by the Licensing Committee. As the application for a licence moves on-line for greater efficiency, the end to end process can only be achieved if payments are taken electronically. It will also allow greater scrutiny for money laundering, which may occur when cash transactions are made. Taxi drivers will either be employed by an operator or be registered as an independent business. Both require a bank account so electronic transfers should not be an issue. No representations were made in relation to this during the consultation.

## **Reduce processing time for applications**

### **Current policy**

Applications will be processed within 6 months confirming receipt

### **Proposed policy**

Applications will be processed within 3 months subject to availability of essential documents and Licensing Committee if required.

### **Rationale**

Although the current policy allows for 6 months to process an application the reality is that it is completed much sooner. With the introduction of an on-line application process the only barriers to the rapid completion are availability of essential documents such as DBS. There may also be a time delay where it is felt necessary for the Licensing Committee to make a decision and that next available meeting is beyond the 3 month period. It is felt that these occasions will be rare and 3 months is a realistic time frame, even with the most contentious applicants.

## **Inward facing CCTV**

### **Current policy**

CCTV use inside vehicles is encouraged, subject to certain criterion.

### **Proposed policy**

That CCTV will be installed at the discretion of the driver/owner but if installed must comply with any code of practice issued by the surveillance commissioner

### **Rationale**

The responses from the consultation were overwhelming in support for all vehicles to have inward facing cameras. Whilst there can be no question that they will be of benefit to both passengers and drivers, research is still required on whether this should be made mandatory at this time. The DEFRA statutory minimum standards recommends that CCTV be considered but does not mandate their use. CCTV has Human Rights Act, Protection of Freedoms Act and Data Protection Act issues to take into consideration along with codes of practice. Darlington already have a robust approach to any concerns in relation to safeguarding and it is felt that issue of CCTV should be presented at a later date as a stand alone item for consideration following appropriate research and consultation. The code to the Protection of Freedoms Act says a blanket requirement may be seen as a disproportionate approach and should only be used where there is strong justification. The purchase and installation of cameras come at a cost upwards of £500 and at this time of uncertainty within the trade may create financial hardship for drivers/owners.



### **Rear window light transmission (Tinted Windows)**

#### **Current policy**

Rear windows to allow 70% light transmission (front windows already have statutory requirements of 75% and 70%)

#### **Proposed policy**

Rear window light transmission be reduced to 30%

#### **Rationale**

The argument for having a high rear window light transmission has been in relation to safeguarding, however this was never supported with evidence. This level of light transmission has generally been reduced around the country and vehicles are often manufactured with tints of less than 70%. New vehicle owners are required to change these windows prior to the vehicle being licensed at a considerable cost. By reducing the light transmission to 30% will allow a greater choice of vehicles to be licensed at no extra cost to the owner with no compromise on passenger safety. Indeed, disability groups welcome this proposal as they expressed concerns that wheelchair users feel like they are in a 'goldfish bowl' when light transmission is high. This proposal is largely supported by respondents to the consultation.

### **Previous convictions**

#### **Chart with current policy and proposed policy**

Category	Current policy	Proposed
Drink Driving	5	7
Drugs	5	10
Dishonesty	5	7
Violence	5	10
Public Order	3	5
Sexual Offending	Ordinarily refuse	Ordinarily refuse

#### **Rationale**

The list shown above shows categories of offences as a list of individual offences would be extremely large. The proposals are in line with guidance from the Institute of Licensing (IoL) published in April 2018 and DEFRA's statutory minimum standards published in July 2019. The reason for these high standards is that taxi drivers have access to sensitive information on individual customers that could be exploited. Previous criminal activities can act as a

predictor of future behaviour and must be taken into consideration when making decisions. This proposal receive widespread support in response to the consultation

## **Advertising**

### **Current policy**

Does not limit specifically limit the size, location or background but must be approved by the Council

### **Proposed policy**

Adverts to be limited in size to the lower half of the rear quarter panel only and the underlying colour of the vehicle must not be changed

### **Rationale**

As advertising is an important method of generating additional income for drivers it is not the intention of trying to stop this practice. It has become apparent however that in recent months advertising has been applied to whole panels of the vehicle by wrapping. For example a whole door or body panel could be wrapped in a black advertisement, which can give the appearance that there has been damage waiting to be re-sprayed. This was never the intention when advertising was made permissible and by specifying a specific area of the vehicle where advertisements may be placed will improve the professional appearance of the fleet. There was general support for this proposal during the consultation with some, who disagreed, who did not think there should be any advertising allowed. Those that currently have advertisements that would not be permitted under the proposed policy would be given a reasonable time to be removed and a date of 1st April 2022 is suggested.

## **Spare wheels**

### **Current policy**

A spare wheel is required

### **Proposed policy**

A spare wheel will not be necessary if the vehicle has an approved pressurised tyre sealant to be used in emergency situations only. This is not to replace a spare wheel if that was a standard part of the vehicle at time of manufacture

### **Rationale**

As vehicles are not fitted with a spare wheel as standard, drivers are required to purchase a wheel before it can be licensed. There is an obvious cost to the driver but additionally space that was originally used to house the spare wheel may not be available. With the introduction of a spare wheel the storage capacity of the vehicle will therefore be reduced. When sealants were first introduced they were used with caution, however technology

advancements in recent years has shown that if used correctly, in an emergency situation only, they will not compromise safety. This proposal would be welcomed by the trade but it must be emphasized that this will only be an emergency repair.

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**Key to coloured and highlighted text:**

- **Red** – amendments made for DBC
- **Blue** – amendments that are mandatory from the Dept of Transport's recently published document
- **Yellow highlight** – for Licensing Manager to seek clarification once Brexit negotiations have been finalised by Government

# Private Hire and Hackney Carriage Licensing Policy 2021

## Chair of Licensing Committee



**Chair of Licensing Committee**

**Foreward**

## Introduction

1. Hackney carriages and private hire vehicles play an important part in the provision of local transport. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility. They are also used by all social groups.
2. The purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public. Darlington Council (The Council) is aware that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles because of the role they play in local transport provision.
3. A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may stand at designated taxi stands or be hailed in the street by members of the public.
4. Private hire vehicles will have no more than 8 passenger seats however, they must be booked in advance through an operator and cannot ply for hire in the street.
5. Local authorities are responsible for the licensing, administration and enforcement of hackney carriage and private hire vehicles in their areas.

## Powers and Duties

6. The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976 (Minute C140/Feb/80). This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.
7. On the 21<sup>st</sup> July 2020 the Department for Transport published 'Statutory Taxi and Private Hire Vehicle Standards.' The department expects these recommendations to be implemented unless there is a compelling local reason not to.

## Objectives

8. The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety

9. The objectives of this Policy are as follows:

To protect the interests of the travelling public, safeguarding children and the vulnerable by:

Ensuring that the drivers of such vehicles and private hire operators are “fit and proper” persons.

Ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them.

To provide clarity for licensees with regard to the Council’s expectations and the decision making process.

To encourage environmental sustainability.

To encourage high standards of professionalism in the hackney carriage and private hire trade.

10. This policy shall apply in respect of applications, renewals, transfers and any other related matters connected to the following licences

- a) Hackney carriage driver
- b) Hackney carriage vehicle
- c) Private hire driver
- d) Private hire vehicle
- e) Private hire operator

11. This Policy shall also apply in respect of disciplinary and enforcement measures and will introduce a code of conduct to be followed by all persons licensed under this Policy

12. In promoting these licensing objectives, the Council will generally expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

## Licensing Methods



13. The methods we shall use are as follows:
- a) Setting the standards for the licensing of drivers, vehicles and operators.
  - b) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
  - c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
  - d) Checks of driver's **immigration status**, medical health, criminal record, **driving ability**, **knowledge of safeguarding vulnerable passengers** and knowledge of the Borough, **including legislative controls**.
  - e) Investigation of complaints with appropriate follow up action.
  - f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
  - g) Liaison with the hackney carriage and private hire trade by way of open meetings **and the use of modern communication tools**.
  - h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation or conditions.
  - i) **Jointly authorise officers from other licensing authorities so that compliance and enforcement can be taken against licensees outside their area.**
  - j) Conditions added to licences.
  - k) The issue of guidance notes.
  - l) **Disability awareness training**

- m) Any other training relevant to vulnerable groups such as those suffering from dementia

14. When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

### **Best Practice Guidance**

15. In formulating this Policy the Council has considered the most recent best practice guidance issued by the Department for Transport (DfT) along with guidance issued by the Local Government Association and the Secretary of State.

### **Status**

16. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

17. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

### **Implementation and Review**

18. This Policy will take effect from 1 January 2021. From the effective date, this Policy will override and supersede all existing policies in relation to the licensing of private hire and hackney carriages, their drivers and operators.

19. 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.

20. When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council, information will be provided as to an implementation date for that part.

21. The Council may monitor and review this Policy or areas of the Policy prior to the five year review period when considered necessary.

22. After the introduction of this Policy, the Council may make decisions, which change the content of this Policy. The changes may either have immediate effect or come into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing Office and via the internet.

## Consultation

23. In preparing this policy the council has consulted widely and a full list of those consulted is set out in Appendix 24

## Local area profile

24. Darlington is a medium sized town with a total population of just over 106,000. The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links with a principal station on the East Coast rail mainline, the A1 (M) Motorway and Teesside International Airport.

25. Most of the population are long term residents, however an estimated 7.8% of the population moves to or leaves Darlington every year. Darlington also has a higher than average population of children and older people compared to the North East and England. Self-defined ethnicity in Darlington was 6.2% in the 2011 census compared to 20.3% for England with the largest ethnic minority group comprising of Gypsy, Roma and Traveller communities.

26. Most businesses are now in the public, health and education sector or financial and business services. The town centre is of sub-regional importance for shopping and services

and the town is also an important employment centre. Generally Darlington is an economy of small, owner-managed businesses that co-exist with branch factories, offices and shops. It has performed relatively well in recent years, however there has been a closure of several retail operators in high profile locations.

27. The late night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. **Darlington's plan is to merge the day and night time economy with an evening economy. These activities will support the cultural diversity of the Borough and contribute to its overall economy. Darlington has a Purple Flag status, which is an accreditation similar to the Green Flag award for parks and the Blue Flag for beaches. It allows members of the public to quickly identify town & city centres that offer an entertaining, diverse, safe and enjoyable night out.**

28. The Council recognises and welcomes the contribution that the Private Hire and Hackney Carriage trade make to the transport and tourism industry in the area.

### **Partnership working**

29. The Council will work in partnership with the following agencies and individuals to promote the policy objectives:

Local Hackney Carriage and Private Hire Trade; Durham Constabulary; Local Transport Authorities; Planning Authority; Local residents; Disability groups; Tees Valley Combined Authority; North East Strategic Licensing Group (NESLG); Service users; Driver and Vehicle Standards Agency (DVSA); HM Revenue and Customs; Department for Work and Pensions (DWP); Home Office Immigration Enforcement; Tees Valley Licensing Group

### **Related Policies and Strategies**

30. This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough for the evening and night-time economies.

31. The Council, as a member of the Tees Valley Licensing Group will work with the other council representatives to seek harmonisation of policies and conditions, where applicable,

across the Tees Valley District. The Council will also work in partnership with other agencies including those referred to in paragraph 29 above

## **Equality**

32. The Council is committed to ensuring equality in employment and service delivery. To achieve this standard the Council is aware of its duties under the Equality Act 2010 and The Human Rights Act 1998.

### **Duties and Obligations under the Equality Act 2010**

33. The Equality Act 2010 consolidates the legislation previously set out in the Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 to increase access to transport services and infrastructure by disabled people. Those who provide transport services by way of Hackney Carriage and Private Hire vehicles are advised to contact the Equality and Human Rights Commission for further information and advice on avoiding discrimination.

34. It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs at all times. Any vehicle proprietor found in breach of this may face formal action.

35. Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted. Persons who breach duties may be guilty of a criminal offence. **In addition to any criminal sanction, the driver would be liable to disciplinary procedures that may include licence suspension or revocation.**

36. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Duties and Obligations under the Human Rights Act 1998**

37. Article 1 of Protocol 1 of the European Convention of Human Rights confers on Individuals (and companies) the Right to Peaceful Enjoyment of their possessions and the Protection of Property. Once granted, a Licence is a possession and no one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.

38. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate.

### **Crime and Disorder Act 1998 Section 17**

39. Section 17 of the Crime and Disorder Act 1998, places a 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.

## Drivers

### Licences

40. The Council issues licences for Private Hire and Hackney Carriage drivers. In addition drivers may hold both licences and these are referred to as Dual or Combined licences.

41. Licences are issued subject to proof of eligibility – driving licence, driving assessment, knowledge/locality test, Child Sexual Exploitation (CSE) awareness certificate, criminal records check, **right to work** and medical assessment.

42. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

43. At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.

### Driving Experience

44. An applicant for the grant of a hackney carriage or private hire driver licence must have held a full DVLA driving licence for a period of 12 months before an application for the grant of a driver's licence will be accepted. This is a legal requirement under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Full driving licences issued by EEA states will also count towards this qualification requirement and equal recognition will also be given to Northern Ireland driving licences. During the transition period, the EU and the UK will hold negotiations on their future relationship. This may include making agreements on the validity of EU driving licences in the UK. The situation will become clearer in the course of 2020. (Awaiting government clarification following withdrawal from EU)

45. In addition applicants are required to have passed an approved driving assessment and produce the original copy of the pass certificate. Drivers can also carry out an enhanced test for wheelchair accessible vehicles.

## DVLA Driving Licences

46. 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 access to the DVLA on line checking system to establish driving entitlement and driving history.

47. The DVLA requires the holder of the licence to give permission for access to driver records by providing the Council with a unique access code provided by the DVLA. Therefore all drivers wishing to be licensed as a hackney carriage or private hire driver must either provide written consent or present to the Council an acceptable unique access code to allow their DVLA driving licence to be checked prior to a licence being approved.

48. Any driver holding an EEA/EU driving licence will be required to exchange this licence for a photo card licence issued by the DVLA prior to the grant or renewal of Hackney Carriage or Private Hire driver licence.

49. The Council will continue to follow licence requirements issued by the government

50. A driver with 9 penalty points or more on their DVLA drivers licence may be referred to the Licensing Committee for consideration as to whether they are, or remain, a safe and suitable person to hold a licence.

## Right to Work

51. The prevention of illegal working in the UK is governed by legislation that may change from time to time. The Council will undertake the necessary checks required to comply with such legislation. 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.



52. 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 Home Office.

53. For British applicants without a current British passport, a full birth certificate which includes the name(s) of at least one of the holder's parents and proof of National Insurance number is required. A National Insurance Card is not an acceptable form of ID

54. Applicants from Switzerland or one of the EEA countries have the right to work in the UK providing they can provide evidence of their right to work in the UK. (Awaiting government clarification)

55. Applicants who are non-EU nationals will have to provide proof of the right to work in the UK in accordance with current Home Office guidance on preventing illegal working. Usually a Biometric Residence Permit and a valid passport should be provided before any application can be accepted.

56. Licenses may be time limited to coincide with an applicants limited rights to stay in the UK

57. 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.

## **Language Proficiency**

58. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. If there is any doubt as to an applicant's ability to communicate in English (spoken or written), they shall be required to undertake and pass a Council approved English assessment at their own cost.

## **Applicants Who Have Spent Time Abroad**

59. If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.

60. 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

61. A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.

62. The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.

63. The applicant is advised to submit additional information with the application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person. The Council may require the applicant to submit additional information.

64. Where an individual is aware that they have committed an offence overseas, which may be relevant, they should seek independent expert or legal advice to ensure they provide information that is accurate and truthful.

65. 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.

66. Details of where applicants can access information concerning Certificates of Good Conduct is contained in Appendix 8

## Disclosure and Barring Service and Criminal Records

67. The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

68. The DBS are responsible for:

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

Any person who is on the **DBS Barred List** will be deemed to be **not** a fit and proper person to hold a private hire and/or hackney carriage driver licence.

69. A criminal record check on a driver is an important safety measure. Enhanced Disclosure through the DBS is required (applied for through the Council's Licensing Office). Enhanced disclosures include details of spent and unspent convictions, police cautions and Police intelligence.

70. The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver licences by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977 and therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.

71. Before an initial application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. DBS checks are not portable and only DBS checks applied for through Darlington Council will be accepted unless an applicant is appropriately registered with the **Disclosure & Barring Update Service**. **It is for the applicant to ensure that the DBS are informed of any changes to banking details**. In addition DBS disclosures will only be acceptable up to one month from the date of issue.

72. The Council is a Body registered with the DBS and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are available from the Licensing Office. The Council is bound by rules of confidentiality.

73. The disclosure 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.** If the Council receives an e-mail to say the report is clear, the application can be processed.

74. 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 location 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.

75. Any applicant for a new licence or renewal of licence is required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions, speed awareness courses and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).

76. All licensed drivers will be required to provide evidence of continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months

## **DBS Update Service**

77. All licence holders must also subscribe to the Disclosure and Barring Service Online Update Service throughout the duration of their licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give consent for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. Failure to maintain subscription to the update service will result in the suspension of the driver's licence until a new disclosure is provided. Existing licence holders who have not already subscribed to the updating service will be required to do so when

their next DBS disclosure application is submitted. Further details and guidance can be found at: [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

78. If a driver does not renew their licence, a new disclosure will be required at the time of any subsequent application.

### **Benefits to drivers**

- Saves time and money
- No more DBS application forms to fill in. One DBS Certificate is all that is required.
- DBS Certificate can be taken from role to role within the same workforce.
- Personal control of DBS Certificate.

### **Benefits to employer or Council**

- Instant online checks of DBS Certificates.
- Less bureaucracy.
- Saves time and money.
- Enhanced safeguarding processes help reduce risks.

### **Relevance of Convictions, Cautions and Conduct**

79. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted guidelines on the relevance of convictions a copy of which is attached at Appendix 7

80. Darlington Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage drivers licence or Private Hire Vehicle (PHV) driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

81. Where a hackney carriage/ PHV driver's licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3
82. A decision to refuse or revoke a licence of an individual thought to present a risk of harm to a child or vulnerable adult will be referred to the DBS
83. All applications for a new driver's licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application
84. Information will be retained on NR3 for a period of 25 years

### **Driver Knowledge/Locality Test**

85. 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, licensing legislation and awareness of Child Sexual Exploitation/Safeguarding. Tests for hackney carriage drivers include a more detailed assessment of local geography, location of hackney carriage stands and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.
86. The cost for one knowledge test is currently included in the licence fee. 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.
87. Should an applicant fail to pass the knowledge test within six attempts, the application will be refused. This should provide the applicant with sufficient opportunities to develop the necessary knowledge required in order to successfully undertake the knowledge test.

88. 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 or code for the update service 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.

89. 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.

## **Medical Assessment**

90. Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Council requires a medical certificate upon an initial application for a licence. In addition to such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

91. In line with DVLA recommendations, the Council applies the DVLA Group 2 driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required for drivers of other motor vehicles due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public. In addition, drivers may have to assist disabled passengers and handle luggage.

92. Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate provided by the Council. This must be completed by the applicant's own GP or a medical practitioner with access to the applicant's **full** medical history.

93. The applicant is responsible for paying the fee for the examination. If necessary the GP may return the completed form direct to the Licensing Office. The medical certificate will be valid for a period of 6 months after which either a new medical form 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. Once the medical is 12 months old a letter will not be accepted and a new medical will be required.

94. The medical practitioner must confirm that:

- they have examined the applicant;
- the applicant is registered with the practice; and/or they have had full and complete access to the applicant's medical records;
- The medical examination was carried out to the Group II standard;
- (S)he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.

95. Applicants aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and once they reach the age of 65 years an annual medical will be required. **For drivers who have chosen a three-year licence, they must provide a medical certificate on the same basis as that detailed above and, where this falls mid-licence, the driver must provide a new medical certificate on their 50th, 55th, 60th and 65th birthday.**

96. 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.

97. In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving (s)he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver and/or may be required to submit an annual medical.

98. If the Licensing Authority is not satisfied as to the medical fitness of an applicant, a hackney carriage or private hire drivers licence will not be granted. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976. This suspension may also be undertaken in accordance with s.52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes immediate effect and although the driver may appeal they are unable to drive pending the appeal.

## **Application Procedure**



99. An application for a driver's licence is to be made prior to the applicant taking the required knowledge test. (Part application may be accepted to begin the process provided it contains a DBS application). The following documents with relevant fees are to be submitted in person for a new application :

- A completed Application form.
- A Group II Medical Assessment.
- A DBS application on-line form with appropriate identity documents (or alternative).
- A CSE Awareness Training Certificate
- Taxi Driver Test "Pass Certificate" and/or the Hackney Wheelchair Enhanced Certificate or Wheelchair Exercise Certificate when applicable.
- A Valid DVLA Driving Licensing (old style pre-1998 paper licence) or DVLA Driver Photo-Card driving licence where applicable. Photo cards must show a valid date for the entire period of the imminent licence. Expired licences will not be accepted.
- Right to work
- DVLA access code to review licence

Drivers who hold other European driving licences must apply to the DVLA to exchange their EU driving licence to a UK photo-card licence.

All documents must correspond in respect of the full name and address of the applicant or the application will be rejected. Any incorrectly completed forms will not be accepted.

100. The application will not be determined until the knowledge test has been passed and DBS check is received. Where it is considered that the application will be determined by the Licensing Committee the knowledge test can be deferred pending that decision.

101. If the application is withdrawn or refused a fee may be refundable minus the charge incurred to process this application. This may vary depending on the amount of work carried out by Officers. Where an application is refused and subject to appeal, further charges will be incurred and no refund will be given.

102. It is expected that the entire application process shall be fully completed within 3 calendar months from the date of the initial application and with the introduction of an on-line application system the normal processing time should be much shorter than 3 months. This will be subject to the production of relevant documentation and availability of a Licensing Committee where applicable. Where an application is pending in excess of a six month period, 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.

103. The following documents for a new application are to be submitted in person or by post. **With the introduction of an on-line licensing process applications will no longer be accepted in person or by post.** The relevant fee for an application will only be accepted electronically when an on-line system has been introduced.

- A completed application renewal form.
- A Group II Medical Assessment (if required) or other specified medical documentation.
- A valid DVLA Driving Licence (Old style paper licence or photo-card driving licence where applicable.) Photo cards must show a valid date for the entire period of the imminent licence.
- DVLA access code for licence renewal
- DBS reference number for the update service

104. Holders of existing driver's licences must apply to renew their licence in the first two weeks of the month preceding the expiry date. Ideally the application should be submitted at least 7 working days prior to the expiry of the previous licence to allow for the production of the new licence, as the legislation does not allow for continuity of licence. Applications received more than a day after the expiry date will be dealt with as a new application (i.e. expiry 31 January – application will be accepted for renewal no later than 01 February)

105. Renewal applications will be processed and issued pending any required enhanced DBS check, DVLA and medical requirements unless the Council has reasonable grounds for concern. In this situation the renewal application will not be determined until or unless these concerns have been alleviated.

106. If details of new convictions or charges are received during the renewal process the application to renew will be dealt with on its merits according to this Policy.

107. If details of any convictions or cautions are received through the DBS check process and a declaration has been signed stating that there are no new convictions or cautions this will be treated very seriously and the appropriate action taken.

108. The Licensing Manager or Assistant Licensing Manager may at any time refer a decision to grant or renew a licence to the Council's Licensing Committee.

109. All drivers will be issued with a badge detailing their licence number, expiry date and a photograph of the licence holder. The badge must be prominently worn at all times when the driver is working.

110. Lost or damaged badges must be reported on the next working day to the Licensing Office. A fee will be charged for a replacement badge.

## **Term of Licence**

111. New applicants and applicants for renewal of licence may apply for a 3 year licence in those cases where there are no any issues concerning the application

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

113. 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.

114. 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.

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

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

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

118. Applicants can chose to apply for a one year licence

### **Conditions of Licence**

119. The legislation pertinent to licensed drivers is detailed at Appendix 1 and the Council's policies in respect of the licensing of drivers are detailed at Appendix 2. The Council is empowered to attach such conditions to a private hire driver's licence as are considered reasonably necessary. The conditions set out at Appendix 3 are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

120. The legislation does not permit the Council to attach conditions to a hackney carriage driver's licence. Hackney Carriage Drivers will however be subject to the Council's byelaws, a copy of which will be provided to them as part of their licence. The Byelaws are detailed at Appendix 4.

### **Code of Good Conduct**

121. This serves to promote the Council's licensing objectives in respect of hackney carriage and private hire licensing. The Code of Good Conduct will be taken into consideration in disciplinary matters. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt. The Code of Conduct is attached at Appendix 5 to this policy.

### **Driver's Dress Code**

122. A dress code serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers. In order to raise the profile of the licensed trade, drivers should operate, at all times in a professional manner and conform to a minimum standard of dress. The Council's Dress Code for licensed drivers is detailed at Appendix 6. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

## **Driver Training**

123. At present there is no requirement for new applicants or existing drivers to undergo any form of formal training. In recent years the following formal training packages have been developed and delivered locally:

- The BTEC Award – Transporting Passengers by Taxi and Private Hire Trade
- NVQ Level 2 in Road Passenger Vehicle Driving

The Awarding Bodies have indicated that the best option is for candidates to undertake both courses as the BTEC training underpins the NVQ assessment and it is usual for them to be run side by side.

124. Due to the high cost of these awards, the Council is not insisting on new applicants or existing drivers to undertake one of the above training packages.

## **Disability Awareness Training**

125. Tees Valley Licensing Group (TVLG) is collaborating with Darlington Association on Disability (DAD) to establish on-line disability awareness training for drivers. Once established, new applicants and existing drivers will be required complete this training in a locally agreed time frame. It is also recommended that private hire controller staff complete this training so that they have an appreciation of disability issues raised by customers.

## **Child Sexual Exploitation Awareness Training**

126. 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.

127. Darlington Borough Council Licensing Section and Darlington Safeguarding Partnership is tackling child sexual exploitation and trafficking, by working together with Durham Constabulary. By key agencies working together and sharing information, we can prevent sexual exploitation, protect children and young people and prosecute perpetrators of sexual exploitation.

128. Safeguarding children and young people is everyone's business. Sharing information with Durham Constabulary helps to protect young people from harm. Taxi drivers are key in identifying victims of sexual exploitation and may come into contact with children and young people who are transported in taxis.

#### SAY SOMETHING IF YOU SEE SOMETHING

129. If you are concerned about the safety of someone and you believe there is an immediate risk of harm then contact Durham Constabulary on 999. In all other circumstances, you can call the non-emergency number which is 101.

#### **Taxi Drivers Requirement to Undertake Safeguarding Vulnerable Passenger Awareness Training**

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

131. The training will be an online package where at stages during the programme there will be questions to answer. If the candidate achieves the required pass mark, a certificate can be printed and provided to this licensing authority at the time of application and renewal of driver licence. Questions in relation to this will be included in the Knowledge Test.

## Changes to Licence Details

132. Drivers shall notify the Council in writing (electronically will be accepted) within 7 days of any change to their home address or any change to their name that appears on their licence.

## Voluntary Return of Licence

133. Although there are no statutory provisions within the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 which allow for the voluntary return of a driver's licence, the Council recognises that there are many legitimate reasons why a driver may wish to return their licence. This could include, for example, changes in their medical condition, personal circumstances or the driver may simply wish to pursue another career path. In such circumstances it is likely that the Council will accept the return of the driver's licence and arrange for a pro-rata refund of the licence fee, minus any administration charges. **A voluntary return of licence will not be considered whilst an active investigation is being carried out.**

134. Any request to return a driver's licence shall be made in writing and the Council will consider each case on its merits.

## Vehicles – Hackney Carriage and Private Hire

### Specifications

135. The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

136. All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:

- a) European Whole Vehicle Type approve
- b) British Individual Type Approval

137. Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

138. All vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA).

139. EWVTA is based around EC Directives and provides for the approval of whole vehicles which is accepted throughout the EU without the need for further testing until standards or designs change. Category M1 covers vehicles designed and constructed for the carriage of passengers, comprising no more than 8 seats in addition to the driver’s seat

140. Most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.

141. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will



be accepted, provided that there is compliance with the specifications applicable to such vehicles.

142. Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

143. Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either:

- British National Type approval: or
- British Single Vehicle Approval (SVA) (before 29 April 2009) or;
- Individual Vehicle Approval (from 29 April 2009)

144. Vehicles that have at any time been declared an 'insurance write off' in category A, B, and S and/or have their V5 document endorsed as being 'accident damaged' will not be licensed. Category N (non-structural damage) may be considered, subject to a satisfactory engineers report and mechanical examination. If a licensed vehicle is involved in an accident which results in the vehicle being declared an insurance write off (other than category N) then the licence will be revoked and the no further application to licence the vehicle will be permitted.

145. Appendix 9 sets out the legislation pertinent to vehicles and Appendix 10 sets out the Council's policies in respect of licensed vehicles.

## **Hackney Carriage Vehicles**

146. A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

147. A hackney carriage can ply for hire and also wait at a hackney carriage stand.

148. Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. These Byelaws are attached at Appendix 14

149. The Council has imposed conditions relating to the specifications of the vehicle and other matters. These are attached at Appendix 15

150. In addition all hackney carriages must be:

- a) Red in colour
- b) Maintained to the standard prescribed by the Council.
- c) Fitted with an approved roof sign bearing the word "TAXI".
- d) Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.
- e) Fitted with a meter of an approved type with the fares charged as determined by the Council.
- f) Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
- g) Display decals issued by the Council attached centrally to both front doors of the vehicle.

### **Booking Records for Hackney Carriages**

151. There has been an increasing practice of hackney carriages being used for private hire purposes, i.e. pre-bookings of vehicles. Hackney carriage vehicle conditions require that booking records are kept of all such pre-arranged bookings. The condition specifies the type of information to be kept and the retention period for such information. Full details can be found in Appendix 15

### **Meters**

152. It is a requirement for all hackney carriages to be fitted with a meter to calculate the journey fare.

153. Meters must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer so that tariff rates change automatically and cannot be changed or tampered with manually by the driver. This specification also applies to private hire vehicles where a meter is fitted.

## Private Hire Vehicles

154. A private hire vehicle is a motor vehicle constructed or adapted to seat up to 8 passengers (plus the driver) which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

155. Before granting a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:

- Is suitable in type, size and design for use as a private hire vehicle.
- Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
- Is in a suitable mechanical condition.
- Is safe.
- Is comfortable.

156. Conditions may be attached to the grant of a licence as are considered reasonably necessary.

157. In addition to the legislative requirements, the Council has imposed conditions relating to the specifications of the vehicle and other matters. These are attached at Appendix 11.

158. In addition all private hire vehicles must:

- Not be red
- Be exceptionally well maintained to the standard prescribed by the Council until 1<sup>st</sup> April 2023 when this will no longer apply
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be properly tested and sealed.
- Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.

159. General conditions are attached to private hire vehicle licences relating to the identification of the vehicle and safety issues. These are attached at Appendix 11

## **Novelty Vehicles and Stretched Limousines**

160. The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines play in the private hire trade to meet a public demand and has developed a separate licensing regime for such vehicles. Please see Appendix 12. (NB this includes any additional conditions in respect of such vehicles, relating to driver uniform, material change and exemption from window tint). Such vehicles will only be licensed as private hire vehicles.

161. It is not appropriate for such vehicles to be used for standard hiring (see section on Exempted Private Hire Vehicles) and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

162. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual type approval (ITA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.

163. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.

164. There shall be no sale or provision of alcohol (or provision of regulated entertainment) from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if any of the occupants, (save for the driver and accompanying responsible adult), are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.

165. Where the passengers in the vehicle consist of children and young persons they must be accompanied by a responsible adult, (other than the driver) who is over the age of 18 and is not connected to the driver.

166. There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals. Similarly a vehicle does not need to be licensed while it is being used wholly in connection with a wedding.

## **Exemptions for Private Hire Vehicles**

167. 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.

168. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged substantially (i.e. more than 80% of hiring's) 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.

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

- the specification of the vehicle constitutes an executive vehicle and
- the overall level of service provision constitutes an executive hire, or
- the overall specification of the vehicle constitutes a novelty vehicle

170. 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.

171. 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.

172. 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.

173. 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.

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

175. 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.

176. 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.

177. 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.

178. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The Policy for and Conditions for Novelty Vehicles and Stretched Limousines are attached at Appendix 12 and Exempted Licence Conditions in relation to Executive Vehicles is attached at Appendix 13 to this Policy

179. The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

## **Age Restriction**

180. The Council has age restriction policies in place requiring the vehicle to be under 4 years of age when first presented for licensing. Vehicle licences will only be renewed up to

**8 years old** (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 10 years of age.)

181. From the 1<sup>st</sup> April 2023, all licensed vehicles must be aged eight years or under

182. Vehicles will only normally be licensed until the **8th** anniversary of registration. Where a vehicle will reach its **8th** 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 8th anniversary (part months will be charged as full months.)

183. The initial age of the vehicle will be extended from under **4 years to less than 6 years** in respect of purpose built vehicles only i.e. London cabs and similar vehicles to encourage more purpose built wheelchair accessible vehicles in the fleet.

184. 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.

## **Accessibility**

185. The Council will licence both a purpose built wheelchair accessible vehicle and a vehicle that is suitable in size and design, and has been converted or adapted after the date of first registration to enable the carriage of a **Reference Wheelchair as defined in Schedule 1, Part 2 of The Public Service Vehicles Accessibility Regulations 2000 (see Appendix 23 for dimensions)**. This is provided that the conversion is carried out by an approved vehicle convertor such as the Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.

## **Incentives**

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

187. 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 training in handling passengers with disabilities which the Council may from time to time approve.

188. 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.

189. 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 for which the incentive was given.

### **Limitation of Numbers**

190. The present provisions on restriction of numbers for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis "if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".

191. Any Local Authority that does restrict numbers is required to justify their policy every 3 years, in writing, to the Department for Transport. In addition this justification must feature in the 5 yearly Local Transport Plan.

192. Where a limitation on numbers is in effect, any new application for a hackney carriage vehicle licence which would be in excess of that number can be refused if the Council is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.



193. To establish whether or not there is unmet demand requires a survey to be conducted. The average cost of such survey would be met from the taxi licensing budget.

194. This issue has been raised by the Trade on many occasions. The Council, in line with the DfT Best Practice Guidance does not intend placing a limit on the number of licences it will issue, relying instead on market forces to dictate the level of licence applications. **This position will be kept under review as the Evening and Night Time Economies continue to develop within the Borough.**

195. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

## **General Requirements for Vehicles**

### **Insurance**

196. All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle and its use. This policy must be in place before a licence can be granted.

197. Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes, unless a valid reason can be demonstrated as to why the vehicle should be insured for public hire as well.

198. Individual policies shall be provided for each vehicle. However a fleet insurance policy will be accepted as long as it includes a schedule of all the vehicles covered. If the fleet policy covers a mixed fleet of both private hire and hackney carriage vehicles, the policy shall make it clear that cover for private and public hire services is subject to the appropriate local authority licences being held. It is the responsibility of the applicant to produce a valid certificate of insurance and the policy document when applying for the grant or renewal of a vehicle licence.

199. It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.

200. If a vehicle is off the road and uninsured the proprietor must advise the Licensing Office in writing immediately or in any event within 72 hours.

### **Advertisements, Signs, Notices etc.**

201. 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.

202. 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)

203. No commercial 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 required sign is located.
- c. Be affixed to any part of the interior or exterior of any private hire vehicle operating under an Exemption Notice.
- d. Any unauthorised advertisements will be required to be removed and appropriate action will be taken for failing to comply
- e. Any queries regarding advertisements must be referred to the council

### **Accident Notification**

204. The proprietor is required by Section 50 (3) of The Local Government (Miscellaneous Provisions) Act 1976 to notify the Council in writing within 72 hours of any accident that results in damage to the vehicle.

205. The proprietor must comply with any request to either produce evidence of insurance for the vehicle and/or produce the vehicle for inspection so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate

action will be taken including suspension of the vehicle and potential prosecution for failure to produce insurance.

206. The proprietor shall submit the vehicle for any further testing and/or examination as requested by the Council and shall be responsible for the production of any independent engineers' reports considered necessary by the Council.

207. Where a vehicle has sustained accident damage and is subsequently declared an 'insurance write off' (i.e. in category A, B, and S) and/or the V5 document is endorsed as being 'accident damaged' the vehicle will no longer be allowed to remain as a licensed vehicle. **Non-structural damage will be considered subject to a satisfactory engineers report and mechanical examination.**

## **Vehicle and Meter Testing**

208. All vehicles are required to undergo an inspection conducted by a vehicle examiner prior to being licensed and within every 6 months thereafter. Any vehicles failing this test will be required to have a retest and the licence will be suspended.

209. 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.

210. 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 may however be suspended until such time as the vehicle test is successfully undertaken.

211. Evidence of taxi meter testing is also required. The Best Practice Guidance suggests that an annual test may be appropriate for all vehicles and that more frequent tests may be appropriate for older vehicles and suggests twice yearly for vehicles more than 5 years old. However given the large number of miles undertaken in any one year by licensed vehicles no change in the number of tests is proposed.

212. This policy is also currently in accordance with that of the Tees Valley Authorities and also reflects a national approach to vehicle testing by the majority of local authorities.

213. It shall be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy and maintained to the Councils standards at all times. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

## Application Procedure

214. The following original documents, along with the appropriate fee are to be submitted in person or by post (only accepted on-line when the new system is introduced) for new and replacement vehicle applications. Only original documents will be accepted, however e-mails may be accepted provided they are sent by the Company. With the introduction of a proposed on-line licensing system only on-line applications will be accepted:.

- a. Application form. This must be from a named person(s) or Company.
- b. The Vehicle registration document (V5C – log book) in the Applicant's name (Registered Keeper). Where an applicant has joined the Driver and Vehicle Licensing Agency (DVLA) V5C on Demand Scheme the printable PDF of the vehicle details from within their View Vehicle Record will be accepted as an alternative to the V5C document so long as it is accompanied by a copy of the letter from the DVLA confirming that the applicant has joined the V5C on Demand scheme.
- c. Appropriate valid certificate of motor insurance, public liability insurance and vehicle test "Pass" certificate from the Council's testing station
- d. A current MOT certificate for the vehicle or legal equivalent (HC 1 year PH 3 year).
- e. Swivel seat installation certificate or proof of purchase (when applicable).
- f. In the case of a wheelchair accessible vehicle Certification from the Vehicle Certification Agency (VCA) confirming that the vehicle meets the European Community Whole Vehicle Type Approval Standards in the M1 Category.
- g. Meter calibration certificate where applicable
- h. If the proprietor is not already a licenced driver, a basic DBS check will be required at the time of application

215. Although applications may be made by post (subject to the introduction of an on-line application process), plates must be collected in person. Applicants may also wish to

provide original documents in person. Applications for licence renewals should be made at least 7 working days prior to the licence expiry date to allow for the application to be processed.

216. Applications will not be determined until the Council receives all documents listed above. Only then will the application process be completed and the vehicle licence and plates will then be produced.

217. If the application is withdrawn the fee will be refundable minus the current admin charge. If an application is refused by the Licensing Committee then the fee will not be returned.

218. The Council has the discretion to attach, amend or remove a condition of licence.

219. Proprietors should be aware that the Council is obliged to provide information in respect of joint proprietors to any government office, if requested to do so by any officer acting in an official capacity

### **Transfer of Interest**

220. The proprietor shall notify the Council on the appropriate form, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence. If the interest is transferred to a person currently named on the licence the Council should be advised in writing and will remove the outgoing proprietor.

221. The new proprietor shall provide the following documents to the Council:

- a. Vehicle registration document in new proprietor's name within 28 days.
- b. Appropriate valid certificates of insurance.
- c. [Basic DBS check](#)

### **Change of address**

222. The proprietor must advise the Council in writing within 7 days of a change of address during the period of the licence.

## **CCTV in Vehicles**

223. The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The Statutory Taxi and Private Hire Standards document highlights the benefits of CCTV in deterring and preventing crime; reducing the fear of crime; assisting with investigations; and assisting insurance companies when investigating accidents. It is not currently proposed that such measures should be required as part of the licensing regime at this time, however this will be kept under constant review and further action may be required if there is evidence that this would be a proportionate approach.

224. If CCTV is installed, the proprietor of any vehicle with **CCTV must register with the Information Commissioners Office ('notification') and produce documented evidence of that registration to the Council. They must comply with all legislation in relation to use of cameras along with codes of practice and guidance.** They must also display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

225. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recording must be retained for 28 days to be made available for viewing by a Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council.

226. Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.

227. **It should be noted that external facing front and rear cameras used for the purposes of recording accidents or incidents outside the vehicle may be installed without prior authorisation from the Council. Such cameras shall not be used for recording audio from within the vehicle, nor shall they be moved to record images inside the vehicle.**

## Tinted Windows

228. The Council's specification relating to the use of tinted windows in licensed vehicles is as follows:

- a. The windscreen shall have a minimum light transmission of 75%
- b. All other front windows of any vehicle shall have a minimum of 70% light transmission
- c. All rear windows shall have a minimum of 30% light transmission, unless the below criterion can be met where there will be no minimum light transmission

229. The minimum light transmission criteria is relaxed in the following circumstances:

- a. The windscreen and front side windows of any vehicle exempt from the criteria, when the vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice, and
- b. The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years unless accompanied by an adult other than the driver). The driver must not act as the accompanying adult, and
- c. Written approval has been given by the Council.

## Environmental Considerations

230. The DfT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

231. The council recognises the introduction of Clean Air Zones (CAZ) around the country and supplies weekly data to DfT as required for enforcement

232. Hackney carriage and private hire vehicles are an essential form of transport in the Darlington Council area. Many people depend on such vehicles for trips that buses and other forms of public transport are unable to fulfil.

233. Licensed vehicles often achieve higher occupancy rates than a private car and so to some extent already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.

234. It is therefore proposed that efforts should be made to improve, as far as possible, the efficiency of licensed hackney carriage and private hire vehicles by, in particular, reducing the levels of CO2 emitted.

235. Certain types of fuel efficient vehicles will be offered a 25% reduction in licensing fees. Vehicles types include:

- a. Electric
- b. Petrol Electric (Hybrid)
- c. Liquid Petroleum Gas (LPG)
- d. Compressed Natural Gas (NGV)

236. Other alternative fuels will be considered to qualify for a reduction in the licence fee as technology improves.

237. Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance and by **switching off engines when stationary or idling, particularly at taxi ranks**. It is, however, proposed that this aspect continues to be tackled through education and promotion. **This approach will be kept under review as further research into the effects of emissions emerge.**

238. **The Council is committed to improving air quality and to continue to reduce vehicle emissions within the Borough. This is shown by the commitment to tougher emission standards for all licenced vehicles and longer-term plans aimed at promoting 'cleaner' vehicles, expanding the electric charging infrastructure to encourage uptake of electric vehicles amongst the taxi trade, as well as educational interventions particularly around vehicle idling at taxi ranks.**

## European Emission Standards



239. 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.

240. 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.

241. It highlights the impact European wide emission limits are having on improving air quality. In private cars, these standards were introduced for new vehicles as follows:

- 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

242. In the interests of the environment tougher emissions standards will be introduced for all licensed vehicles. These standards will be phased, with strict retirement dates for vehicles that fail to meet the latest standards.

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

244. Applications from proprietors of “classic” vehicles older than 12 years will be exempt from this requirement. This exemption will be kept under review.

## **Demand Responsive Transport**

245. The Council welcomes initiatives such as taxi sharing schemes and taxi buses and the environmental and improved service benefits that they bring. The Council recognises that these services can play a valuable role in meeting a range of transport needs and is keen to promote such services in order to increase the availability of transport to the travelling

public. The Council will work with service providers to bring about such schemes where there is a demand for them.

246. The main legal provisions under which flexible services can be operated are listed below.

### **Shared Taxis - Immediate Hiring's (Section 10, Transport Act 1985)**

247. The local authority can develop a scheme whereby hackney carriages can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. The authority is required to set up such a scheme if holders of 10% or more of the hackney carriage proprietors in the Borough ask for one. The success or otherwise of such a scheme is dependent on the agreement of the passengers.

### **Shared Taxis and Private Hire Vehicles – (Advance Bookings, Section 11, Transport Act 1985)**

248. Hackney carriage and private hire vehicles can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares lower than that for a single hiring.

### **Taxi buses (Section 12, Transport Act 1985)**

249. Hackney carriage proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle PSV operator licence'. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.

250. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the hackney carriage, though it can go beyond it. This provision is also being extended to Private hire vehicles.

## Private Hire Operators

### Requirements and Obligations

251. Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. **The Local Government (Miscellaneous Provisions) Act 1976 defines the terms 'operate' as meaning 'in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle'.** The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

252. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. **An operator may subcontract a booking to another licensed private hire operator anywhere in England, Wales and Scotland. Operators who outsource booking and dispatch functions cannot pass on the obligation to protect children and vulnerable adults. Operators will be required to evidence that comparable protections are applied by the company to which they outsource these functions**

253. A private hire operator must ensure that every private hire vehicle despatched is licensed and driven by a person who holds a private hire driver's licence issued by the Council. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.

254. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

255. Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

256. It is a condition of licence that the applicant operates from premises within the controlled district of the Council. **A fixed landline telephone number for bookings must be provided at this premises. A licence will not be issued without this.**

257. The Licensing Office may require sight of a business plan or request additional information for new applications.

### **Operator Legislation Tests**

258. All new applicants for a Private Hire Operator Licence shall be required to successfully undertake a knowledge test relating to relevant legislation, licence conditions and policies. In the case of a Limited Company, this shall apply to the Company Secretary and Managing Director.

A private hire vehicle operator licence may be applied for by a company or partnership; with the 'fit and proper' test applied to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators are required to advise the licensing authority of any change in directors or partners

### **Criminal Record Checks**

259. Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.

260. **A basic DBS disclosure will be required for all applicants of Private Hire Operator licences, which will be repeated annually (unless the applicant is already a licensed driver) and any additional information if requested during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a person's movements, travel arrangements etc.**

261. If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone an enhanced DBS check.

## Immigration Status

262. All applicants for the grant or renewal of a private hire operator's licence are required to demonstrate that they are not disqualified by their immigration status from holding a licence by submitting in person one of a number of prescribed acceptable documents which show that the applicant has permission to be in the UK and undertake work as an operator (LIST). If an applicant has an indefinite right to remain and work in the UK they will only be required to prove that entitlement once.

263. No licence will be granted until the applicant is able to provide such evidence

## Conditions

264. The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary.

265. Appendix 21 sets out the legislation and policies pertinent to Private Hire Operators which cover the standards of service expected and the conditions to be attached to an operator licence.

266. Additional conditions may be imposed depending upon individual circumstances

## Insurance

267. Applicants are required to produce evidence of appropriate public liability insurance (£5 million) and employer liability insurance where applicable.

## Planning Consent

268. Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application for a Private Hire Operator Licence and their comments may be taken into account when determining whether the licence should be granted. The Licensing Manager and Assistant Licensing Manager has the discretion to refer any renewal application to the Licensing Committee.

## Application Procedure

269. The following documents are to be submitted for a new or renewal application:

- a. Application form
- b. Immigration status
- c. Details of all vehicles and drivers to be operated
- d. [Basic DBS](#)
- e. Safeguarding Vulnerable Passengers policy
- f. [Policy on employing ex-offenders](#)
- g. Pass/completion certificate for Safeguarding Awareness training (unless the applicant is a licensed driver)
- h. Public liability insurance certificate
- i. Employer liability insurance certificate (where applicable)
- j. Licence fee

270. Officers may require a site visit prior to the determination of the licence.

## Licence Duration

271. 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 no issues concerning the application.

272. 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.

273. 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 also that there has not been any change in the operation of the business. 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.

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

275. Applicants can chose to apply for a one year licence

### **Address from which an Operator May Operate**

276. Upon grant of an operator's licence the Council will specify the address from which the operator may operate.

277. These premises must be in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office where deemed applicable. If an operator wishes to change the base from which they operate they must make a fresh application.

278. Because of the potential for nuisance to residents associated with the parking of vehicles whilst they are waiting to be allocated work, a condition will be placed on operator licences requiring them to identify specific locations as bases where they would park their vehicles when waiting for bookings.

279. A condition will also be placed on operator licences requiring operators to operate only hackney carriage and private hire vehicles and drivers that have been licensed by Darlington Council unless subcontracting to another private hire operator outside the borough of Darlington. Where this is the case the operator must ensure that vehicles are of

the equivalent standard required by this Council. This is to ensure that the travelling public of Darlington are provided with a consistent standard of service.

## **Record Keeping**

280. Operators are required to produce evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff to ensure that any individual added to the register is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be issued within one month of being viewed. Alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for they will be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

281. Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. Appendix 21 refers.

282. Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Council or Police. **These shall be kept either in a suitable book, the pages of which shall be numbered consecutively or by use of a computer data base where dates and times of information inputted can be verified.**

## **Sub-contracting of Private Hire Bookings**

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

## **Change of Home Address**

284. The operator must advise the Council in writing or electronically of any change of his home address within 7 days of such a change taking place.



## Convictions/Cautions

285. The operator shall disclose to the Council within 7 days in writing of any conviction or caution (s)he receives.

## Complaints

286. The operator must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business and the action that the operator proposes to take. These details will be kept on file.

287. Where the Council becomes aware of any complaint and investigates it, the Operator shall comply with any reasonable request or directive issued by the investigating officer.

288. Whilst it is expected that the Operator shall attempt to resolve all complaints initially, Operators must notify the Council by the next working day of receipt of any allegation, concern or complaint received relating to any person licensed by the Council which involves the following:

- a) Allegations of sexual misconduct, sexual harassment or inappropriate sexual behaviour
- b) Racist behaviour
- c) Any safeguarding concern
- d) Equality breaches
- e) Violence
- f) Dishonesty

289. Operators must also provide complainants who are dissatisfied with the outcome of their investigation/response into their complaint with contact details for the Council's Licensing Section.

## Material Change

290. A Private Hire Operator Licence is not transferable and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

## **General**

### **Fares**

291. Councils have the power to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.

292. The Council will review the table of fares when requested by the Trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.

293. A notice of any variation to the maximum fare will be advertised in a local newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter will be referred to Cabinet for consideration and a further implementation date will be set.

294. The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

295. When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

### **Table of Fares**

296. A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers. This requirement shall apply equally to private hire vehicles where a meter is fitted

### **Receipts**

297. A driver must, if requested by the hirer, provide a written receipt for the fare paid.

### **Overcharging**

298. All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. If this should occur the driver will be prosecuted.

### **Fee Structure**

299. The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.

300. The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Office and the Council's website.

## Variations to Fee Structure

301. The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

302. A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in a local newspaper with a date set 28 days from publication for making objections to the variation of fees.

303. If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period (or at a later date as indicated by the Council). If any objections are received the matter will be considered by the Licensing Committee

## Payments

304. Licences which commence part way through a month will terminate in the following year (or anniversary of 1st registration of vehicle) on the last day of the preceding month. Payments can be made in the form of cash in person or cheques made payable to Darlington Borough Council, which can be accepted at the Licensing Office. **With the introduction of an on-line application process all payments will be made electronically.**

305. If cheques are returned "refer to drawer" a £15 charge shall be levied against the applicant and all future applications will normally have to be made with cash payments.

## Payment Credit

306. 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
- d) The credit is used during the current financial year.

307. 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.

308. Once surrendered the vehicle will not be licensed by the Council unless it is less than 4 years of age at the time the application is made (or less than 5 years in respect of purpose built wheelchair accessible vehicles).

309. No cash alternative shall be offered at any time

### **Reduced Fees for Vehicle Licences**

310. Where a vehicle will reach its 8th 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.)

### **Convictions, Cautions, Conduct and Medical Fitness**

### **Hackney Carriage and Private Hire Drivers**

311. When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the Council shall not licence drivers unless they are satisfied of this (s.51 and s.59 Local Government (Miscellaneous Provisions) Act 1976). **The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person, rather than for the Council to prove that they are not.**

312. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

313. In addition, the Council may:

- a) suspend; or
- b) revoke; or
- c) refuse to renew a hackney carriage or private hire driver licence if the licensee:
- d) has been convicted of an offence involving dishonesty, indecency or violence; or
- e) has been convicted of a private hire/hackney carriage licensing offence; or for any other reasonable cause\*. (s.61 LG(MP) Act 1976)
- f) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty

\*Reasonable cause will include other convictions, cautions, fixed penalties, medical fitness, speed awareness course and conduct.

314. If it appears in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive should an appeal be made against the decision. (Section 52 Road Safety Act 2006)

## Operators

315. The Council must also be satisfied that applicants for operator licences are fit and proper before issuing a licence. These guidelines will therefore be referred to when considering an Operator Licence Application.

316. It is accepted that the Operator does not have the same level of direct contact with the public, as they will not drive the customer (unless s/he also holds a private hire driver's licence). However, it is acknowledged that the Operator will be in possession of information about people's whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to fit and proper people.

317. In addition, the Council may

- a) Suspend
- b) Revoke; or
- c) Refuse to renew

an operator's licence for:

- i) Any offence, or non-compliance with the provisions of the LG (MP) Act 1976; or
- ii) That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty
- iii) Any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence;
- iv) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- v) Any other reasonable cause

## **Rehabilitation of Offenders Act 1974**

318. Hackney Carriage and Private Hire drivers are excluded from the effects of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered.

## **Guidance as to the Relevance of Convictions, Cautions and Endorsable Fixed Penalties**

### **Section A - General policy**

319. The Council has guidelines on the Relevance of Convictions (see Appendix 7). These are intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee may not adhere rigidly to the guidelines if there are exceptional circumstances, which warrant a departure. Similarly simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.

320. It may be appropriate to depart from the general policy in some cases, for example, situations where the offence is isolated and there are strong and exceptional mitigating circumstances.

321. 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.

322. 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.

323. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

324. 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.

325. The guidelines should assist applicants and licensees and those that represent them by clearly setting out the expectations the Council has in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) spent by both the Council and applicants/licensees

326. These guidelines will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

327. The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity toward wrongdoing.

328. In considering evidence of an applicant's good character and fitness to hold a driver licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a



criminal offence, the Council cannot look behind the conviction [Nottingham City Council v Mohammed Farooq (1998)].

329. The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences will be taken into account in accordance with the guidelines.

## **Formal Cautions and Fixed Penalties**

330. For the purpose of the guidelines, formal cautions and fixed penalties shall be treated as though they were convictions.

## **Section B – Conduct**

331. Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant's or licensee's demeanour, appearance, behaviour (particularly through the application process), and any previous complaints or warnings may be taken into account in determining fitness and propriety.

332. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP) Act 1976).

333. The Courts have established that the licensing regime exists to prevent licences being given to or used by those who are not suitable, taking into account their previous criminal history, driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain 2002.)

334. When determining the fitness and propriety of drivers, Council Officers and Members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

335. If the answer to this question is an unqualified yes, then the test is probably satisfied. If, on the balance of probabilities, the Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person.

336. The Council may also consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

337. The Council's focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

## **Enforcement, Discipline and Offences**

### **Council Officers and the Licensing Committee**

338. Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

339. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.

340. Officers of the Council (usually Licensing Enforcement Officers) are authorised by the Council to undertake enforcement work. **The Assistant Director of Economic Growth and Neighbourhood Services authorises such officers.** In undertaking such work the Officers will comply with the appropriate Enforcement Policy Statement. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

341. Where the need arises, the Council will jointly authorise officers from other local authorities so that compliance and enforcement action can be taken against licensees from outside their area.

342. The Council may take appropriate disciplinary action against licensees in accordance with this policy.

343. The Council's Licensing Committee may also determine the appropriate disciplinary action (if any) to take against licensees referred to it. The procedure for referral to Committee and the Committee procedure are detailed at Appendix 22

## Enforcement/Disciplinary Options

344. There are various options to take depending upon the circumstances including:

- a. Take no action
- b. Take informal action, including warning letters and referral to Driver Improvement Scheme (or any other appropriate awareness scheme developed in the future)
- c. Suspend a licence
- d. Revoke a licence
- e. Refuse to renew a licence
- f. Use statutory and other notices/requests
- g. Use formal cautions
- h. Prosecute
- i. Obtain an injunction

345. Only the Licensing Committee can revoke a licence or require that a driver attends the Driver Improvement Scheme.

346. The Licensing Manager or Assistant 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.\*
- c. Since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty

\*in most 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.

347. Where possible the Licensing Manager or Assistant Licensing Manager will liaise with the chair of the Licensing Committee prior to making a decision to suspend. If this is not possible the chair will be informed at the earliest opportunity.

348. Where a driver licence is suspended by the Licensing Manager or Assistant 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.

349. If the Licensing Manager or Assistant Licensing Manager considers it necessary to apply the provisions of Section 61 2B of the Local Government (Miscellaneous Provisions) Act 1976, then any right of appeal will not enable a driver to continue to drive licensed vehicles.

350. An Authorised Officer can suspend a vehicle licence where the vehicle:

- a. fails to pass its biannual vehicle test for serious defects
- b. has sustained accident damage which may materially affect the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.
- c. does not have current appropriate insurance which covers the vehicle and driver for the purpose to which the vehicle is to be used
- d. does not have a current MOT or Vehicle Excise Duty
- e. driver is not licenced to drive the vehicle or his/her licence to drive such a vehicle is suspended or revoked unless there is an alternative driver who has appropriate insurance cover to drive the vehicle.
- f. fails to attend a pre-arranged vehicle test or where the test is cancelled with 2 working days' notice.

351. If a vehicle has been suspended in accordance with Section 68 of the 1976 Act (fitness of vehicle or taximeter) the vehicle proprietor does not have the right to appeal this decision to the Magistrates Courts unless the licence is automatically revoked after a 2 month period. If a vehicle is suspended under Section 60 of the 1976 Act

(fitness/offences/reasonable cause) the vehicle proprietor shall have the right to appeal any such suspension at the Magistrates Court.

352. An Authorised Officer will not renew the vehicle licence where the vehicle has attained the age of 8 years (ten years for purpose built vehicles)

## **Informal Action**

353. Informal action may be used to secure compliance with the legislation and policy including offering advice, verbal and written warnings and requests for action.

354. Informal action may be appropriate where:

- a. the act or omission is not serious enough to warrant more formal action;
- b. from the individual licensee's history it can be reasonably expected that informal action will achieve compliance;
- c. the consequences of non-compliance will not pose a significant risk to the safety of the public.

355. Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

356. Repeated incidents of licence infringements, complaints etc. are likely to lead to action being taken against the licensee or a referral to the Licensing Committee.

357. Existing licensed drivers who attain 9 penalty points on their DVLA drivers licence for offences relating to their standard of driving or have a poor driving history may be referred to the Licensing committee and Members will be invited to require (where applicable) attendance at driver awareness courses, at the driver's expense.

## **Suspension, Revocation or Refusal to Renew a Licence**

### **Drivers Licences – Section 61**

358. The Council may suspend or revoke or refuse to renew a driver licence (private hire or hackney carriage) on any of the following grounds:

- a. that since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- b. that since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- c. Since the grant of the licence has been convicted of an immigration offence or required to pay an immigration penalty; or
- d. any other reasonable cause.

359. In addition the following revisions to Section 61 were introduced under Section 52 of The Road Safety Act 2006:

- a. (2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.
- b. (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

360. Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG (MP) Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must return to the Council the Driver badge. The driver may appeal to a Magistrates' Court. Any appeal must be lodged within 21 days of notification of the decision. Except in the case of a Road Safety Act suspension the driver badge may be retained once an appeal is lodged at the Magistrates Courts.

Suspension of Vehicle Licence - Section 68 Notices

361. An authorised officer (or police officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Council to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. Vehicles which are not presented for pre-arranged tests or have such tests cancelled cannot satisfy the Officer that the vehicle is fit for use and will therefore be suspended.

362. The officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy (section 68 of the 1976 Act). Suspension under s.68 takes immediate effect. There is no right of appeal against such a suspension.

363. If after 2 months from the issue of the suspension notice, the officer is not satisfied of the fitness/accuracy of the vehicle, the vehicle licence will be revoked in accordance with the legislation. The proprietor shall be given written notice of the revocation. Such matters therefore do not need to be referred to the Licensing Committee. There is a right of appeal against the revocation of the licence and any appeal must be lodged within 21 days of notification of the decision.

### **Suspension of Vehicle Licence - Section 60 Notices**

364. The Council may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- a. that the vehicle is unfit for use;
- b. the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- c. any other reasonable cause
- d. Among other things, "any reasonable cause" will include non-production of evidence of insurance.

365. Where the Council suspends, revokes or refuses to renew a vehicle licence under section 60 of the 1976 Act it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates' Court. Any

appeal must be lodged within 21 days of notification of the decision. Failure to provide insurance may result in a section 60 suspension.

## **Operator Licences - Section 62**

366. The Council may suspend or revoke or refuse to renew an operator licence on any of the following grounds:

- a. any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- b. any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
- c. any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- d. any other reasonable cause.

367. Where the Council suspends, revokes or refuses to renew an operator licence under section 62 of the Act, it shall give the operator written notice of the grounds for the decision within 14 days. The operator may appeal to a magistrates Court. Any appeal must be lodged within 21 days of the decision.

## **Stay of Action Pending Outcome of Court Appeal**

368. Section 77 (2) of the 1976 Act stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke his licence, the licence is deemed to remain in force until the appeal has been determined (but see paragraph 283 below re s52 Road Safety Act suspensions.)

369. The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with.



370. If the Magistrates Courts dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.

371. The Council may decide that a suspension or revocation of a driver licence should take immediate effect in accordance with Section 52 of the Road Safety Act 2006, where they consider it is in the interests of public safety to do so. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. In this case the suspension or revocation takes effect when the notice is given to the driver and the driver will not be able to continue working pending any appeal.

372. Where a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs. Where an appeal is successful but the Council has acted in good faith costs may not be ordered against the Council.

373. The 21 day period in which to appeal is rigid and appeals cannot be made after this time (Case Law: Stockton Borough Council v Latif 20 January 2009).

## **Requests for Insurance**

374. The Council may request the production of a valid insurance document at any time. If a valid insurance is not produced the vehicle licence will be suspended and the proprietor may be prosecuted (s.50 LG (MP) Act 1976). In addition, anyone driving an uninsured vehicle may be prosecuted (s.143 Road Traffic Act 1988).

## **Cautions**

375. A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior acceptance of a caution. If a caution is not accepted the matter will be referred for legal proceedings. It is unlikely that more than one caution will be issued (regardless of the type of offence) and repeat offences will lead to prosecution.

376. A caution may be used:

- a. to deal quickly and simply with less serious offences;
- b. to divert less serious offences away from the Courts;
- c. to reduce the chances of repeat offences.

## **Prosecution**

377. In certain cases the Council will prosecute offenders. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied. The Council will seek to prosecute for a range of offences including overcharging of members of the public, acting as and/or using unlicensed drivers and vehicles, failing to engage taximeter, driving without insurance or invalidating insurance (e.g. illegal plying for hire). Breaches of the licensing legislation may also lead to prosecution. Furthermore the Council's Civic Enforcement Team is empowered to issue fixed penalties in respect of stationary vehicles with their engines idling to prevent unnecessary exhaust emissions.

378. In addition to prosecution, the licensee may be referred to the Licensing Committee for consideration of further disciplinary action (e.g. warning, suspension, revocation, refusal to renew).

## **Town Police Clauses Act 1847 (The 1847 Act)**

379. The following offences under the 1847 Act relate to hackney carriages

Section	Offence
40	Giving false information on an application for a HC proprietor licence
44	Failure of HC proprietor to notify of change of address
45	Plying for hire without HC proprietor licence
47	Driving a HC without HC driver's licence
47	Lending or parting with HC driver licence
47	HC proprietor employing unlicensed driver
48	Failure of HC proprietor to hold HC driver licence of person employed/permitted to drive his/her HC
48	Failure of HC proprietor to produce HC driver licence of person employed/permitted to drive his/her HC
52	Failure to display HC plate
53	Refusal to take a fare
54	Charging more than the agreed fare

55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying person other than the hirer without consent
60	Driving HC without proprietor's consent
60	Allowing another to drive HC without proprietor's consent
61	Drunken driving of HC
61	Wanton or furious driving or wilful misconduct leading to injury or danger
62	Driver leaving HC unattended
64	HC driver obstructing other HC's

### **Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act)**

380. Offences under 1976 Act relate to hackney carriages and private hire vehicles, proprietors, drivers and operators.

#### **a) The 1976 Act - Hackney Carriage Provisions**

<b>Section</b>	<b>Offence</b>
49	Failure of proprietor to notify Council of transfer of HC proprietor licence
50(1)	Failure of proprietor to present HC for inspection as requested
50(2)	Failure of proprietor to inform Council where HC is stored if requested
50(3)	Failure of proprietor to report an accident to the Council
50(4)	Failure of proprietor to produce HC proprietors licence and insurance certificate
53(3)	Failure of driver to produce HC driver licence

57	Making false statement or omitting information to obtain a HC proprietor licence
58(2)	Failure of proprietor to return plate after notice given after expiry, revocation or suspension of HC proprietor licence
61(2)	Failure to surrender drivers licence after suspension, revocation or refusal to renew
64	Cause or permit any vehicle other than HC to wait on a HC stand
66	Charging more than metered fare for a journey ending outside the district, without prior agreement
67	Charging more than metered fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

b) The 1976 Act - Private Hire Provisions

Section	Offence
46(1)(a)	Proprietor using or permitting use of an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver licence
46(1)(c)	Proprietor of PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator licence
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver
48(6)	Failure to display PH vehicle plate when using or permitting use of PH vehicle
49	Failure to notify the Council of transfer of PH vehicle licence
50(1)	Failure of proprietor to present PH vehicle for inspection and testing as required
50(2)	Failure of proprietor to inform Council where PH vehicle is stored if requested
50(3)	Failure of proprietor to report an accident to the Council
50(4)	Failure of proprietor to produce PH vehicle licence and insurance certificate
53(3)	Failure of driver to produce PH driver's licence
54(2)	Failure to wear PH driver's badge
56(2)	Failure of PH operator to keep records of bookings
56(3)	Failure by PH operator to keep records of PH vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or omitting information to obtain PH driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
61(2)	Failure to surrender driver licence after suspension, revocation or refusal to renew
67	Charging more than the metered fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

381. Section 64(2)(a) Driving a Private Hire vehicle with a roof sign which contravenes s. 64(1)

382. Section 64(2)(a) causing or permitting a Private Hire vehicle to be driven with a roof sign which contravenes s.64(1)

### **Road Traffic Act 1988 S.143 – Using a Vehicle without Insurance**

383. Drivers may be prosecuted by the Police or the Council in relation to driving without insurance. As well as a financial penalty the DVLA driver licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court will consider any aggravating and mitigating factors when sentencing. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating (i.e. more serious) factor.

### **Criminal Justice and Public Order Act 1994 S.167 – Touting for Hire**

384. It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers.

385. Health Act 2006, S.7 – Smoking in vehicle and S.8 – Failing to Prevent Smoking in a Vehicle

### **Hackney Carriage Byelaws**

386. Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council's byelaws.

### **Equality Act 2010**

387. Section 168 – Assistance dogs in taxis

- (1) This section imposes duties on the driver of a taxi which has been hired
- (a) By or for a disabled person who is accompanied by an assistance dog, or

- (b) By another person who wishes to be accompanied by a disabled person with an assistance dog
- (2) The driver must-
  - (a) Carry the disabled person's dog and allow it to remain with that person;
  - (b) Not make any additional charge for doing so

388. Section 170 - Assistance dogs in private hire vehicles

- (1) The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle –
  - (a) If the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) The reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- (2) The operator commits an offence by making an additional charge
- (3) The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator—
  - (a) If the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.



## **Hackney Carriage Stands**

### **Appointed Stands**

389. The purpose of hackney carriage stands (also known as a hackney carriage rank or a taxi rank) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only place where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part-time use.

390. The Council will review the provision of hackney carriage stands in the borough from time to time. In this respect officers will work closely with the Darlington Hackney Carriage Trade.

391. There are currently 13 official hackney carriage stands in the borough providing spaces for a total of 81 vehicles. A list of the stands and their designated locations are attached at Appendix 19.

### **Creation of a Stand**

392. A new hackney carriage stand can be appointed under section 63 of the 1976 Act. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.

393. Prior to a new stand being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

394. New stands will not be sited where they may lead to obstructions.

### **Waiting on Stands**

395. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.

396. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.

397. When parking on a rank the driver must ensure that the whole of the vehicle is contained within the road markings of the rank. The vehicle must be parked in the direction indicated by the rank signage.

398. The signage for each rank indicates the maximum number of vehicles permitted on the rank. This number must not be exceeded. If the rank is full the driver must proceed to another rank.

### **Hackney Carriage Hailing Points**

399. Hackney carriage hailing points have been introduced in other parts of the country and are an alternative to a stand either where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific point where the public know they will be able to hail a hackney carriage and the theory is that the drivers know where they are and will ensure that they pass them on a regular basis. There is no provision for hackney carriages to wait at hailing points.

400. A request has not been made for the provision of hailing points within the Darlington Borough.

### **Horse Drawn Carriages**

401. Horse drawn carriages can be considered for licensing as a hackney carriage vehicle however there are special requirements for such vehicles, their horses and drivers. Appendix 19 provides detailed information in respect of the licensing of these vehicles.

402. Private Hire vehicles may not be licensed as a horse drawn carriage as Section 80 (1) Local Government (Miscellaneous Provisions) Act 1976 describes a private hire vehicle as “a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers”

## **Complaints Procedure**

403. The Council is proud of its professional private hire and hackney carriage trade and expects them to uphold high standards at all times. However we recognised that there may be occasions when transport users, the general public and other members of the trade may make complaints and as such a complaints procedure will be followed.

404. All complaints received will be investigated. Complainants will receive acknowledgement of their complaint within one working day advising the name of the Officer assigned to investigate the complaint.

405. Complainants may be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may result.

406. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

407. Licensees are expected to assist Officers in their investigations and make themselves available for interview.

408. At the end of the investigation all parties concerned will receive written confirmation of the result and action to be taken. If the complainant is not satisfied as to the outcome the Council has a corporate complaints procedure in place to deal with these issues.

## **Legislation – Drivers**

### **Appendix 1**

1. Section 68 of the Town Police Clauses Act (TPCA) 1847 allows the Council to make Byelaws to regulate the conduct of hackney carriage drivers including the wearing of badges and return of left luggage.
2. The Local Government (Miscellaneous Provisions) Act 1976 at Section 51(2) permits the Council to attach conditions to the grant of a private hire driver licence as it may consider reasonably necessary.
3. Section 52(2) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence. Failure to comply with the Council's conditions may result in a PH Driver licence being suspended or revoked.
4. Parts of the Local Government (Miscellaneous Provisions) Act (LG (MP) Act) 1976 also apply to hackney carriage drivers.
5. Failure to comply with any legislation is an offence.

### **Authorised Officers (S73 LG(MP) Act 1976)**

1. It is an offence to obstruct any Authorised Officer or Police Officer. All Licensees must provide any assistance or information (s)he may reasonably require.

### **Carriage of Animals (S37 Disability Discrimination Act 1995)**

2. Drivers shall not refuse to carry, or make a charge, for any guide, hearing or other assistance dog, travelling with a person with disabilities, in their vehicle. These dogs will not be restricted to the rear of the vehicle. If a driver has been granted an

exemption from carrying such dogs on medical grounds (s)he must display the notice of exemption on the windscreen or dashboard of the vehicle.

### **Drivers Badges (S54. LG(MP) Act 1976 and Hackney Carriage Byelaws)**

#### **1. Wearing of Badge**

- a. Drivers must, at all times, when driving a hackney carriage / private hire vehicle, WEAR the badge provided by the Council in a position which is plainly and clearly visible to passengers.

#### **2. Return of Badge**

- b. Drivers must, upon the expiry revocation or suspension of licence return to the Council the driver's badge and the licence issued to the driver by the Council when granting the licence.

### **Equal Opportunities**

1. Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of a protected characteristic of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex

### **Taximeters (S 71 LG (MP) Act 1976)**

1. Any person who tampers with any seal on any taximeter without lawful excuse or alters any meter with the intent to mislead shall be guilty of an offence

### **Plying for Hire (S 45 TPC Act 1847)**

1. Private hire drivers must NOT pick up passengers who have not pre-booked with a private hire operator. Only Hackney Carriages may pick up un-booked fares.
2. Private hire drivers must NOT offer or accept an offer for the immediate hire of a vehicle while it is being used.
3. Private hire drivers must NOT “rank up” outside of nightclubs, public houses, in lay-bys, in residential areas or anywhere where they are likely to attract un-booked fares.
4. Private hire drivers must NOT park or wait on any Hackney Carriage Rank

### **Seatbelts – Carriage of Children (MV (Wearing of Seat Belt Regulations 1993)**

1. Drivers must at all times conform to the Motor Vehicle (Wearing of Seat Belt) Regulations, 1993 and any other legislation regarding the carriage of children, use of appropriate restraints/seatbelts for the age and weight of any child and where in the vehicle the child can be carried

### **Touting (S 167 Criminal Justice and Public Order Act 1994)**

1. Touting means approaching the public and inviting them to be carried for hire in your vehicle. No one must tout on any road or public place. It is a criminal offence for hackney carriage and private hire drivers or any other person to do so.

## Council Policies – Drivers

## Appendix 2

### Driver Legislation Tests

1. All new applicants will be required to successfully undertake a driver legislation and knowledge test prior to being considered for a licence. The initial test is currently included in the licence fee; however any repeat tests will have to be paid for by the applicant.

### Criminal Record Checks

2. All applicants will be required to undertake a Disclosure and Barring Service (DBS) enhanced “taxi driver” check, at their own expense as part of the application process. **Drivers will be required to subscribe to the Update Service**

### Driving Assessment

3. All applicants for Driver Licences are required to successfully undertake an approved taxi driving assessment prior to being considered for a licence.

### Medicals

4. Medicals to Group 2 standard are required for every driver on first application and then every 5 years from the age of 45 years. After the age of 65 years they are required annually. More regular medicals may be required dependent on new and existing medical health. Drivers should report any changes to their medical health to the Licensing Office at the first opportunity following diagnosis of the medical condition or illness. In certain instances, the applicant or driver will be referred to the Licensing Committee.

### Training and Qualifications

5. The Council does not currently require drivers or new applicants to undertake formal qualifications however this will be kept under review. Drivers are encouraged to access driver training courses that will increase the professionalism of their role.
6. The Council will encourage drivers to undertake disability awareness training. Such training will be mandatory for all drivers of wheelchair accessible vehicles. When a locally developed on-line course has been approved, this training will be required for all drivers.
7. The Council will require all applicants for driver licences and private hire operator licences to undertake Child Sexual Exploitation Awareness Training. All existing licence holders will be required to produce a certificate confirming that they have undertaken the training prior to the renewal of their licence

## **Private Hire Driver Licence Conditions**

## **Appendix 3**

### **PD1. Animals**

Drivers must not carry any animals in their vehicle other than those belonging to or in the care of your passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for assistance dogs who are not restricted to the rear of the vehicle).

### **PD2. Change of Address**

Drivers must notify the Council in writing, of any change of address during the period of the licence within 7 days of such a change taking place.

### **PD3. Conduct of Driver**

Drivers must always:



a) Assist passengers with their luggage. This includes picking it up from the point of booking, removing it from the vehicle at the end of the journey and, if requested, setting it down at the passenger's request.

b) Be clean and respectable in dress (see driver dress code).

c) Be polite and behave in a civil and orderly manner.

d) Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.

e) Offer assistance to elderly, infirm or disabled passengers.

Drivers must not:

a) Smoke (or VAPE) in the vehicle at any time (including the use of e-cigarettes or other nicotine delivery devices)

b) Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).

c) Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger.

d) Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Windows should remain closed if you are engaged in this activity)

e) Engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council.

#### **PD4. Self-reporting**

Licence holders must notify the licensing department within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will be reviewed as to whether the licence holder is fit to continue.

#### **PD5. Driver's Badge**

A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible

#### **PD6. Deposit of Licence**

Drivers must give their private hire driver licence to the owner of the private hire vehicle which they will be driving. (S)he will keep this licence while they are employed by him/her.

#### **PD7. Equal Opportunities**

Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of a protected characteristic of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex

#### **PD8. Fare to be Demanded**

Drivers must not demand a fare greater than previously agreed for with the passenger and the operator. If a taximeter is in use only the fare displayed may be charged

#### **PD9. Lost Property**

When passengers have been dropped off the driver must check the vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed into a police station as soon as possible and no later than the end of that shift.

#### **PD10. Medical Condition**

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

#### **PD11. Passengers**

Drivers must not

- a) carry more passengers in their vehicle than is permitted by the vehicle licence
- b) carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270 mm or more in length between the doors and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried
- c) without the consent of the hirer, carry any additional person in the vehicle.

#### **PD12. Prompt Attendance**

Drivers must always pick up passengers on time unless unavoidably delayed.

#### **PD13. Receipts**

The Driver must, if requested, provide the passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The Driver should provide details of the journey including the date, fare, vehicle, operator and name of driver and sign the receipt

#### **PD14. Taximeters in PHVs**

If the private hire vehicle is fitted with a meter the driver:

- a) Must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
- b) Must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- c) Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
- d) Must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- e) Must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

## **Hackney Carriage Driver Byelaws**

## **Appendix 4**

### **1. Animals**

Drivers must not carry any animals in their vehicle other than those belonging to or in the care of your passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs who are not restricted to the rear of the vehicle).

### **2. Change of Address**

Hackney Carriage drivers must inform the Council, in writing, within 7 days of any change of address.

### **3. Conduct of Driver**

#### **Drivers must always:**

- a. Assist passengers with their luggage. This includes picking it up from the point of booking, removing it from the vehicle at the end of the journey and, if requested, setting it down at the passenger's request.
- b. Be clean and respectable in dress (see driver dress code).
- c. Be polite and behave in a civil and orderly manner (NB this includes not engaging in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council).

- d. Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
- e. Offer assistance to elderly, infirm or disabled passengers

**Drivers must not:**

- a. Smoke in the vehicle at any time (including the use of e-cigarettes or other nicotine delivery devices)
- b. Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).
- c. Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger
- d. Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. (Windows should remain closed if you are engaged in this activity).

**4. Self-reporting**

Drivers shall within seven days of conviction/caution disclose to the Council in writing details of any other conviction or caution (including motoring offences and fixed penalty tickets) imposed on him during the period of the licence.

Although this is the current bylaw there is an expectation that licence holders notify the licensing department within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will be reviewed as to whether the licence holder is fit to continue. This is in compliance with the DfT Statutory Taxi and Private Hire Vehicle Standards.

## **5. Driver's Badge**

Hackney Carriage drivers shall, at all times when driving a Hackney Carriage while carrying passengers or while plying for hire, wear the driver's badge provided by the Council on the breast of the outer clothing and in such position and manner as to be plainly and distinctly visible.

## **6. Insurance**

The proprietor or driver of the Hackney Carriage shall ensure that all times when the Hackney Carriage is available for hire or hired it is insured for public use hire.

## **7. Prompt Attendance**

Drivers must always pick up passengers on time unless unavoidably delayed.

## **8. Receipts**

The Driver must, if requested, provide passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. (This should show details of the journey including the date, fare, vehicle, operator and driver and be signed by the driver).

## **9. Passengers**

The driver of a hackney carriage must not:

- a. Carry more passengers in the vehicle than is permitted by the vehicle licence.
- b. Without the consent of the hirer, carry any additional person in the vehicle.
- c. No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage unless an infant of two years or less is conveyed in a child safety cot

approved for this purpose by the British Standards Institute (or such body which succeeds to and carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat

## **10. Taximeter Fares**

The driver of a hackney carriage must:

- a. As soon as the hackney carriage is hired must always bring into action the machinery of the taximeter.
- b. Ensure that the meter shows the rate of fare approved by the Council.
- c. Ensure that the fare recorded on the meter is clearly visible to passenger(s).
- d. Never charge more than the fare shown on the meter. The driver may charge less than this rate by agreement with the passenger(s).
- e. If a fare has been pre-arranged must compare it to the metered fare and charge the lesser of the two

## **11. Taxi Ranks**

When plying for hire in any street a hackney carriage driver must:

- a. Proceed with reasonable speed to one of the ranks.
- b. On arrival at a rank which is occupied by the maximum permitted number of vehicles to occupy it, proceed to another stand.



- c. On arrival at a rank which is not occupied by the maximum permitted number of vehicles to occupy it, place the vehicle immediately behind the carriage or carriages on the rank, facing in the direction designated by the Byelaw for that rank.
- d. From time to time when the Hackney Carriage in front is driven off or moved forward, move forward so as to fill the place previously occupied by the vehicle in front.
- e. Never leave a Hackney Carriage unattended on a rank.

## **12. Horse Drawn Vehicles**

The proprietor or driver of a horse drawn Hackney Carriage shall:

- a. While standing or plying for hire, not drive or allow to be driven or harnessed to the carriage any animal in such a condition as to expose passenger or pedestrian to risk of injury.
- b. While standing or plying for hire, cause every part of the harness of the animal or animals to be properly and securely attached to the carriage and under due control.
- c. Not in any street, feed or allow to be fed, an animal harnessed or otherwise attached to such a carriage, except with food contained in the proper bag or other receptacle suspended from the head of such animal or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

## Code of Good Conduct for Licensed Drivers

## Appendix 5

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

### Responsibility to the Trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:

- a. Complying with this Code of Good Conduct.
- b. Complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy
- c. Behaving in a professional manner at all times

### Responsibility to Clients

Licence holders shall:

- a. Maintain their vehicles in a safe and satisfactory condition at all times;
- b. Keep their vehicles clean and suitable for hire to the public at all times;
- c. Attend punctually when undertaking pre-booked hiring;

- d. Assist, where necessary, passengers into and out of vehicles;
- e. Offer passengers reasonable assistance with luggage

### Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a. Not sound the vehicle's horn.
- b. Keep the volume of any audio system to a minimum.
- c. Switch off the engine if required to wait.
- d. Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- e. Not deposit any litter.
- f. Not urinate in the street.

At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- g. Rank in an orderly manner and proceed along the rank in order and promptly.
- h. Remain in the vehicle.

### General

Driver shall:

- a. Pay attention to personal hygiene and dress in accordance with the Dress Code.
- b. Be polite, helpful and respectful to passengers.
- c. Drive with care and due consideration for other road users and pedestrians
- d. Obey all Traffic Regulation Orders and directions at all time;
- e. Ensure they do not smell of alcohol or consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
- f. Not drive while having used or misused legal or illegal drugs which may affect their ability to drive.
- g. Behave in a civil and orderly manner at all times.
- h. Not engage in any dialogue or activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council. This includes inappropriate touching of passengers.
- i. Not smoke, VAPE or use any alternative device such as an e-cigarette (or heated tobacco delivery devices) whilst the vehicle is used for the purpose for which it is licensed including the carriage of or whilst waiting for a fare

- j. Drivers are required to follow any guidance issued by Public Health or any other relevant agency during a national emergency (for example, must wear face coverings when advised)

**Please Note:**

Any amount of alcohol or drugs can affect a driver's judgement. The council will take a very serious view of any driver being found to have consumed any alcohol or having misused any drugs prior to or whilst in charge of a licenced vehicle.

On those occasions where the Council has reason to suspect that a driver may be abusing drugs or alcohol, the driver shall undertake drug or alcohol tests as required by the Council, at the authority's expense, within a reasonable period of time or, if considered necessary by the Council, as quickly as practicable.

**Driver's Dress Code**

**Appendix 6**

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Darlington to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

**Acceptable Standard of Dress**

2. As a minimum standard, males should wear either long legged trousers or knee length shorts and T shirts which have a full body and short sleeves. Females should wear either long legged trousers or knee length shorts or skirt or dress and T shirts which have a full body and short sleeves.

**Footwear**

3. Footwear for all drivers shall fit around the heel of the foot.

**Unacceptable Standard of Dress**

4. The following are deemed to be unacceptable:
  - a. Clothing that is not kept in a clean condition, free from holes and rips.
  - b. Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
  - c. Sportswear (e.g. football/rugby kits, track suits, beach wear etc.).
  - d. Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - e. Drivers not having either the top or bottom half of their bodies suitably clothed.

## Appendix 7

### Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints

1. 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 we have a clear objective to protect the public at all times.
2. 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.
3. 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.
4. In considering any applicant with criminal convictions, conditional/unconditional cautions, reprimands, warnings or where they have been interviewed under caution and 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.
5. 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.
6. These guidelines also apply to existing holders of such licences. 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.

7. 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.
8. The Council uses the Enhanced Disclosure service from the Disclosure and Barring Service to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences.
9. The Council will comply fully with the DBS Code of Practice and the requirements of the Data Protection Act and General Data Protection Regulations (GDPR.) Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance information on “Handling, Storage and Use of Disclosure Information Received from the DBS” for further information.  
<https://www.gov.uk/government/publications/handling-of-dbs-certificate-information/handling-of-dbs-certificate-information>

## General

10. 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 in relation to the holders of licences.
11. A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence, but there will be an expectation that applicants will be expected to remain free from conviction in accordance with requirements highlighted below, before an application is considered. However any person on the DBS Barred List will be refused a licence.
12. Where periods free from further convictions is stipulated, Members will treat this as a minimum standard.
13. 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, afford a general guide on the action to be taken where convictions, cautions, reprimand or final warnings are admitted.

## Minor Traffic Offences

14. 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.
15. If an applicant has 9 or more points on their licence the application may 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

16. Major traffic offences include those on the attached list of offences that have the following codes:

DVLA CODE	DESCRIPTION OF OFFENCE
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving with alcohol level above the limit
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen or analysis



DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

17. 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.

18. 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 may be refused. In the case of a licensed driver it will ordinarily result in the licence being revoked.

19. 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.

## Crimes resulting in death

20. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person will not be licensed.

## Exploitation

21. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list

## Drink driving/driving under the influence of drugs

22. A person who has been disqualified from driving as a result of a drink driving offence must show at least **7 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. **In the case of driving whilst under the influence of drugs, any applicant may also be required to undergo drugs testing at their own expense to demonstrate that they are no longer using controlled drugs.**

## Using a hand-held device whilst driving

23. Applicants with a conviction, caution, reprimand or final warning for an offence involving use of a hand held device or mobile phone will not be considered until 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.

## Drug Offences

24. 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 10 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.
25. If the conviction, caution, reprimand or final warning relates to supplying, 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.
26. 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

27. Applicants with a conviction, caution, reprimand or final warning for illegal sexual activity will be refused a licence. In the case of a licensed driver it will ordinarily result in the licence being revoked.
28. More than one conviction, caution, reprimand or final warning for indecent exposure, indecent/sexual assault, importuning or any other sexual offence, will ordinarily result in an application being refused or a licence revoked.
29. Any person on the Sex Offenders Register or DBS Barred List will be refused a licence.

## Violence

30. 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 10 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning

or 10 years from completion of any custodial sentence imposed, whichever is the latter.

31. 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.
32. 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.
33. 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

34. 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 7 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 7 years from completion of any custodial sentence imposed, whichever is the later.
35. 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

36. 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 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.

37. 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.
38. 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.

#### Possession of a weapon

39. Applicants with a conviction, caution, reprimand or final warning for an offence involving possession of a weapon or other weapon related offence will be refused a licence. An application may however be considered where the applicant can show at least 7 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 7 years from completion of any custodial sentence imposed, whichever is the later.
40. 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.

#### Discrimination

41. Any offence involving discrimination or aggravated by discrimination of any kind will not be granted a licence until at least 7 years have elapsed since the completion of any sentence imposed.

#### Cautions

42. 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.
43. The Council notes that an admission of guilt is required before a caution can be administered and that the police must have sufficient evidence to proceed with a prosecution if the offer of a caution is refused.
44. The Council may take into account any diversion scheme offered as an alternative to conviction (i.e. restorative approaches)

#### Fixed Penalties

45. 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.
46. Fixed penalties and attendance of speed awareness courses 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

47. 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

48. 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

49. 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(s) revoked.

## Operator Offences

50. 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 operator's licence suspended or revoked.
51. 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.

## Criminal Checks for Foreign Nationals

## Appendix 8

52. Where an applicant has not lived in the UK (including all foreign nationals, and EEA citizens) 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 an approved, recognised body, from each country where they have been living. (Awaiting government guidelines re Brexit)

53. Foreign Police Checks must be dated no more than three months prior to an applicant leaving their home country. If the document is not in English, it must be accompanied by a certified translation.

54. Details of how to obtain such a check from the relevant authorities abroad are available online at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

55. If the country concerned is not listed, please contact the relevant embassy or consulate for further details. Contact details can be found online at:

<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

56. As a minimum, all applications will require full name, date of birth, current address and previous addresses in the country of origin.



## Legislation – Vehicles

## Appendix 9

### Accidents and damage to Vehicles (Sec 50 LG (MP) Act 1976)

57. If a hackney carriage or private hire vehicle is involved in an accident which results in damage which may affect its appearance or the safety of its passengers the proprietor must report this to the Council within 72 hours.

### Authorised Officers (Sec 73 LG(MP) Act 1976)

58. It is an offence to obstruct any Authorised Officer or Police Officer. All Licensees must provide any assistance or information (s)he may reasonably require.

### Change of Address (Sec 50 TPCA 1847)

59. The Council must be informed, in writing, within 7 days of any change of address.

### Convictions (Sec 50 TPCA 1847)

60. A second conviction against a driver or proprietor for any hackney carriage or byelaws offence is grounds for the Council to suspend or revoke a licence. If a driver or proprietor is convicted of any criminal or motoring offence (including fixed penalties) (s)he must notify the Council, in writing, within 7 days.

### Copy of Licence (Sec 46, 48 and 49 TPCA 1847)

61. The proprietor must keep the hackney carriage driver licences of all drivers employed by them in their possession. When a driver leaves this employment the proprietor must return the licence to him/her. Any driver of a Hackney Carriage must be licensed even if the vehicle is not being used for public hire. Private hire operators must keep the private hire driver licences of all drivers operated by them in their possession. When a driver is no longer operated by the Private hire operator the licence should be returned to him/her. Any driver of a private hire vehicle must be licensed even when the vehicle is not being used for private hire.

### Insurance (Sec 50 LG(MP) Act 1976)

62. Proprietors of hackney carriages and/or private hire vehicles must produce a certificate of insurance or cover note when asked by an Authorised Officer.

### Licence Plates (Byelaws and Sec 58 LG(MP) Act 1976)

63. The Council's identification plate(s) must not be defaced or displayed in such a way that they are concealed from public view. If the Council suspends or revokes a hackney carriage licence or the licence expires and is not renewed the proprietor will be asked to return the identification plate(s) within 7 days.

### Meter/Table of Fares (Byelaw)

64. Hackney Carriages must be fitted with an accurate meter capable of showing that the vehicle is or is not hired, registering the charge if hired and positioned in clear view of the passengers.
- a. the meter must be linked to a sign bearing the word TAXI which shall be illuminated where the meter is not in use and cease to be illuminated when hiring has begun.
  - b. a notice showing the Tariff of fares set by the Council must be displayed inside the vehicle in a position where any passengers can easily read it.

### Transfer of Ownership of Licensed Vehicle (Sec 49 LG(MP) Act 1976)

65. The Council must be informed, in writing, of the transfer of ownership of a licensed hackney carriage or private hire vehicle within 14 days of this change. On the transfer of a licensed vehicle to a new owner the new owner must complete all documentation required by the Council and produce evidence of insurance. Until the relevant documentation is accepted by the Council, the vehicle licence will be suspended.

## Council Policies – Vehicles

## Appendix 10

### Age of Vehicle

66. Darlington Borough Council places a limit on the age of vehicles that may be licensed. Licences will only be issued to vehicles which are less than **4 years** of age when first presented for licensing (or less than 6 years in respect of purpose built wheelchair accessible vehicles). The age of the vehicle will be determined by reference to its date of first registration.
67. The licence of any vehicle will terminate at the end of the licence period during which the vehicle reaches the age of **8 years** (or **12 years** in respect of purpose built wheelchair accessible vehicles).
68. This policy does not apply to limousines and vintage cars.

### Documents

69. A vehicle Licence will only be issued where the vehicle has evidence of valid:
- a. Road Fund Tax online check.
  - b. Vehicle insurance certificate.
  - c. Public Liability insurance certificate.
  - d. Pass Certificate issued by Council's in house testing station.
  - e. MOT certificate
  - f. V5 vehicle registration document.
  - g. Swivel Seat base fitting certificate where required.
  - h. Meter calibration certificate
70. All documentation produced must be an original document
71. Before or on the date of expiry, each certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.

## Emission Tests

72. From September 2015 Euro VI became mandatory. By 1st April 2023 all vehicles will be required to be Euro VI and no older than 8 years of age. Classic vehicles over 15 years of age will be considered on a case by case basis and this shall be kept under review.

## Engine/Chassis Numbers

73. The Chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who will undertake checks to ensure the vehicle is not stolen.

## Surrender and Grant of Licences

74. Vehicle licences are granted to vehicles, not to people. This means that a vehicle licence CANNOT be transferred from one vehicle to another. If a proprietor wishes to change the vehicle that is licensed the following procedures must be followed:
- (S)he must complete an application form for the “new” vehicle.
  - (S)he must pay the stated fee for a 12 month period.
  - (S)he must surrender the original licence.
  - The new vehicle must be presented for test and subsequently pass.
  - (S)he must produce evidence of insurance and all other required documentation.
75. 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 that 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
- d. The credit is used within the current financial year.

76. The credit is to be used only to offset the cost of a new vehicle licence

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

78. Once surrendered the vehicle will not again be licensed by the Council unless it is under 4 years of age at the time the next application is made (or less than 6 years in respect of purpose built wheelchair accessible vehicles).

79. No cash alternative shall be offered at any time

#### Taximeters

80. All vehicles fitted with a taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The calendar control type shall apply to all new vehicles.

#### Use of CCTV

81. If CCTV is installed the proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

82. The licence holder must ensure that the Information Commissioner's office has been informed to cover the purpose of its use.

83. Where CCTV is in place it must be kept in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards, recordings should be retained for 28 days and must be made available for viewing by a Police Officer or an authorised officer of the Council on request.

84. The licence holder shall take all reasonable steps to ensure that there is no unauthorised access to data recorded on CCTV.

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## Private Hire Vehicle Licensing Conditions

## Appendix 11

### PV1. Advertisements

Private hire vehicles must not display signs using the words “TAXI”, “CAB” or “FOR HIRE”. No other signs, notices, advertisements or any other markings may be displayed on or in the vehicle without the prior written permission of the Council.

### PV2. 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. Rear bumper may be used to advertise company contact details (subject to approval of the licensing department). The background colour of the vehicle must not be changed to enhance the advertisement. Any vehicles that have current advertisements, which do not comply with these requirements will have until 1st April 2022 to make the necessary amendments. 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

### PV3. Appearance of Vehicle

Private Hire Vehicles must NOT be red in colour. The vehicle 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 75 bhp or 1500cc.
- d. Have 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.
- j. Have an adequate internal light to enable passengers to enter and leave the vehicle safely
- k. 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. **Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use only**
- l. Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- m. Be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision ie 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 30 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (Policy).
- n. Not be a convertible
- o. Not be fitted with a roof sign
- p. Not be fitted with a roof rack



#### PV4. 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.

#### PV5. Number of passengers to be carried

A proprietor or driver of a Private Hire Vehicle shall not convey or permit to be conveyed in the vehicle, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage

#### PV6. Change of Address

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

#### PV7. Change of Engine

The proprietor must inform the Council, in writing (or electronically), within two working days of any change of the engine in the vehicle

#### PV8. 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 two working days. The name of the "new" operator shall then be displayed on the outside of the rear doors of the vehicle.

#### PV9. 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.

#### PV10. Convictions

The proprietor shall **within 48 hours** disclose to the Council in writing (or electronically) details of any criminal or motoring arrests, convictions, fixed penalties and/or caution imposed; **attendance on speed awareness course** or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

#### PV11. 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.

#### PV12. 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.

#### PV13. Licence Plates

- a. The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council
- b. The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council

#### PV14. Loss/Theft of Plate or Licence

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

#### PV15. Meter/Table of Fares

All vehicles fitted with a taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The meter must:

- a. Be installed into the vehicle in a suitable and secure manner at all times
- b. Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers
- c. Be sufficiently illuminated when in use and visible to all passengers.
- d. Only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- e. The fare charged must not exceed the fare displayed on the meter at the end of the journey.
- f. When the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- g. A notice showing the Tariff of fares must be displayed inside the vehicle in a position where any passengers can easily read it.

No one must tamper with any seal on the meter without lawful excuse or alter any meter with the intent to mislead. Legislation - Section 71 LG (MP) Act 1976.

#### PV16. 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 Aqueous Film Forming-Foam (AFFF) 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 AFFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- b. The Private Hire Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high.
- c. 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 x first aid guidance leaflet
- 1 x sterile wound dressing (7.5cm x 4.5cm)
- 24 x assorted adhesive dressings
- 2 x pairs disposable gloves
- 3 x sterile ambulance dressings
- 2 x sterile eye pads
- 10 x antiseptic wipes (alcohol free)
- 2 x triangular bandages non-woven
- 12 x safety pins
- 1 x pair rust free blunt ended scissors

#### PV17. 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

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 a Saloon Private Hire Vehicle the proprietor:

- a. 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.
- b. 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

#### PV18. 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

#### PV19. Swivel Seats

Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

#### PV20. 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.

**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

## Appendix 12

### Additional Policy and Standard Conditions for Limousines, Novelty Vehicles and Executive Hire

These conditions are IN ADDITION to the standard Private Hire Vehicle conditions except where stated.

#### Interpretation

1. For the purpose of licensing by the Council a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to (but not exceeding) eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.
2. The nature of limousines is such that it is unlikely they will comply with the Council's age policy and will therefore be deemed to be exempt from the policy.
3. Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis.
4. Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

#### Policy

#### Documentation

5. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:
  - a. Completed importation documentation – Single Vehicle Approval (SVA).
  - b. A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
  - c. DVLA registration document (V5).
  - d. Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.
  - e. Vehicle test certificate (inspection carried out and certificate issued by the Council's in-house testing station) NB The compliance inspection is carried out at six monthly intervals.
  - f. Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.

- g. Documentation to show the overall weight of the vehicle (as displayed on the vehicle)

#### Conditions for Limousines, Novelty Vehicles

##### LN1. Appearance of Vehicle (NB this replaces condition 3 of PH Vehicles)

The proprietor shall ensure that the limousine is of a type approved by the Council.

- a. The maximum length of the vehicle “stretch” shall not exceed 120 inches (3048 millimetres).
- b. The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced.)

In addition tyres on the same axle must be of the same nominal size and aspect ratio

- c. The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance. (Construction 7 Use Regulations 1986).
- d. No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
- e. The interior of the vehicle must be kept wind and watertight.
- f. The seats in the passenger compartment must be kept properly cushioned and covered.
- g. The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering
- h. There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- i. The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- j. Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
- k. The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
- l. The exterior of the limousine must be kept in a clean condition especially during inclement weather.



- m. Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

#### LN2. Exemption Notice (also Section 75(3) LG (MP) Act 1976)

The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Council or a Police Officer.

#### LN3. Licence Plates NB Replaces (a) to (c) of Condition 11 for PH Vehicles

- a. The proprietor of the limousine shall ensure the identification plate(s) is maintained and kept in such condition so that the information contained on the identification plate is clearly visible at all times.
- b. The identification plate shall remain the property of the Council at all time and shall be carried in the limousine so as to be easily removed or inspected by an Authorised Officer of the Council or Police Constable.
- c. The vehicle will display the licence identification card issued by the Council in the windscreen of the vehicle, where it can be easily seen by persons outside of the vehicle.

#### LN4. Passengers

- a. The limousine shall not carry a greater number of passengers than the number prescribed in the licence. (N.B. A babe in arms is classed as a passenger whatever their age).
- b. The vehicle shall not carry less than two passengers at any one time
- c. Where the passengers in the vehicle consist of persons under the age of 18 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18 years and is not connected to the driver.
- d. All passengers must remain seated at all times when the vehicle is in motion.
- e. Passengers will not be carried in the front of the vehicle.
- f. In accordance with Construction and Use Regulations, where seat belts are fitted they must be used by all passengers

LN5. Safety Equipment NB replaces Part (a) of Condition 14 for PH Vehicles

The proprietor of the private hire vehicle shall provide and maintain to the satisfaction of the Authorised Officer an efficient fire extinguisher containing BCF (Bromochloro Difluoromethane), which shall be securely fixed to the vehicle and within easy reach of the driver at all times.

The extinguisher shall be manufactured to British Standards and shall show the B.S. number. The vehicle licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high

LN6. 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.

LN7. Material Change

The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

LN8. Exemption from Window Tint

The Proprietor of any executive hire vehicle wishing to take advantage of an exemption limiting the window tint to the front driver and passenger windows only must not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years).

## Exempted Private Hire Vehicle Licence Conditions

## Appendix 13

### 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 to 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
- j. Have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- k. 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. Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use

In addition tyres on the same axle must be of the same nominal size and aspect ratio

- l. Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- m. 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 30 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (Policy).
- n. 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.
- o. Not be a convertible.
- p. Not fitted with a roof sign
- q. Not be fitted with a roof rack.
- r. 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 Litter

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

### Hackney Carriage Byelaws

### Appendix 14

These Byelaws are made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council of the Borough Darlington with respect to Hackney Carriages in the Borough of Darlington.

1. Throughout these byelaws “the Council” means the Council of the Borough of Darlington and “the District” means the Borough of Darlington

2. Identification Plate

- a. The proprietor of a hackney carriage shall cause the plate provided by the Council specifying the number of the licence granted to him and the permitted number of passengers in respect of that hackney carriage to be securely fixed to the outside of the carriage.
- b. The plate identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to Section 51 of the 1847 Town Police Clauses Act shall be securely affixed to the rear of the vehicle in a conspicuous position so that all particulars thereon are clearly visible by daylight from the nearside of the road, and in such manner as to be easily removable by an authorised Officer of the Council or a Constable.
- c. A proprietor or driver of a Hackney Carriage shall:
  - i. Not wilfully or negligently cause or suffer any such number to be concealed from view whilst the Hackney Carriage is standing or plying for hire;
  - ii. Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible

3. Maintenance of Vehicle

The proprietor of a Hackney Carriage shall:

- a. Ensure that the Hackney Carriage and all its fittings and equipment shall at all times when the vehicle is available for hire or hired be kept in an efficient, safe, tidy and clean condition and in particular:
  - i. Provide sufficient means by which any person in the carriage may communicate with the driver.
  - ii. Cause the roof or covering to be kept watertight.
  - iii. Provide any necessary windows and a means of opening and closing not less than one window on each side
  - iv. Cause the seats to be properly cushioned or covered
  - v. Cause the floor to be provided with proper carpet, mat or other suitable covering.
  - vi. Provide means for securing baggage if the carriage is so constructed as to carry baggage.
  - vii. Provide an efficient fire extinguisher, which will be carried in such a position as to be readily available for use.
  - viii. Provide efficient interior lighting



- ix. Provide at least two doors for the use of persons conveyed in such a carriage and a separate means of entry and exit for the driver
  - x. Provide and maintain in the Hackney Carriage at all times a first aid kit in such a position so as to be readily visible and available for immediate use in an emergency.
  - xi. Cause a statement of the fares currently fixed by the Council to be displayed and maintained in such a position inside the Hackney Carriage so as to be clearly visible for passengers
- b. Make no material alteration to the specification, design, condition or appearance of the Hackney Carriage without the prior approval of the Council.

#### 4. Driver Licence

The proprietor of a Hackney Carriage shall ensure at all times that the driver of a vehicle licensed as a Hackney Carriage, whether or not it is plying for hire at any particular moment holds a current driver's licence issued by the Council.

#### 5. Notifications

- a. the proprietor or driver of the Hackney Carriage shall notify the Council without delay of any of the following incidents which concern the proprietor or driver whilst they hold a current licence issued by the Council:
  - i. Change of address
  - ii. Criminal conviction
  - iii. Road traffic accident involving any motor car whether or not it is a Hackney Carriage.
- b. the proprietor or driver shall ensure that at all times when the Hackney Carriage is available for hire or hired it is insured for public use hire.

There will be an expectation that drivers will comply with the Statutory Taxi and Private Hire Standards

#### 6. Taximeters

- a. The proprietor of a motor propelled Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the requirements of the Council and the taximeter shall be situated inside the carriage in such a position that all letters and figures of the face thereof may at all times be plainly visible to any persons being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated.

- b. The driver of a Hackney Carriage provided with a taximeter in accordance with Byelaw (6) shall as soon as the carriage is hired bring the machinery of the taximeter into action and thereby record on the face of the taximeter in figures clearly legible and free from ambiguity, a fare stating the rate of fare which the driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the rate of fare prescribed for the time being by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
  - c. On the coming into operation of a table of fares made by this Council the fare which the driver is entitled to demand and take for the hire of the carriage by distance shall be the rate of fare prescribed by the Council (provided nevertheless that a proprietor shall not offend against this Byelaw where the table of fares is varied by the Council and he has not had a reasonable opportunity to cause the taximeter to be altered or record the rate of fares in accordance with the table of fares as varied).
  - d. A proprietor or driver of a Hackney Carriage shall not tamper or permit any other person to tamper with any taximeter, with which the carriage is provided, or with the fittings thereof, or with the seals affixed thereto.
7. External Signs
- a. Every proprietor of a Hackney Carriage shall cause the carriage to be fitted with a roof sign bearing the word "TAXI" and such other lettering or numbering as may be approved by the Council.
  - b. No other lettering, numbering, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provisions or required or permitted by the Council, provided, however that this shall not apply to a sign which:
    - i. is displayed in, on or from the vehicle whilst it is stationary; and
    - ii. contains no words or numbers other than the name and address of the operator of the vehicle or the name under which he carries on his business and the name of the passengers to be carried in the vehicle; and
    - iii. is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

## 8. Taxi Stands

The driver of a Hackney Carriage for which stands are fixed by the Council shall, when plying for hire in any street,

- a. Proceed with reasonable speed to one of such stands.
- b. If a stand, at the time of arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
- c. On arriving at the stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the direction designated by the Byelaw for that stand.
- d. From time to time when the carriage in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage in front.
- e. Not leave a Hackney Carriage unattended on a rank.

## 9. Importuning (Touting)

A proprietor or driver of a Hackney Carriage which is available for hire shall not, by calling out or otherwise, importune any person to hire such carriage, and shall not make use of the services of any other person for the purpose

## 10. Behaviour

The driver of a Hackney Carriage shall:

- a. At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- b. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the carriage.
- c. Accord all reasonable assistance with passenger's luggage.
- d. Not without the express consent of the hirer, drink or eat in the vehicle.
- e. Afford all reasonable assistance to elderly, infirm or disabled passengers.

- f. Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- g. At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the carriage which he is operating to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

#### 11. Receipt

The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

#### 12. Animals

- a. The driver shall not convey in a Hackney Carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle.
- b. Any animal belonging to or in the custody of any passenger which, at the driver's discretion, may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle, provided nevertheless that the driver of a Hackney Carriage shall not refuse to convey a guide dog accompanying a registered blind person nor shall such animal be restricted to the rear of the vehicle.

#### 13. Attendance

The proprietor of a Hackney Carriage whether by himself, his driver, agent or employee who has agreed that the carriage attend at an appointed time shall, unless delayed or prevented by some sufficient cause, ensure that the carriage attends punctually at the appointed time and place

#### 14. Passengers

A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage, save that for the purpose of this Byelaw:

- a. Two children aged 10 years or less shall count as one person, although this calculation is not to be applied to permit more than four children aged 10 years or less to travel in the rear at the same time (NB replaced by seat belt regulations).
- b. No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage except an infant of two years or less who is conveyed in a child safety cot approved for this purpose by the British Standards Institute (or such future body which carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat.

## 15. Horse Drawn Vehicles

The proprietor of a horse-drawn Hackney Carriage shall:

- a. Whilst standing or plying for hire, not drive or allow to be driven or harnessed or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage or any person traversing any street, to risk of injury.
- b. Shall while standing or plying for hire, cause every part of the harness of the animal or animals to be properly and securely attached to the carriage and under due control.
- c. Shall not in any street feed or allow to be fed any animal harnessed or otherwise attached to such carriage, except with food contained in the proper bag or other receptacle suspended from the head of such animal or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

## 16. Drivers Badge

The driver shall at all times when driving a Hackney Carriage available for hire or hired, wear the driver's badge provided by the Council on the breast of the outer clothing and in such position and manner as to be plainly and distinctly visible.

#### 17. Penalties

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence a further penalty not exceeding £2 for each day after written notice of the offence from the Council.

#### 18. Interpretation

- a. The Interpretation Act 1978 shall apply to these Byelaws as though they were an Act of Parliament.
- b. Proprietor, Hackney Carriage, taximeter, driver's badge, driver's licence, vehicle licence, have the same meaning as defined in Section 80(1) of the local Government (Miscellaneous Provisions) Act 1976.

This is a true copy of the byelaws with respect to Hackney Carriages made by the Council of the Borough of Darlington and confirmed by the Secretary of State for the Home Department.

The date fixed by him for the coming into operation of these byelaws was 1 March 1990.

## Hackney Carriage Vehicle Licence Conditions

## Appendix 15

### 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 background colour of the vehicle must not be changed to enhance the advertisement and it must be contained within the lower half of the rear quarter panel only. The rear bumper may be used to display the company contact details. Any vehicles that have current advertisements, which do not comply with these requirements will have until 1st April 2022 to make the necessary amendments.** 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.

### HV2. 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

### HV3. Appearance of Vehicle

The vehicle 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 75 bhp or 1500cc
- d. Have 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;
- j. Have an adequate internal light to enable passengers to enter and leave the vehicle safely
- k. 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 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.
  - ii) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.
  - iii) 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.
  - iv) Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use

In addition tyres on the same axle must be of the same nominal size and aspect ratio.

- l. Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- m. 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 30 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (policy).
- n. 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



- o. Not be a convertible
- p. Not be fitted with a roof rack.
- q. Not draw a trailer.
- r. Be coloured red, and all of the painted body panels shall be the same colour of red. Proprietors are advised that they should consult with the licensing department, before purchasing a new vehicle if they are in any doubt about the colour of the vehicle. **Wrapping of vehicles will be permitted.**

#### HV4. Booking Records

The proprietor shall ensure that a record is kept of all pre-arranged bookings for the vehicle. 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 with backup records, which is capable of producing a hard copy
- c. The proprietor or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every hackney carriage operated by him/her:
  - i) the name and address of the hirer;
  - ii) the date, time and pickup point of the booking;
  - iii) the destination;
  - iv) the number of passengers to be carried;
  - v) when and how the booking was made i.e. telephone, personal call;
  - vi) the plate number of the vehicle allocated;
  - vii) the name of the driver allocated to the booking and call sign of the vehicle;
  - viii) the amount to be charged;
  - ix) remarks (including details of any sub-contract);
- d. All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer

#### HV5. Change of Address

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

#### HV6. Change of Engine

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

#### HV7. Cleanliness

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

#### HV8. Convictions

The proprietor shall within seven days disclose to the Council in writing (or electronically) 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.

#### HV9. 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.

#### HV10. Licence Plates

- a. The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council

- b. The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council

#### HV11. Loss/Theft of Plate or Licence

The proprietor must report the loss/theft of licence or identification plate(s) to the Licensing Office 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.

#### HV12. Records

The proprietor must keep records, in a form approved by the Council, of all drivers and the hours worked by such drivers.

#### HV13. 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 AFFF 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 AFFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- b. The Hackney Carriage Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high
- c. 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 x first aid guidance leaflet
- 24 x assorted adhesive dressings
- 2 x sterile eye pads
- 2 x triangular bandages non-woven
- 3 x sterile ambulance dressings
- 1 x sterile wound dressing (7.5cm x 4.5cm)
- 2 x pairs disposable gloves
- 10 x antiseptic wipes (alcohol free)
- 12 x safety pins
- 1 x pair rust free blunt ended scissors

#### HV14. Signs and Notices

- a. The plastic decals approved and supplied by the Council shall be securely fixed in a central position on the nearside and offside front doors of the vehicle, using the adhesive backing provided. This sign must remain legible at all times. This decals carries the licence number for the vehicle and must remain legible at all times. NB Magnetic discs are not permitted.
- b. The vehicle shall display a Taxi roof sign, (except where the vehicle has an integrated roof sign) approved by the Council, which shall be maintained and capable of being operated in such a manner as to indicate clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire. The sign shall have only the word "Taxi" painted or printed in the colour black upon a white background. The rear of the sign should not show a white light at night.
- c. Where a hackney carriage is being operated through a Darlington Council licensed private hire business, the name of that operator shall be displayed on the outside of the rear doors of the vehicle.

#### HV15. 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

#### HV16. Swivel Seats

Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

#### HV17. Meters

- a. All vehicles must be fitted with a taximeter which complies with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer.
- b. The meter must be directly linked to the roof sign so that when the meter is in use the roof sign is not illuminated. Override switches or similar devices which permit disconnection or unlinking of the meter to the illumination of the vehicle roof sign are prohibited.
- c. Meters must be installed into the vehicle in a suitable and secure manner at all times

#### HV18. Charges

An additional fee must NOT be levied over and above the metered fare in respect of

- a. credit or debit card charges.
- b. the loading, unloading, unloading or carriage of wheelchairs etc.
- c. the carriage of disabled passengers
- d. Assistance dogs

## HV19. 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. **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

### Appendix 16 (Update before publication)

Table of Existing Vehicles by Age

Year	HCV Saloon	HCV Wheelchair	PHV Saloon	PHV Wheelchair	Grand Total
2003	1	2			<b>3</b>

2004	4				4
2005	4				4
2006	9				9
2007	14		3		17
2008	16	1	1		18
2009	14		2		16
2010	20	4	13	3	40
2011	8		10		18
2012	25	1	12		38
2013	28	1	21		50
2014	17	1	11		29
2015	4			1	5
Grand Total	<b>164</b>	<b>10</b>	<b>73</b>	<b>4</b>	<b>251</b>

## Appendix 17

### Vehicle Criteria for Exceptionally Well maintained Exterior (valid until 1<sup>st</sup> April 2023)

1. All bodywork to be clean and sound, free from rust, dents, scrapes significant scratches or loose panels.
2. All paint work to be in first class condition – no “egg shell” finish, or different shades of colours on either external or interior areas, which are visible to the public.
3. All wheel trims to be fitted according to manufacturer’s specification and to match.

4. Aerials (where fitted) to be in good condition and free from rust.
5. Door or wing mirrors to be in good condition, no broken glass or surrounds.
6. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
7. Front and rear number plates to be clean, clear and unbroken
8. Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over riders and end surrounds) and should be securely fitted.
9. Mud flaps (if fitted) should be maintained.
10. Radiator grills should be secure and of original specification.
11. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, no rust and properly fitted.
12. Door and boot locks should be fitted and in good working order.
13. Doors should be easily opened and closed from the outside and inside.
11. All door handles should be properly fitted, easily operated and of original colour specification.
12. A spare wheel, which conforms, to legal requirements and equipment to change a wheel on the vehicle e.g. a jack and wheel brace should be provided and properly fitted in the vehicle. The exception to this requirement is when the manufacturer has provided a space saver tyre instead of a full size wheel. The use of pressurised tyre sealants will not be permitted in any circumstances



13. All tyres should conform to legal requirements.

14. All road wheels to be clean and free from rust (where trims are not fitted).

## Appendix 18

### Vehicle Criteria for Exceptionally Well maintained Interior (Valid until 1<sup>st</sup> April 2023)

1. All seats to be manufacturer's original design (unless rotating seat fitted) – should all match, be securely fitted, no dirt, stains, holes or tears.
2. Front and rear seat belts should be clean, undamaged and in good working order. All anchorage point covers should be properly fitted and match original trim.
3. All panels should be clean, properly fitted and match original trim.
4. Carpets should be as manufacturer's original specification, clean with no stains or holes and securely fitted
5. 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.
6. Accessory covers to be securely fitted and match original trim.
7. All ashtrays to be fitted and match original trim.
8. Headlining to be clean, free from stains, holes and tears and be as originally fitted

9. All window winder handles to be as originally fitted, clean and easy to operate. Where electric window openers are fitted, each window should be capable of being opened by the passenger
10. All door handles and arm rests to be secure, clean and as originally fitted.
11. Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.
12. The inside of the vehicle should be free from loose or trailing wires.
13. The boot/luggage space should be tidy with a clean, unstained carpet/cover to manufacturer's specification. All panelling should be secure, clean and in good condition.
14. In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted.
15. 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.
16. Gear levers gaiters (where fitted) should be to manufacturer's specification, in good condition and properly fitted.
17. A rear view mirror must be properly fitted and in good condition.
18. All manufacturers fittings should be as original (i.e. speaker covers etc.).
19. All lights should be in proper working order with appropriate covers securely fitted.
20. Window locks and handles, where provided by the manufacturer should be in good working order.

## Appendix 19

### Stands for Hackney Carriage Vehicles

<b>Stand</b>	<b>Location</b>	<b>Maximum Number of Spaces</b>
Beaumont Street West 7.00 pm – 7.00 am	On the north side from 8 metres west of Beaumont Street westwards for 40 metres	8 vehicles Vehicles to face east
Bondgate 9.00 am – midnight Midnight – 7.00 am	On the south side from 6 metres west of Skinnergate westwards for 20 metres	4 vehicles Vehicles to face west
Bondgate 6.00 pm – 8.00 am	On the south side from 11 metres east of Skinnergate eastwards for 18 metres	4 vehicles Vehicles to face west
Coniscliffe Road 6.00 pm – 6.00 am	On the south side from 20 metres east of eastern boundary of 3 Coniscliffe Road westwards for 45 metres	9 vehicles Vehicles to face west
East Row 24 hour Feeder rank	From a point of 32 metres south of its junction with Tubwell Row to a point of 2 metres north of its junction with Horsemarket	5 vehicles Vehicles to face north
East Row 5.00 pm – 6.00 am Feeder Rank	On the east side in the lay-by lying approximately 5 to 26 metres south of Tubwell Row	3 vehicles Vehicles to face south

Gladstone Street 7.00 pm – 7.00 am	On the south side from 43 metres westwards for 85 metres west of Northgate	17 vehicles Vehicles to face west
Grange Road 24 hours	On the west side from 5 metres south of Coniscliffe Road to 10 metres north of Northumberland Street	4 vehicles Vehicles to face north
Grange Road 6.00 pm – 8.00 am Feeder Rank	On the west side from Northumberland Street northwards	2 vehicles Vehicles to face north
Priestgate 24 hours	On the south side from 5 metres east of Prebend Row to 10 metres west of Penny Yard	5 vehicles Vehicles to face west
Tubwell Row 6.00 pm – 8.00 am	On the north side in the lay-by from Crown Street westwards for approximately 30 metres excluding pedestrian route across lay-by	6 vehicles Vehicles to face east
Victoria Road 24 hours	On the north side 20 metres west of its junction with Pensbury Street, westward for 45 metres	9 vehicles Vehicles to face east.
Feethams 24 hours	On the east side outside DL1	5 vehicles Vehicles to face north

## Horse Drawn Hackney Carriage Policies and Conditions

## Appendix 20

1. The information below is specific to horse drawn carriages. Drivers will however be required to obtain the appropriate Council driver licence and will be subject to all of the requirements associated with such licence.
2. Proprietors and Operators of vehicles will be subject to those licence conditions that are relevant to public and/or private hire excluding those specifically relating to vehicle design etc. which have been replaced with the requirements detailed below.

### Policies

3. A competent person nominated by the Council (and representing the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
4. A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the Council as part of the application process
5. The location of the stables in which the horses are normally housed shall be notified to the Council's Licensing Office as part of the application process.
6. Access to the stables shall be granted to Council Officers and their advisers at any time. (NB Should the Council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the Licence shall be suspended by Officers until satisfied that the horses are being kept in a humane manner.)
7. The stables must also satisfy the fire safety requirements for stables by Darlington and Durham Fire and Rescue Service. In the event that the stables do not satisfy these requirements, the Licence will be suspended until adequate fire precautions have been made.

8. The Licence will be granted for a maximum period of 12 months. This may be subject to review in the event of any closure of streets on the approved route.
9. The proprietor/driver shall be limited to routes specified in writing by the Council following appropriate consultation.
10. The horse drawn vehicle shall not be required to comply with the following Darlington Hackney Carriage Byelaws 1990:
  - a. Byelaw 3 (viii) provide efficient interior lighting
  - b. Byelaw 6 taximeter
  - c. Byelaw 7(a) fitting a roof sign bearing the word taxi

#### Conditions

11. The proprietor shall produce veterinary certificates as may from time to time be requested by Officers of the Council.
12. Certified horses should be easily identified by means of a microchip or permanent marking.
13. The horse must have a current passport.
14. No horse shall work for more than eight hours during any one day and shall have at least one hour break between the commencement and termination of duties.
15. No horse shall be used for drawing a carriage during the hours of darkness
16. The proprietor shall keep written records for each horse showing if it is working with details of the time the horse was put into harness, taken out of harness and rest periods.

17. A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided.
18. The maximum fare to be charged shall be approved in writing by the Council.
19. The vehicle shall be capable of carrying not less than 4 adult passengers.
20. The proprietor must keep the area in the vicinity of the rank they operate from clean and clear of horse manure or any other obstruction of the highway associated with their use.
21. The proprietor must provide clean wholesome drinking water throughout the day for their horse.
22. A device must be attached to the horse to prevent its faeces being deposited upon the highway or hackney carriage stand.
23. The Proprietor shall make suitable arrangements for the proper disposal of horse faeces.
24. The vehicle shall be provided with front and rear position lights that meet the requirements of the Vehicle (Construction and Use) Regulations.
25. The Licence identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws.

#### Guidance on the Licensing of Horse Drawn Carriages

26. The driver of a horse drawn hackney carriage shall when plying for hire, proceed with reasonable speed to a Hackney Carriage stand. Hackney Carriages are allowed to ply for hire from stands (also known as taxi ranks), or in the street (there are

currently no stands provided for horse drawn vehicles in Darlington and they would have to be created).

27. The Fares for hiring hackney carriage vehicles have to be decided by the Council and the tariff set must be displayed inside the vehicle

#### Vehicle Licence

28. Before operating a horse drawn vehicle to carry fare paying passengers a licence must be obtained from the Council. All licences issued will have conditions attached. To apply for a licence a person must:
- Complete an application form.
  - Provide evidence that arrangements are in place for the vehicle to be insured for public on the days that it will be operating.
  - Present the vehicle of mechanical inspection by a competent person appointed by the Council.
  - Present the horse, or horses, for inspection by a veterinary officer appointed by the Council.
  - Make the stables available for inspection by any person appointed by the Council.
  - Demonstrate ability to comply with the Council's Byelaws and/or Conditions together with the Code of Practice for horse drawn vehicles published by the Department of Transport.
  - Pay the licence fee.

#### Drivers – Qualifications

29. Drivers of horse drawn hackney carriages must hold a current full Road Traffic Act 1972 licence together with a Hackney Carriage driver licence issued by the Council. All drivers will be required to demonstrate that they are competent to drive relevant horse drawn vehicles.

#### Department for Transport - Code of Practice for Horse Drawn Vehicles

30. The Department for Transport has published a Code of Practice for Horse Drawn Vehicles. This code was developed in conjunction with The British Driving society, The British Horse Society and The Heavy Horse Training Committee. (Copies are



available from the Public Protection Division.) The Council will expect the proprietor and drivers to work in accordance with this Code. The Code provides:

- a. guidance for new and existing drivers of horse drawn vehicles carrying passengers;
- b. a road driving assessment for single, pair and teams of horses;
- c. a detailed carriage safety checklist.

## Appendix 21

### Private Hire Operator Licences Legislation, Policies and Conditions

#### Authorised Officers (Legislation, Section 73 LG(MP)Act 1976)

1. You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

#### Criminal Record Check (Policy)

2. If you are not a licensed driver you will be required to produce a basic DBS check within the last month which will be required every year

#### Location of Operating Premises (Policy)

3. It is a requirement of licence that the applicant operates vehicles only from premises within the controlled district of the Council. These premises must also have planning permission for private hire use.

#### Subcontracting Private Hire Bookings (Section 55 A and B)

4. The Deregulation Act 2015 inserts two new sections into Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another. It applies in England and Wales, but not in London or in Plymouth where different legislation applies.
5. In accordance with the new provisions an operator who accepts a booking for a private hire vehicle can sub-contract it to four types of operator –
  - a. an operator licensed and located in the same district as the initial operator;
  - b. an operator licensed and located in a different district from the initial operator (a different district but one which is still governed by the same legislation – in practice this means a district in England or Wales but outside London or Plymouth);
  - c. an operator licensed and located in London; or
  - d. a person located in Scotland.
6. It is already lawful for a private hire vehicle operator to sub-contract a booking to another operator licensed in the same licensing district, it has been included within the new Act because it is not currently expressly stated within the Act of 1976.
7. Subsection (2) of new section 55A clarifies that the new provision affects the legal position in respect of PHV operation under the 1976 Act; it is immaterial if the agreement between the passenger making the booking and the initial operator permits sub-contracting.
8. The purpose of subsections (3), (4) and (5) of new section 55A is to cover the scenario of a private hire vehicle operator who is licensed under section 55 of the 1976 Act but also holds a private hire vehicle operator licence in a different district or operates in a different area. This could happen where, for example, a company operates in a number of different areas.
9. Subsection (3) covers the scenario where an operator holds licences under section 55 of the 1976 Act for more than one licensing district. Subsection (4) covers the scenario where an operator holds a licence under section 55 of the 1976 Act and also holds a private hire vehicle operator licence issued by Transport for London in respect of London.
10. Subsection (5) covers the scenario where an operator holds a licence under section 55 of the 1976 Act and also operates private hire cars or taxis in Scotland. Together,

these subsections clarify that operators may sub-contract bookings effectively to themselves in the other districts or areas in exactly the same way that an operator can sub-contract to different operators by virtue of subsection (1).

11. Subsection (6) provides that the terms “London PHV operator” and “operating centre” mean exactly the same as when they are used in the legislation which regulates private hire vehicles in London.
12. The new section 55B deals with operator liability in connection with sub-contracting. Subsection (1) simply draws a distinction between the operator who accepts the original booking and the operator who accepts the sub-contract (labelling them the first operator and the second operator respectively).
13. Subsection (2) of new section 55B establishes that an initial operator who sub-contracts a booking to an operator based in a different district or area in accordance with section 55A(1) does not breach the requirement in section 46(1)(e) of the 1976 Act (the requirement being that the driver and vehicle used to fulfil the booking must be licensed by the same licensing authority as granted the operator’s licence).
14. Subsection (3) applies to an operator licensed under section 55 of the 1976 Act who sub-contracts to an operator also licensed under section 55 of the 1976 Act (whether in the same or a different district). The subsection introduces criminal liability for the first operator if the second operator breaches the requirement in section 46(1)(e) in relation to the booking and the first operator knew the second operator would do so (i.e. knew the second operator would use a driver or vehicle that was not licensed in the same district as the second operator).
15. The section forms part of the law of England and Wales. It applies in England and Wales except in London or Plymouth where different legislation applies (although it does permit the sub-contracting of bookings to London operators).
16. Where a private hire vehicle is subcontracted the Private Hire Operator is obliged to keep a record of the subcontract

Production of Licence (Legislation Section 56(4) LG(MP)Act 1976)

17. You must produce your Private Hire Operator Licence when asked to do so by an Authorised Officer or Police Officer.

Touting (Legislation – Section 167 Criminal Justice and Public Order Act 1994)

18. The operator and/or his employees shall not:
  - a. tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or
  - b. cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.
  - c. ("road" in the above means any highway and any other road to which the public has access, including bridges over which a road passes).

Vehicle and Drivers Licences (Legislation – Section 46 LG(MP)Act 1976)

19. The Operator and/his employees shall not operate any private hire vehicle or driver if a current licence issued by the Council is not:
  - a. in force for the vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; and
  - b. held by the driver under Section 51 of the said Act.

## Private Hire Operator Conditions

### PO1. Booking Records (Legislation Section 56 (2)-(4) LG(MP)Act 1976 and Condition PO1)

1. Operators are required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff to ensure that any individuals added to the register are compatible with their policy on employing ex-offenders.
2. 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.
3. 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
4. The record must be kept in the form described in the following condition:
  - 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
  - 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;
    - [Registration](#) and plate number of the vehicle allocated;
    - Name of the driver allocated to the booking and call sign of the vehicle;
    - Amount to be charged; (where applicable)

- Name of the person who took the booking
- Name of the person who dispatched the vehicle
- Details of any sub contract arrangement.
- Remarks

- d. You must also keep records of the particulars of all private hire vehicles and drivers operated by you. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.
- e. All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.
- f. You must not enter into your booking records details of any fare that has not been pre-booked by the hirer through your operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).

#### PO2. Booking Records – Hackney Carriages

Where a licensed Private Hire operator accepts bookings for hackney carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Council or a Police Officer.

#### PO3. Change of Home Address

You must notify the Council, in writing (or electronically), within 7 days of any change of your personal address.

#### PO4. Change of Business Address

A Private Hire Operator licence is granted to you for the premises detailed at the time of application. It is not transferable to other persons or premises. Any change from the

original application will be dealt with as a new application. You will be required to make a new application accordingly.

#### PO5. Complaints

##### Complaints

- a. You must notify the Council, in writing (or electronically), within 7 days of any complaints concerning a contract for hire or intended contract for hire relating to or resulting from his business and of the action (if any), which you have taken or propose to take.
- b. Where a complaint is investigated by an Authorised Officer of the Council you shall comply with any reasonable directions of the Officer in respect of that complaint.

#### PO6. Convictions

If you are cautioned for or convicted of any motoring or criminal offence you must notify the Council, in writing (or electronically), within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

#### PO7. Display of Licence

If the public has access to your operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.

#### PO8. Radio Licences

If you have two-way radios fitted to the vehicles you operate you must produce evidence of an **Ofcom** Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two-way radios.

#### PO9. Use of passenger carrying vehicles (PCV) licensed drivers

The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking **will not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

Where a private hire vehicle is unsuitable, the booker must be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

#### PO10. Equal Opportunities

You must at all times treat your passengers or any potential passenger with courtesy and respect. You and your employees must not discriminate against any person with a **protected characteristic of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex**

#### PO11. Facilities for Passengers

You must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers you shall:

- a. provide adequate seating for the use of those passengers or prospective passengers; and
- b. ensure that such room or area is kept clean, adequately heated, ventilated and lit; and



- c. ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.

#### PO12. Fares

The fare charged by you shall be agreed with the hirer at the time of booking.

#### PO13. Parking

Where adequate off street parking is not available at the operating address specified on the licence you shall inform the Council, in writing all locations where vehicles will be parked when waiting for bookings.

#### PO14. Planning and Permission

You must have Planning permission for private hire use at your operating premises. You must comply in every respect with the requirements of the current planning legislation

#### PO15. Right of Access

You must permit any Authorised Officer of the Council onto your operating premises at all times when acting as a Private Hire Operator and provide him/her with access to all records which (s)he may reasonably require.

#### PO16. Standard of Service

You must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:

- a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless preventable matter, attend at the appointed time and place.

- b. Keep clean, adequately heated, ventilated and lit any premises which you provide and to which the public have access, whether for the purpose of booking or waiting.
- c. Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.
- d. Ensure that you do not describe the private hire service offered by the use of advertising signs, printed words, broadcasts or by any other media which use the words "Hackney Carriage" or "Taxi".

#### PO17. Taximeters

When taximeters are used you must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of your Operator licence. Where any vehicle operated is fitted with an approved taximeter you shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.

#### PO18. 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

#### PO19. Absence

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.

## The Licensing Committee

## Appendix 22

### Introduction

1. The Council's Licensing Committee exercises the Council's functions in relation to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators, in accordance with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation. When dealing with such matters Licensing Officers and the Licensing Committee will have regard to the Council's Private Hire and Hackney Carriage Policies. Application for and reviews of driver licences will be dealt with by the General Licensing Sub Committee which comprises of a maximum of five members.
2. When the Sub Committee considers matters concerning a Licensee/ Applicant its first purpose is to protect the public. The Sub Committee operates in a quasi-judicial capacity and the rules of natural justice must be observed. The Licensee/Applicant must not only be treated fairly but must also be seen to be treated fairly. The Sub Committee must be impartial, unbiased and must always act in good faith.
3. The Sub Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of the Licensing Office, the Police or the Licensee/Applicant but to weigh the merits of each case - ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Sub Committee must also state the reasons for its decisions. The Sub Committee does not have the power to "look behind" a conviction to see if the person should have been convicted.
4. Only Sub Committee members who have heard the entire application or disciplinary matter are able to take part in the decision making process.
5. Sub Committee members cannot participate in the hearing of a matter if there is apparent bias. This can arise where a Member has outside connections that make it

appear that there is a real danger of bias or a member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the member must withdraw from the meeting room.

6. A prejudicial interest exists where a member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:
  - a. affects the financial position of the relevant person or body; or
  - b. relates to the determination of any approval, consent, licence, permission or registration in relation to that person or body.

#### Disciplinary or Other Matters

7. In accordance with the Council's constitution, the Sub Committee is authorised to:
  - a. determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Licensing Office; and to
  - b. determine any licensing application or other matter concerning individual licensees referred to it by the Licensing Office.
8. When considering a referred matter e.g. an application for a licence, the Sub Committee will have regard to the appropriate section of the policy.
9. Appropriate disciplinary action can take a number of forms, for example:
  - a. Suspension or Revocation of a licence.

- b. Refusal to renew a licence.
  - c. A warning or final warning letter expressing the Council's concern with
  - d. the Applicant/Licensee's behaviour, whilst also advising that future conduct could lead to a revocation or refusal to renew a licence.
  - e. Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (note: conditions cannot be attached to a Hackney Carriage Driver's Licence.
  - f. A requirement to attend the Driver Improvement Scheme at the driver's own expense where considered reasonably necessary.
  - g. A requirement to provide further information e.g. the production of a medical more regularly than the standard requirement for drivers.
10. The action taken in any particular case will depend on the seriousness of the conduct/ conviction/medical condition concerned. A licence may be suspended pending further information (e.g. the outcome of an investigation or court action) but suspension will not be used as a disciplinary tool.
11. The purpose of the Sub Committee hearing is to ensure that the Licensee/Applicant and complainant (where applicable) have the fullest opportunity to present all of the information they wish. The Sub Committee is required to give full and fair consideration to the cases presented by the Officers and the Licensee/Applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted.

#### Prior to the Hearing

12. Where the Licensing Manager or Assistant Licensing manager refers a matter to the General Licensing Sub Committee for determination the Licensee/Applicant shall be informed of this and a report shall be prepared for the Sub Committee.

13. A full copy of the report to Sub Committee shall be supplied to the Licensee/Applicant by the Licensing Office. Copies of the relevant Private Hire and Hackney Carriage Policies are available on the internet or upon request from the Licensing Office. Licensees/Applicants are strongly advised to read this document when preparing for the hearing.
14. The Licensee/Applicant shall normally be given notice at least seven days in advance of the time and place of the hearing and advised of their right to be accompanied by a friend or other person, including a solicitor. (S)he shall be allowed to call witnesses.
15. The Licensee/Applicant may, if they wish, submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to the Licensing Office well in advance of the hearing. If it is not or if the Sub Committee has not had sufficient time to consider the documentation the Sub Committee may refuse to accept the documentation or it may be necessary for consideration of the case to be deferred.

#### Absence of the Licensee/Applicant

16. The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Support Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons in writing prior to the meeting.
17. If the Licensee/Applicant fails to attend a meeting without notifying the Licensing Office or Democratic Support Officer, the Sub Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively it may proceed with the meeting in their absence.
18. Where the Sub Committee decides to proceed in the absence of the Licensee/Applicant it will consider the information they have available along with the report from the Licensing Manager or their representative.

19. If a decision is made to adjourn a hearing the Licensee/Applicant will be advised of the new date, time and venue.

#### At the Hearing

20. The Licensing Manager or their representative shall present the report in the presence of the Licensee/Applicant (subsequently referred to as “the Applicant”).
21. The Applicant shall be invited to confirm the accuracy of the report.
22. The Members may ask any questions they have of the Officer.
23. Where witnesses have attended (e.g. in the case of a complaint) they shall be invited to provide relevant information. Members and the Applicant/their representative may ask any relevant questions.
24. The Applicant or their representative shall present their case and respond to any questions.
25. Where appropriate the Police may be asked to comment.
26. The Applicant will be offered the final opportunity to sum up their case.
27. The Applicant and representative, Officers, the Police and any witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.
28. The Sub Committee shall deliberate in private, only recalling the Applicant or representative and Officers to clear up points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries then all parties will be called back into the meeting when the Chairman of the Sub Committee will announce the decision of the Sub Committee.

29. The Applicant will be notified of the Sub Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been revoked or a renewal has been refused written notice must be given within fourteen days.

#### Appeal to the Court

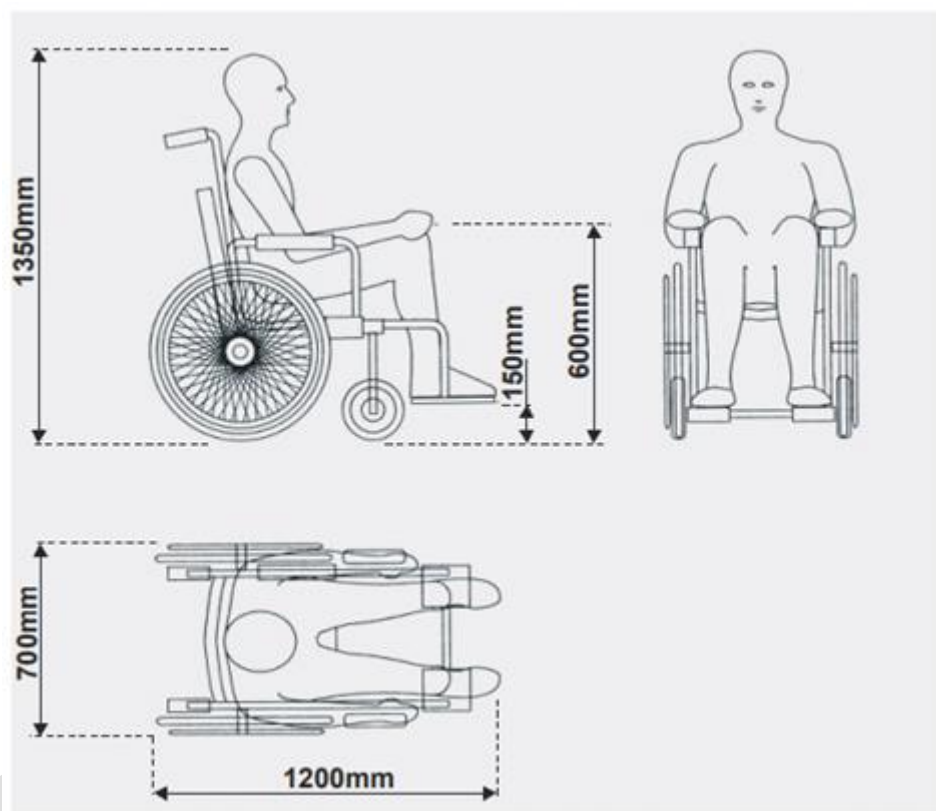
30. There is a statutory right of appeal to the Magistrates Court in relation to:
- a. A refusal to grant a private hire or hackney carriage driver licence.
  - b. Any conditions attached to a private hire driver licence.
  - c. A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence.
  - d. A refusal to grant a private hire vehicle licence or against any conditions specified in the licence.
  - e. A refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence.
  - f. A decision to suspend, revoke or refuse to renew an operator's licence.
31. An appeal against a refusal to grant a Hackney Carriage vehicle licence is dealt with by the Crown Court.
32. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision. This time scale is rigid following case law in 2009 concerning this point.



33. Costs may be awarded by the Court against an unsuccessful appellant and therefore the Applicant may wish to take independent legal advice with regard to the merits of an appeal.
34. Usually, when an appeal has been lodged, any action against the licence is “stayed” pending the outcome of the court appeal (S.77(2)LG(MP) Act 1976) and a licensed driver, operator and or vehicle can continue to work
35. The Sub Committee may decide that a suspension or revocation of a driver licence should take immediate effect in accordance with Section 52 of the Road Safety Act 2006, where they consider it is in the interests of public safety to do so.
36. In such cases, section 77(2) shall not apply and a driver cannot continue to drive pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.
37. Decisions of the Sub Committee may also be challenged by way of judicial review in the High Court. Independent legal advice should normally be sought in respect of all appeals and challenges.

## Appendix 23

### Dimensions of a reference wheelchair



The reference wheelchair has: a total length of 1200mm including extra-long footplates total width of 700mm sitting height (from ground to top of head) of 1350mm. The reference wheelchair is bigger than most wheelchairs to ensure that enough room is provided for most wheelchair users.

## Appendix 24

List of Consultees (To be compiled prior to publication)

## APPENDIX 3

### Review of Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policies and procedures

Local residents, businesses and visitors to Darlington are invited to share their views on policies and procedures relating to taxis in the borough. Darlington Borough Council has launched a public consultation over proposed changes to the way taxis and private hire vehicles are licensed and operated. The key aim is to ensure the safety and welfare of the public, encourage environmental sustainability, and ensure efficient taxi and private hire services in the borough. This policy has been revised in line with the Department for Transport's recently published 'Statutory Taxi and Private Hire Vehicle Standards'. The department expects their recommendations to be implemented unless there is a compelling local reason not to do so.

You can give your views either by e-mailing [licensing@darlington.gov.uk](mailto:licensing@darlington.gov.uk) or by completing the survey through the following link

This consultation period will end on the 2<sup>nd</sup> October 2020 whereupon all responses will be collated and a report submitted to the Licensing Committee for consideration. Approval of the new policy will be made by the full Council to be implemented on the 1<sup>st</sup> January 2021

#### Summary of proposed key changes to taxi policy

**Subscribe to DBS update service** – this has been included in the new 'Statutory Taxi and Private Hire Vehicle Standards' for public safety. It will also be an essential requirement when a new on-line application process is introduced. All drivers to be routinely checked for new information every 6 months as required in the new standards.

**NR3 register** – this is a national register of all drivers who have had their licence revoked or refused to ensure that a further application to a different local authority can be scrutinised.

**Disability awareness training** – proposal that this becomes mandatory for all drivers when a course is developed by Tees Valley Licensing Authorities. It will be an on-line awareness course provided free or at a small cost. When introduced it will be a rolling programme, beginning with all new applications.

**Insurance write offs** – current policy will not allow any vehicle that has been an insurance write off to be licenced. Advances in technology and improved safety of vehicles over the years has led us to conclude that non-structural damage write offs could be considered. This would be on the provision that an engineer's report certifies it is safe and it has been declared suitable to be licensed by Darlington Borough Council mechanics.

**Colour** – it has been noted that Darlington appears to have different coloured Hackney carriage vehicles (various shades of red). Specifying a pantone colour 485 (basic red) in our policy will ensure consistency. This will apply to all new vehicles so it will be a number of years before all vehicles are basic red. 'Wrapping' of the vehicles will be permitted as a cheaper alternative to spraying

**Age restriction and emissions** – current policy only allows a vehicle to be licenced if it is initially under 3 years old and can no longer remain on the fleet after it is six years old unless it is exceptionally

well maintained. It is proposed that vehicles are allowed to be licenced under 4 years old and be removed when they reach 8 years. This age policy would be applied from 1st April 2023, which would mean that all vehicles will comply with Euro 6 engine emissions standards by that time. Once applied, there will be no longer be an exceptionally well maintained element. Drivers will have over 2 years notice to plan ahead should they need to change their vehicle. There will be no age restrictions for emission free vehicles. Concessions to the age will be available for wheelchair accessible vehicles to encourage their uptake.

**On-line application and payments** – when a new on-line system is introduced, all applications will be made using this system and payments will be made electronically. This will be essential if the new system is to work efficiently.

**CCTV** – it is not proposed to make this a mandatory requirement in this policy at the moment, however it is recommended. This situation will be regularly reviewed based on evidence and proportionality.

**Tinted windows** – the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements 75% and 70% ). Many vehicles are now manufactured with rear window tints less than 70% as standard, meaning drivers are having to replace windows at great expense before they can be licensed. It is proposed that this window tint be reduced to 30%, which will represent a cost saving to the trade.

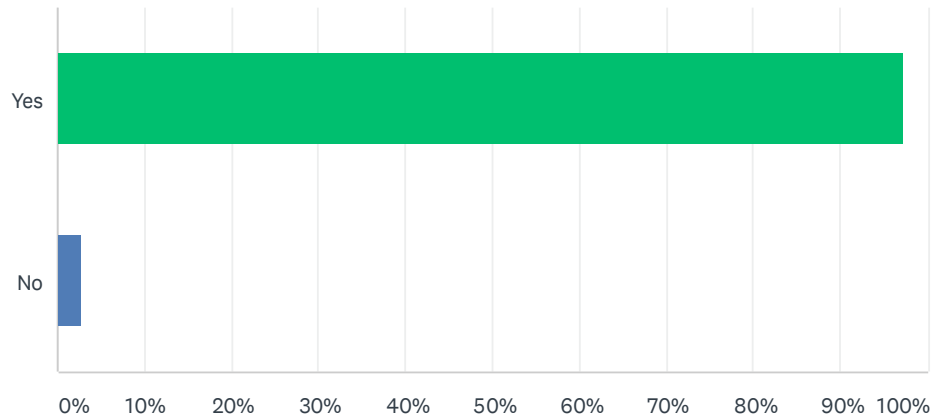
**Previous convictions** – This is for a minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards.

**Advertising** - Vehicles are now applying wrapped advertising to panels and doors that have a different background colour to the vehicle. This enhances the advert but can make the vehicle look unsightly. It is proposed that the advert be limited in to the rear quarter panel only and must not change the underlying colour of the vehicle.

**Spare wheels** – in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel and use a pressurised tyre sealant for emergencies or have. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation.

**APPENDIX 4****Q1 Do you live in Darlington**

Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	97.22%	35
No	2.78%	1
TOTAL		36

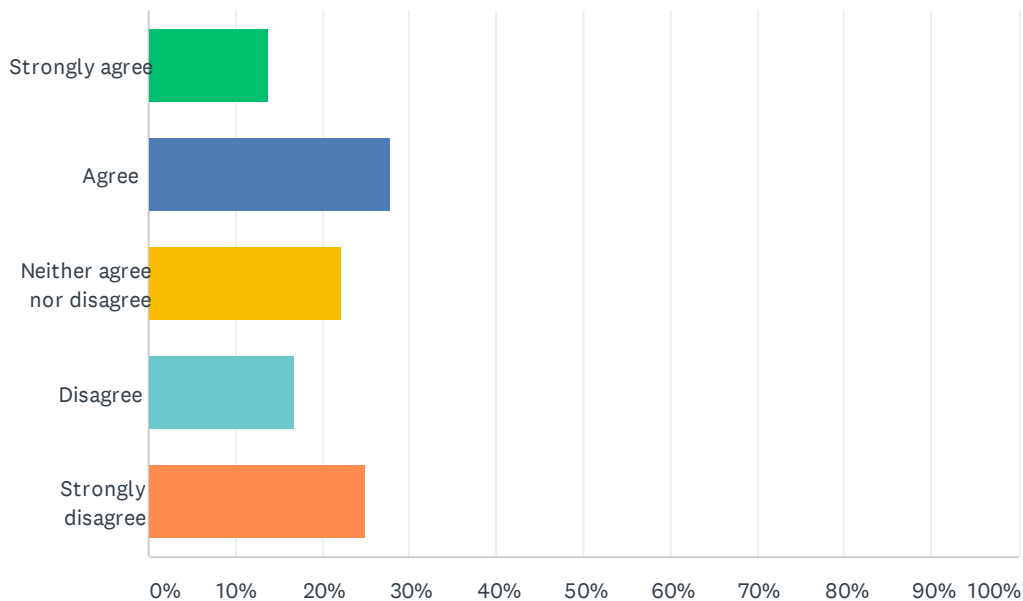
## Q2 In what capacity are you replying to this consultation

Answered: 35   Skipped: 1

ANSWER CHOICES	RESPONSES	
Public	74.29%	26
Taxi/Private Hire driver	20.00%	7
Private Hire Operator	0.00%	0
Licensed vehicle owner	11.43%	4
Business	5.71%	2
Organisation	0.00%	0

## Q3 Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

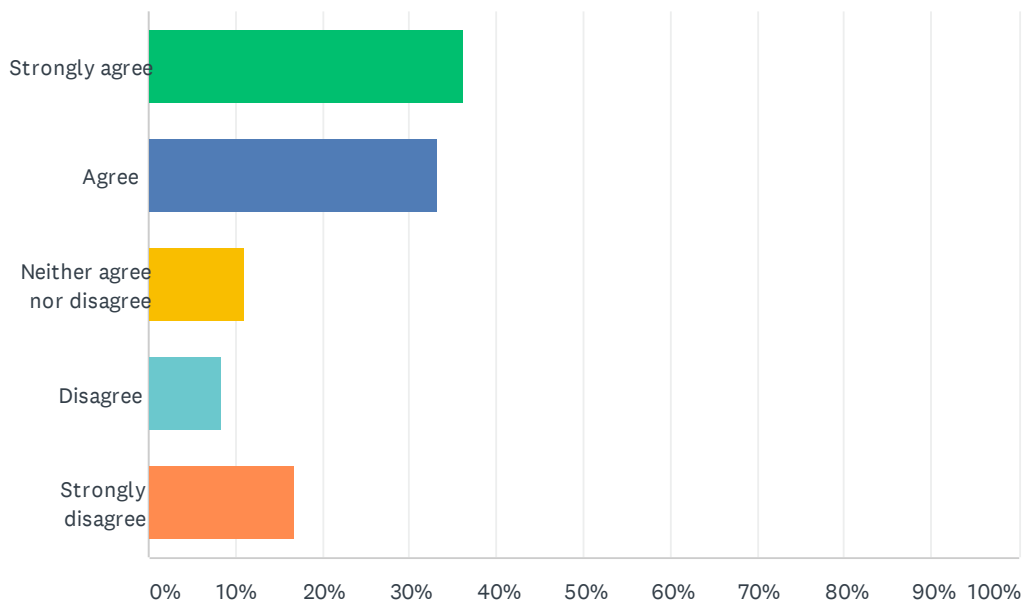
Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	13.89%	5
Agree	27.78%	10
Neither agree nor disagree	22.22%	8
Disagree	16.67%	6
Strongly disagree	25.00%	9
Total Respondents: 36		

Q4 Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Answered: 36 Skipped: 0

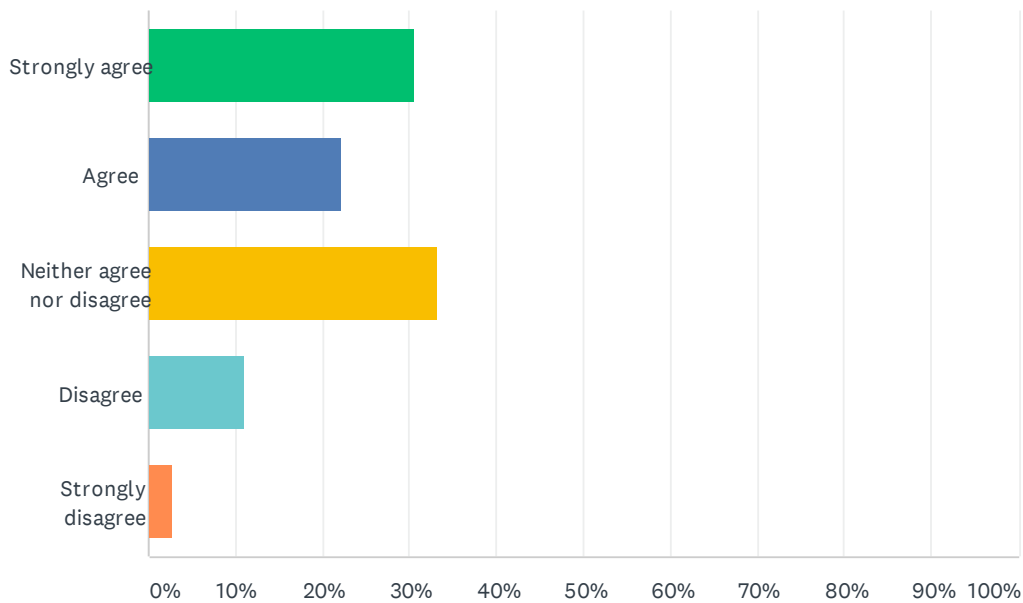


ANSWER CHOICES	RESPONSES	
Strongly agree	36.11%	13
Agree	33.33%	12
Neither agree nor disagree	11.11%	4
Disagree	8.33%	3
Strongly disagree	16.67%	6
Total Respondents: 36		



**Q5 Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%**

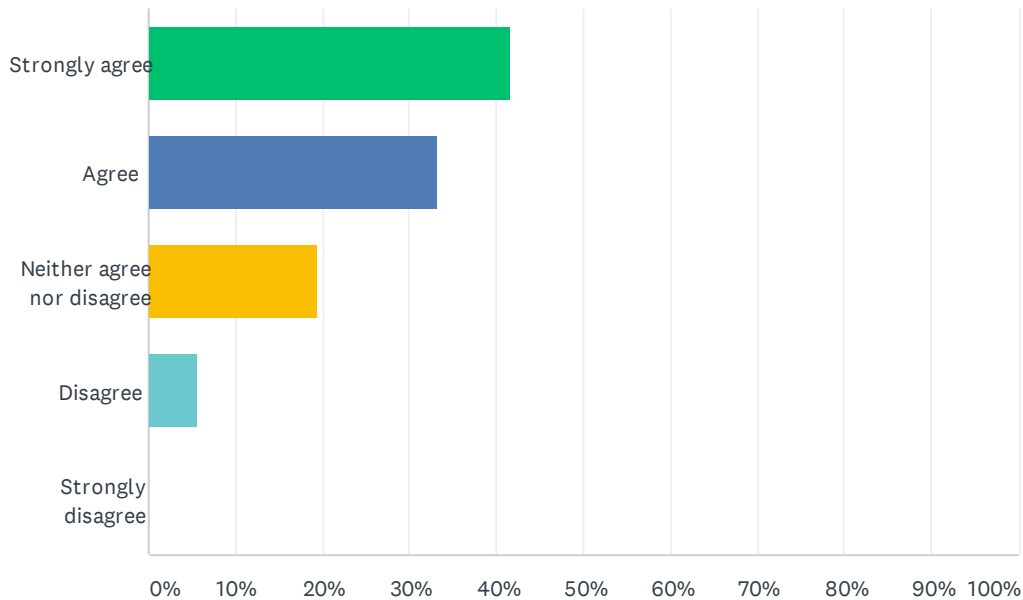
Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	30.56%	11
Agree	22.22%	8
Neither agree nor disagree	33.33%	12
Disagree	11.11%	4
Strongly disagree	2.78%	1
TOTAL		36

## Q6 Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

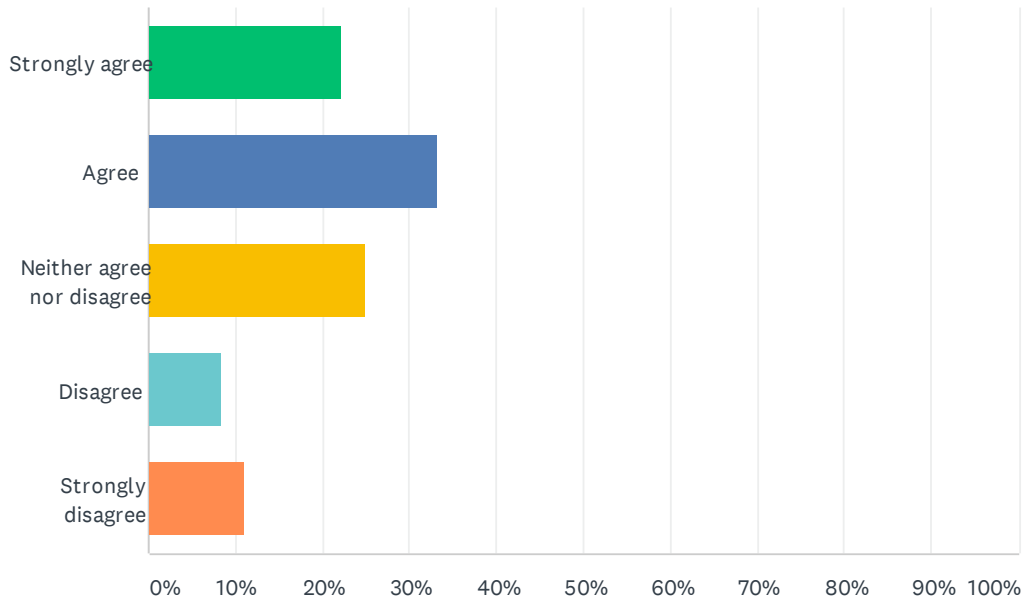
Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	41.67%	15
Agree	33.33%	12
Neither agree nor disagree	19.44%	7
Disagree	5.56%	2
Strongly disagree	0.00%	0
TOTAL		36

## Q7 Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

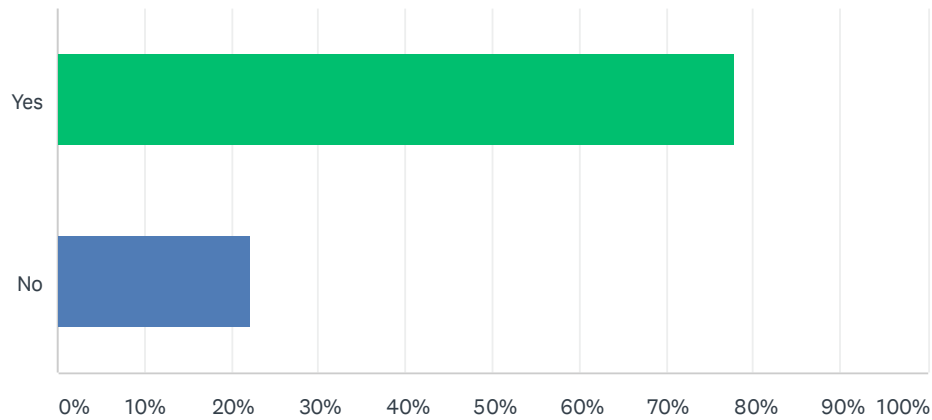
Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	22.22%	8
Agree	33.33%	12
Neither agree nor disagree	25.00%	9
Disagree	8.33%	3
Strongly disagree	11.11%	4
TOTAL		36

## Q8 CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

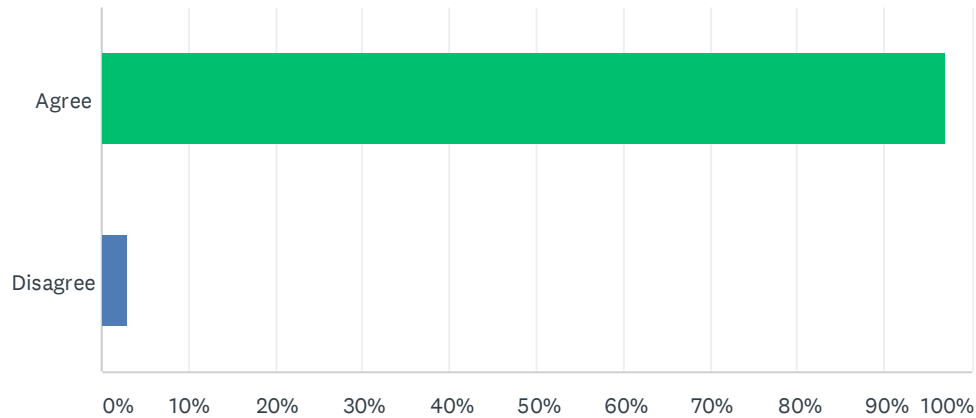
Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	77.78%	28
No	22.22%	8
TOTAL		36

## Q9 DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

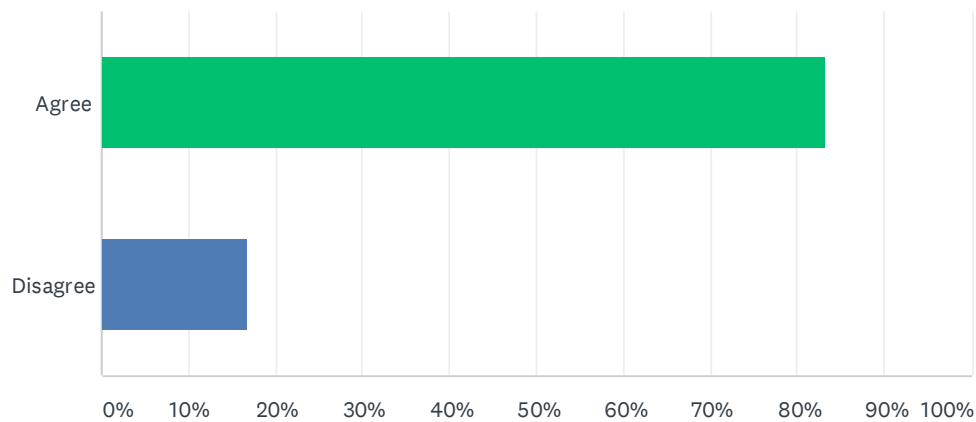
Answered: 35 Skipped: 1



ANSWER CHOICES	RESPONSES	
Agree	97.14%	34
Disagree	2.86%	1
TOTAL		35

Q10 Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Agree	83.33%	30
Disagree	16.67%	6
TOTAL		36

## APPENDIX 5

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 10:01:02 AM  
**Last Modified:** Friday, August 21, 2020 10:04:16 AM  
**Time Spent:** 00:03:13  
**IP Address:** 82.25.56.235

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

Respondent skipped this question

In what capacity are you replying to this consultation

Q3

Agree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Q4

Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Q7

Agree

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---



#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 10:50:26 AM  
**Last Modified:** Friday, August 21, 2020 10:58:51 AM  
**Time Spent:** 00:08:24  
**IP Address:** 86.15.28.245

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

member of public

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Disagree,

Give reasons:  
any shade of red should be enough

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly agree,

Give reasons:  
emissions need to be brought right down .

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Neither agree nor disagree,

Give reasons:  
why do they need any window tint ?

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Strongly agree,

Give reasons:  
everyone should feel safe with their driver

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Agree,**

Give reasons:  
this is fair enough

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:  
for extra passenger safty

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree,**

If you disagree, please provide reasons :  
fair rule

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:  
another fair rule

#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 12:12:08 PM  
**Last Modified:** Friday, August 21, 2020 12:32:08 PM  
**Time Spent:** 00:19:59  
**IP Address:** 82.22.7.163

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

User

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly agree,

Give reasons:

Will make it easier to distinguish Taxi/PHV from normal traffic

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly agree,

Give reasons:

Will increase vehicle safety and reduce pollution

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Strongly agree,

Give reasons:

Affords some privacy for passengers

Q6

Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Strongly disagree,**

Give reasons:

Taxi/PHV are primarily contracted for transport of fee paying passengers, not as mobile advertising hoardings.

The only advertising that should be allowed on any taxi/PHV is the firm that vehicle is operating for.

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

For passenger AND driver safety

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:

Although not in line with current MOT legislation, if tyre sealant is the 'manufacturer standard option' and only used in the specified manner in order to replace the defective tyre.

#4

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 1:44:02 PM  
**Last Modified:** Friday, August 21, 2020 1:53:31 PM  
**Time Spent:** 00:09:29  
**IP Address:** 146.90.177.182

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Public

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Disagree,

Give reasons:  
Red is red

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Disagree,

Give reasons:  
Asking as the car is well maintained and road worthy

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Disagree,

Give reasons:  
Asking as the windows are clean and maintenance it doesn't make a difference

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Disagree,

Give reasons:  
It depends what the conviction was

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Disagree,**

Give reasons:

As long as it still looks like a taxi . No one should be stopped from earning extra income

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

If this makes journey safer for passengers and drivers it's ok

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**

#5

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 4:07:03 PM  
**Last Modified:** Friday, August 21, 2020 4:11:56 PM  
**Time Spent:** 00:04:53  
**IP Address:** 82.132.185.7

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Taxi user

Q3

Neither agree nor disagree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Q4

Disagree,

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly disagree,

Give reasons:

The cars have 2 council tests and a mot every year so I felt that cars should be able to be a taxi for 10 years instead of 8 as long as they pass the strict council tests easily

Q5

Strongly agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Neither agree nor disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****No**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Disagree,**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

If you disagree, please provide reasons :

Just because pass a dbs it doesn't mean someone is innocent of any crime just means they havnt been caught

---

**Q10****Agree,**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

Give reasons:

That's how the cars come from the factory

---



#6

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 4:38:36 PM  
**Last Modified:** Friday, August 21, 2020 4:45:52 PM  
**Time Spent:** 00:07:16  
**IP Address:** 213.205.241.218

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Taxi Drivee

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

Believe this to be unfair and not practical to hackney carriage drivers. Initial cost of buying a new car to then have a colour change would leave drivers at a financial loss. Also would invalidate any manufacturer warranty that would come with buying a new vehicle.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly disagree,

Give reasons:

Darlington council's check are to a very high standard and this would prevent any "not suitable" cars being allowed to be used. With the cost of new vehicles these should be allowed to stay in use until they are deemed not suitable by the council rather than at a certain age

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Strongly agree

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Strongly agree

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

CCTV is a necessity for both safety of driver and passenger

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Disagree,**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

Give reasons:

Tyre sealants will only repair minor punctures. Side wall damage or blow outs would leave a vehicle then stranded.  
Spare wheel is eesential

---

#7

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 21, 2020 5:20:58 PM  
**Last Modified:** Friday, August 21, 2020 5:27:43 PM  
**Time Spent:** 00:06:44  
**IP Address:** 213.205.192.83

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Of 4 vehicles

Business

Glam taxis ltd

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

Red on logbook should suffice

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly disagree,

Give reasons:

Some exceptionally well maintained cars are better than 7 year old cars that won't be cared about

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Strongly agree,

Give reasons:

Factory standard as clear glass is hard and expensive to replace

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Strongly agree,

Give reasons:

Current legislation is good enough

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Strongly agree,**

Give reasons:

As currently allowed

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**No,**

Give reasons:

Not mandatory but choice of vehicles owner/driver

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree,**

If you disagree, please provide reasons :

DBS runs live any way so not really a change

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:

Factory standard is good enough

#8

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, August 22, 2020 6:14:44 AM  
**Last Modified:** Saturday, August 22, 2020 6:21:10 AM  
**Time Spent:** 00:06:26  
**IP Address:** 31.145.53.26

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Driver

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

Red is red! If you make hackney pillar box red... then all private hires should be a uniform colour too. Dark red and light red does not signify a hackney a yellow plate side decals and a ROOF LIGHT signify it!!!

Q4

Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Agree,

Give reasons:

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

removing standard tinted glass costs a fortune

Q6

Neither agree nor disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---

#9

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, August 22, 2020 7:44:53 AM  
**Last Modified:** Saturday, August 22, 2020 7:49:31 AM  
**Time Spent:** 00:04:38  
**IP Address:** 2.102.56.174

---

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1****No**

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Licensed vehicle owner

**Owner and driver****Q3****Agree**

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4****Agree**

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5****Strongly agree**

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6****Strongly agree**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****No**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---



#10

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 8:44:19 AM  
**Last Modified:** Sunday, August 23, 2020 8:48:08 AM  
**Time Spent:** 00:03:49  
**IP Address:** 148.252.128.23

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Neither agree nor disagree,

Give reasons:

I don't think this is an issue

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Neither agree nor disagree,

Give reasons:

There are other more air polluting vehicles to consider first

Q5

Agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Neither agree nor disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****No,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

Not mandatory but encouraged

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---

#11

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 11:21:30 AM  
**Last Modified:** Sunday, August 23, 2020 11:26:40 AM  
**Time Spent:** 00:05:09  
**IP Address:** 109.156.32.232

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public	x
Business	x

Q3

Neither agree nor disagree,

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Give reasons:

I really don't care what colour the taxi is and can only think of the additional cost to the existing tax drivers that this will have for little or no benefit.

Q4

Strongly agree,

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Give reasons:

I think all vehicles should be compliant and I would like to see a move to electric vehicles being used. Diesel taxis should be banned.

Q5

Disagree,

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Give reasons:

I don't see a need for tinted windows. I'd feel safer with a high level of light transmission being allowed through the windows.

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Neither agree nor disagree,**

Give reasons:

This form of advertising doesn't work. Seems a strange option.

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

To protect the passenger and the driver.

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree**

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**

#12

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 11:32:08 AM  
**Last Modified:** Sunday, August 23, 2020 11:44:56 AM  
**Time Spent:** 00:12:48  
**IP Address:** 92.41.19.111

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

user of taxis in darlington

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Agree,

Give reasons:  
so that hackney carriages are easily recognisable

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly agree,

Give reasons:  
reduction in emissions especially in town centres will benefit everyone

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Disagree,

Give reasons:  
when flagging down a taxi u would not be able to c if it was occupied or not

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#13

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 12:36:53 PM  
**Last Modified:** Sunday, August 23, 2020 12:44:19 PM  
**Time Spent:** 00:07:25  
**IP Address:** 82.9.214.75

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Private Hire

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Disagree,

Give reasons:

Hackney are defined and visual by the hackney light on roof and shade of red makes no change to this.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly disagree,

Give reasons:

If the vehicle is well maintained its emissions will always remain low in any form. Emission standards will change every few years and owners do update vehicles as and when they can but forcing an owner to change between every 4 years on minimum and maximum 8 years if bought new wont change this. If in example you bought a Prius then being hybrid will remain compliant for a far longer time than the 8 years.

Q5

Strongly agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Neither agree nor disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Strongly disagree,**

Give reasons:

Advertising should be at owners discretion as long as the vehicle color does not change

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes**

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree**

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**



#14

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 5:27:54 PM  
**Last Modified:** Sunday, August 23, 2020 5:35:19 PM  
**Time Spent:** 00:07:24  
**IP Address:** 90.219.48.139

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Member of the public

Q3

Agree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Q4

Neither agree nor disagree,

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Give reasons:

If removing the condition for "longer if very well maintained" then the maximum should be allowed for ten years, not eight.

Q5

Strongly agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Strongly agree****Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Yes,**

Give reasons:

This will help prevent and also catch any incidents of assault or theft.

---

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Agree,**

If you disagree, please provide reasons :

Every 6 months seems excessive. Would checks once a year make that much of a difference, and would surely cut costs for the council?

---

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---

**Disagree,**

Give reasons:

Space saver tyres are relatively cheap, I feel that taxi's should at least be supplied with these.

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#15

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 7:34:00 PM  
**Last Modified:** Sunday, August 23, 2020 7:39:06 PM  
**Time Spent:** 00:05:06  
**IP Address:** 90.249.191.211

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Yes

Licensed vehicle owner

Yes

Q3

Strongly disagree,

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Give reasons:

Red is a easily identifiable colour

Q4

Strongly disagree,

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Give reasons:

I would allow 10 years but only if it was the same owner. It cannot be transfered after 6 years.

Q5

Strongly agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

safety for all concerned. Reduces the intent of crime.

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#16

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, August 23, 2020 9:33:42 PM  
**Last Modified:** Sunday, August 23, 2020 9:51:02 PM  
**Time Spent:** 00:17:20  
**IP Address:** 85.95.42.167

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Occasional taxi user

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Disagree,

Strongly disagree,

Give reasons:

Taxi drivers have suffered financially this year - a distinctive bonnet colour could be adopted regardless of the shade of red of the car - a cheaper alternative, easily applied and removed at the end of its taxi life and could have a logo added - DBC Hackney or similar

Q4

Strongly agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Neither agree nor disagree,

Give reasons:

Why?

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Neither agree nor disagree,**

Give reasons:

Depends on the conviction - some convictions should never be considered as spent

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Agree,**

Give reasons:

Doors should also carry notices that the vehicle is a Hackney

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

Prevents bad behaviour and false allegations

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree,**

If you disagree, please provide reasons :

Suggest checks more frequently - every 3 months - do the drivers have an enhanced DBS

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:

If it's accepted as safe practice for MOT etc then it's acceptable to me. However, I've paid the extra for a spare wheel for my last 3 cars

#17

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, August 24, 2020 6:42:27 AM  
**Last Modified:** Monday, August 24, 2020 6:45:47 AM  
**Time Spent:** 00:03:19  
**IP Address:** 82.17.41.143

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** Yes

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public Public

**Q3** Neither agree nor disagree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4** Strongly agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5** Disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6** Neither agree nor disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Neither agree nor disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

This will protect drivers and passengers.

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#18

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, August 24, 2020 7:45:22 PM  
**Last Modified:** Monday, August 24, 2020 7:51:13 PM  
**Time Spent:** 00:05:51  
**IP Address:** 86.15.24.249

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Licensed vehicle owner

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

Doesn't matter on colour as lind as it's roadworthy

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly disagree,

Give reasons:

Plenty of great cars over 8 year old Exceptionally well maintained means exactly what it says . .

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Neither agree nor disagree,

Give reasons:

Factory standard please

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Strongly agree,

Give reasons:

Exactly as they are now

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Strongly disagree,**

Give reasons:

Why not have full car adverts???

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**No,**

Give reasons:

Should be drivers choice

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:

Factory standard

#19

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, August 25, 2020 7:38:45 PM  
**Last Modified:** Tuesday, August 25, 2020 7:41:30 PM  
**Time Spent:** 00:02:45  
**IP Address:** 31.124.166.27

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

what an absolute waste of money. There is no need for this

Q4

Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Agree,

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Give reasons:

agree tk save miney

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

<b>Q7</b> Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle	<b>Strongly disagree,</b> Give reasons: if it makes money why stop for them?
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<b>Q8</b> CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles	<b>No,</b> Give reasons: Cost
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<b>Q9</b> DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards	<b>Agree</b>
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<b>Q10</b> Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation	<b>Agree</b>
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#20

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 28, 2020 3:23:11 PM  
**Last Modified:** Friday, August 28, 2020 3:25:09 PM  
**Time Spent:** 00:01:57  
**IP Address:** 82.19.216.187

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** **Yes**

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public **yes**

**Q3** **Agree**

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4** **Strongly agree,**

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Give reasons:  
Agree on environmental grounds

**Q5** **Neither agree nor disagree**

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6** **Strongly agree**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Neither agree nor disagree,**

Give reasons:

Don't care about it, would rather drivers accept card payments and give proper VAT receipts.

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes****Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Disagree,**

Give reasons:

Driver can buy a spare wheel

#21

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 28, 2020 3:29:05 PM  
**Last Modified:** Friday, August 28, 2020 3:32:39 PM  
**Time Spent:** 00:03:34  
**IP Address:** 176.35.123.34

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Neither agree nor disagree,

Give reasons:

Going forward maybe, but this shouldn't be applied to existing taxis

Q4

Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Neither agree nor disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Disagree,**

Give reasons:

More space should be allowed for advertising allows them to earn extra money, especially if you're proposing that cars should be replaced every 8 years

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes****Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**



#22

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 28, 2020 3:43:11 PM  
**Last Modified:** Friday, August 28, 2020 3:45:31 PM  
**Time Spent:** 00:02:19  
**IP Address:** 90.201.222.163

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## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** Yes

Do you live in Darlington

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**Q2**

In what capacity are you replying to this consultation

Public Yes

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**Q3** Agree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

---

**Q4** Strongly agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

---

**Q5** Agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

---

**Q6** Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

---

<b>Q7</b>	<b>Neither agree nor disagree</b>
Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle	

---

<b>Q8</b>	<b>Yes</b>
CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles	

---

<b>Q9</b>	<b>Agree</b>
DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards	

---

<b>Q10</b>	<b>Agree</b>
Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation	

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#23

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, August 28, 2020 7:07:23 PM  
**Last Modified:** Friday, August 28, 2020 7:10:06 PM  
**Time Spent:** 00:02:43  
**IP Address:** 86.4.115.201

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## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Neither agree nor disagree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Q4

Neither agree nor disagree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Neither agree nor disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7** **Neither agree nor disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8** **Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9** **Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10** **Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#24

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, August 29, 2020 6:35:38 PM  
**Last Modified:** Saturday, August 29, 2020 6:38:04 PM  
**Time Spent:** 00:02:26  
**IP Address:** 86.19.135.227

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** Yes

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public 1

**Q3** Strongly agree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4** Strongly agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5** Neither agree nor disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6** Strongly agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Disagree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#25

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, August 31, 2020 7:47:45 PM  
**Last Modified:** Monday, August 31, 2020 7:53:22 PM  
**Time Spent:** 00:05:37  
**IP Address:** 81.111.198.238

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## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** **Yes**

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public

**Resident using Taxis****Q3** **Agree**

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4** **Agree**

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5** **Neither agree nor disagree**

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6** **Agree**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

Should increase the safety of both passengers and drivers

**Q9****Agree,**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

If you disagree, please provide reasons :

Surprised DBS checks are not already carried out regularly already

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#26

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, September 01, 2020 7:59:12 PM  
**Last Modified:** Tuesday, September 01, 2020 8:11:11 PM  
**Time Spent:** 00:11:59  
**IP Address:** 82.17.41.28

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Taxi user

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

Unnecessary and more likely to means taxis will have to brought by limited companies or pay for respray. As I said completely Unnecessary.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Agree,

Give reasons:

Both on safety of passengers and the environmental factors affected by emissions.

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Strongly disagree,

Give reasons:

Concerns on safety of passengers, no need to have windows 'blacked' out

Q6

Neither agree nor disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Neither agree nor disagree,**

Give reasons:

Rear Quarter panel yes but think if you limit colouring it will limited prospective advertisers

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**No,**

Give reasons:

Invasion of privacy, why think of having cctv inside and yet at the same time think its acceptable to use darker window tints!!

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**

#27

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, September 02, 2020 5:19:04 PM  
**Last Modified:** Wednesday, September 02, 2020 5:21:19 PM  
**Time Spent:** 00:02:14  
**IP Address:** 86.0.225.57

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## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** **Yes**

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public

**Resident****Q3**

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Agree,**

Give reasons:

Provided drivers are not forced to repaint then this is fine.

**Q4****Strongly agree**

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5****Neither agree nor disagree**

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6****Agree**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

To protect drivers and enhance conviction rate for offenders

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#28

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, September 03, 2020 11:28:24 PM  
**Last Modified:** Thursday, September 03, 2020 11:41:25 PM  
**Time Spent:** 00:13:00  
**IP Address:** 94.13.213.129

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Member of the public

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly agree,

Give reasons:

It will make all Taxis uniform and appealing.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly agree,

Give reasons:

I believe this is a good rule to have as vehicle emissions are very bad for our environment. I think all taxis should have to be eclectic before the end of this decade to be 100% environmentally friendly.

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Strongly agree,

Give reasons:

I don't see any issue with this personally. It will save the taxi drivers a lot of money in the long run, this is due to more and more cars being built with window tints in the back windows.

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Neither agree nor disagree,

Give reasons:

People with certain serious convictions should not be allowed a licence under any circumstances!

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Agree,**

Give reasons:

I agree with this.

---

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

I think CCTV should be mandatory in all Taxis as this will mean more safety and security for both the drivers and passengers.

---

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree****Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree,**

Give reasons:

I think this is better due to the vehicle being less heavy and not using as much petrol, this will save more petrol and cause fewer emissions. I think all taxis should have to carry a pressurised tyre sealant.

---

#29

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, September 09, 2020 5:15:03 PM  
**Last Modified:** Wednesday, September 09, 2020 5:16:38 PM  
**Time Spent:** 00:01:35  
**IP Address:** 109.152.89.196

---

 Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** Yes

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public Yes

**Q3** Strongly agree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4** Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5** Agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6** Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#30

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, September 10, 2020 5:45:52 AM  
**Last Modified:** Thursday, September 10, 2020 5:53:49 AM  
**Time Spent:** 00:07:56  
**IP Address:** 82.4.140.237

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Public

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Agree,

Give reasons:

Will make taxis all the same and easily recognisable

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Strongly agree,

Give reasons:

Reducing emissions is vital.

Q5

Neither agree nor disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Agree,**

Give reasons:

This seems a good compromise

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

Think this is a good for both driver and customer..

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree,**

If you disagree, please provide reasons :

Would give the public peace of mind that checks are done on a regular basis.

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**

#31

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, September 12, 2020 8:21:00 AM  
**Last Modified:** Saturday, September 12, 2020 8:24:56 AM  
**Time Spent:** 00:03:56  
**IP Address:** 109.151.42.252

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Taxi driver

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Disagree,

Give reasons:

Not all vehicles are available in bright red

Q4

Neither agree nor disagree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Strongly agree,

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Give reasons:

Not all cars are available with clear or almost clear rear glass

Q6

Neither agree nor disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

Protection of drivers from allegations and passengers from wrong doing

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Disagree,**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

Give reasons:

Not all punctures can be repaired by this method

---

#32

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, September 18, 2020 3:44:18 AM  
**Last Modified:** Friday, September 18, 2020 3:54:12 AM  
**Time Spent:** 00:09:53  
**IP Address:** 92.26.87.195

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Member of public - Nurse

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Neither agree nor disagree,

Disagree,

Give reasons:

It would cost taxi firms a lot of money to respray cars, at a time when every business is already struggling.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Agree,

Disagree,

Give reasons:

It is important to reduce emissions, however, once again this will increase cost to the car owners. If the car is over 8yrs but well maintained & emission levels remain safe, i see no reason to remove it from use.

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Neither agree nor disagree

Q6

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

Strongly agree,

Give reasons:

The public need to feel safe

**Q7****Neither agree nor disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**Yes,**

Give reasons:

Protects both driver &amp; passenger

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

**Agree,**

If you disagree, please provide reasons :

Public safety has to be a priority, especially when young children are in taxi unaccompanied.

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

---

#33

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, September 21, 2020 11:09:26 AM  
**Last Modified:** Monday, September 21, 2020 11:11:19 AM  
**Time Spent:** 00:01:52  
**IP Address:** 86.0.227.32

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Neither agree nor disagree

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Q4

Agree

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Q5

Agree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Disagree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Disagree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Disagree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#34

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, September 21, 2020 2:09:26 PM  
**Last Modified:** Monday, September 21, 2020 2:11:47 PM  
**Time Spent:** 00:02:20  
**IP Address:** 92.40.201.49

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

**Q1** **Yes**

Do you live in Darlington

**Q2**

In what capacity are you replying to this consultation

Public

**Public****Q3****Strongly agree**

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

**Q4****Strongly agree**

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

**Q5****Strongly agree**

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

**Q6****Strongly agree**

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Strongly agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#35

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, September 22, 2020 1:47:55 PM  
**Last Modified:** Tuesday, September 22, 2020 1:53:55 PM  
**Time Spent:** 00:06:00  
**IP Address:** 78.149.200.138

## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Public

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Agree,

Give reasons:

Standardisation is essential to monitor compliance effectively and efficiently.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Agree,

Give reasons:

Sensible supporting the environment.

Q5

Neither agree nor disagree

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7****Agree**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

---

**Q8****Yes,**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

Give reasons:

To help safeguard passengers from potential perpetrators.

---

**Q9****Agree**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

---

**Q10****Agree**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

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#36

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, September 25, 2020 4:06:18 PM  
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**Time Spent:** 00:14:50  
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## Page 1: Private Hire and Hackney Carriage Licensing Policy Review

Q1

Yes

Do you live in Darlington

Q2

In what capacity are you replying to this consultation

Taxi/Private Hire driver

Hackney Carriage

Licensed vehicle owner

Yes

Q3

Colour - Darlington Borough Council propose specifying a basic red colour (Pantone 485) for all new vehicles. This is the shade of red used by Royal Mail

Strongly disagree,

Give reasons:

DBC. Has been taken to the magistrates Court on this matter. DBC wish to oppose the Magistrates decision fine. See you all (the committee) in court.

Q4

Emissions - vehicles will be allowed to be licensed under 4 years old and removed when they are 8 years old from 1st April 2023. This will ensure that all vehicles will comply with Euro 6 engine standards by that time to reduce emissions. Once introduced, there will be no exceptionally well maintained element.

Agree,

Give reasons:

I have followed the 6 year rule from its inception.

Q5

Window tints - the current policy requires rear windows to allow 70% light transmission (front windows have statutory requirements of 70% and 75%). It is proposed that rear window light transmission be reduced to 30%

Agree,

Give reasons:

Nearly all new cars come with what's called privacy glass and it can be a nightmare to get it changed.

Q6

Agree

Previous convictions - this is the minimum time to have elapsed before considering whether to grant or renew a licence. The conviction rates proposed are in line with the Statutory Taxi and Private Hire Vehicle Standards

**Q7**

Advertising - it is proposed that adverts will be limited to the rear quarter panel only and it must not change the underlying colour of the vehicle

**Agree,**

Give reasons:

Mr M Kennedy and myself under the banner Ditto were the ones who pushed for advertising but not in the form it is now

**Q8**

CCTV - would you like inward facing CCTV to be mandatory in all taxi's and private hire vehicles

**No,**

Give reasons:

Technology hasn't caught up yet for a. Decent system.

**Q9**

DBS - all drivers must subscribe to the DBS update service, which will be checked every 6 months, as proposed in the Statutory Taxi and Private Hire Vehicle Standards

If you disagree, please provide reasons :

We all are on the DBS list as it stands. Every licence holder signs for thier badges don't they. All disclosures are supposed to be given.then.

**Q10**

Spare wheels - in the current policy a spare wheel is a requirement, however some vehicles are now manufactured without a spare wheel as standard and use a pressurised tyre sealant in emergencies. It is proposed that where a vehicle has been manufactured without a spare wheel, tyre sealants may be used in an emergency situation

**Agree**

## APPENDIX 6

### Taxi policy responses to consultation

I have noticed that you are reviewing the taxi licensing policy.

I don't know if my comments fit in with this but I would like to ask that you consider the needs of people with dementia in relation to the provision/licensing of taxi services.

We are currently working towards Darlington becoming more dementia friendly and I have attached a letter and consultation report in relation to the development of a Dementia Friendly Darlington.

Clearly transport provision is a key element of people continuing to be able to access their local communities.

We have a Dementia Friendly Business Guide and could offer Dementia Friends information sessions to taxi companies/drivers.

*See report from Dementia Friendly Darlington at the end of this document*

---

Hello,

I would like to comment on your proposals to bring a single shade of red to all Darlington Hackney's. I think having a colour scheme, like Middlesbrough would ensure passenger safety more.

Many moons ago, as you know, there were private hire vehicles working in Darlington, that were plated in Berwick. There was a red one, complete with roof sign. We are guilty of flagging it down to take us home. It was during the journey we realised it wasn't a 'proper' Darlington Hackney.

My husband is a Darlington Hackney owner / driver. If we could make this mistake, how many others did?

Thank you for taking the time to read this.

---

To make it easier for some drivers would it be possible to change the age of a new car to 4 years old for registering and would it be possible to get a car plasti dipped instead of wrapped or painted to have a greater choice instead of looking for a certain red.

Regards to the changing taxi policy, would it not be simpler to have 4 separate coloured vehicles to provide the service, example

DL1 postcodes Red vehicle

DL2 postcodes White Vehicle

DL3, postcodes Blue Vehicle

Out of town vehicles black or silver.

---

DBC checked

Clean driving licence

As the majority of cabs are red I see no reason why they should be same shade. Only Upon renewal of a vehicle should the colour be taken into consideration if a driver wishes to continue.

Shaded glass should be an option.

As far as age of vehicle is concerned I think renewal every 10 years.

---

First of thank you for asking our opinions about taxis in Darlington. I held a dual badge for two years.

1. I think the idea of making hackney cabs is brilliant, I don't see the need for them all to be the same of red, absolutely no need. Obviously, when you give them the license if it is wildly different then it can be stopped there.
2. I think that every can should have a working CCTV for both front and rear in the cab, and I think that they should have to be stored so that you as the issuing office can do spot checks and check for speeding, contact with the customer.

The main issue I had and still have is the blatant disregard for keeping with the speed limit and cutting other drivers up. The driving standards are getting worse.

3. There are not enough stop checks done on the taxis, we used to get warnings on the radio and if we didn't have something then we would be sent out of town or we went home for the night to avoid being stopped.
4. Length of time holding a license, I believe that 12 months is not long enough, we are getting a more and more diverse taxi driver, who when I was taking my test couldn't even understand his name being said in English, talking to him afterwards he didn't understand English very well and had been primed as to the questions being asked.



5. There needs to be more consequences for the drivers for such things as smoking in the taxi, there are a few drivers in 1AB who are seen driving to their next job smoking. When reported nothing is done - if CCTV was installed this could be checked on.
  6. 1AB make everyone wear a black shirt and tie, I think all taxi drivers should. They should take pride in their vehicle and themselves, some cars are a crumb haven, the cars still of old sweat and so do the drivers.
  7. Radio off whilst driving, this is not necessary, as long as it's not too loud for the customer, then why not? When you have been driving for 12 - 15 hours you need something to break the silence.
  8. Length of time driving - some drivers work Friday night to Tuesday morning with little or no sleep. It also becomes addictive to try and get one more fare hoping it's a big one. Personally, I think driving time should be limited to a certain amount of hours in a 24 hour period, just like lorry drivers.
  9. I think there needs to be more audits on the drivers and the vehicles, once the license has been issued. Mainly unexpected ones, to make sure that Darlington taxis are the safest and best in not only the County but also the Country.
- 

Throughout lock down taxi drivers have been hardest hit and you want to impose ridiculous rules about whatever shade of red the car needs to be! Are you OCD?? Also if the cars passed mot its legally road worthy !!and are you going to bloody well pay the drivers to change the shade of red or buy new cars ! Absolutely ridiculous!! And i think you at the council have too much time on your hands to even make this rubbish up,leave the taxi drivers alone for god sake.

---

I am concerned at the continuation of the red colour which apart from its political association is a very difficult colour to standardise. To specify a particular red specification will require the purchase of bespoke vehicles or an expensive respray . Perhaps we could standardise on black which has limited variations

---

There is a section that say drivers needing to give assistance to disabled people and few more area where similar words are used. However there is nothing about putting someone's folding wheelchair in the boot, and nothing to say that the car needs to have a boot or rear space that can carry a folded wheelchair, providing the wheelchair meets the reference wheelchair size. Do you think there is already enough in the policy to cover this and will driver recognise this? I say this because I have witnessed drivers not getting out of the driver's seat to assist a wheelchair user transfer from

wheelchair to the car, as well as just flipping the boot lid expecting the wheelchair user to put their wheelchair in the boot and then close it.

---

Private Hire Cars and Hackney Carriages- the need to licence more wheelchair accessible ones.

I have been a manual self propelling wheelchair user for 25 years having moved back to Darlington 4 years ago. Darlington was a big culture shock with regards to very limited access to wheelchair accessible taxis. In Leicester, London, Manchester, Nottingham, Liverpool, Birmingham , Edinburgh all Hackney Carriages are wheelchair accessible due to local bylaws . This meant I had no more difficulty than other people in finding a taxi at a station or other ranks and could always book an accessible taxi at a time of my choosing.

Darlington has few private hire or hackney carriages that are wheelchair accessible, so I can never rely on getting one to catch a train or get there and back from appointments. Even if I got one one way, there would be no guarantee that I would get one for the return journey. Most meetings or appointments are unpredictable in length. Even when I specifically booked a wheelchair accessible one, it was often late, not good for catching a specific train!, and not available for early morning or late night journeys. We need to have a 24 hour service like other people.

The wheelchair accessible ones that are licensed locally are mostly of different adaption types making use more difficult, and one is not compatible with my carbon fibre chair due to its fixation points, and no transfer into a seat when on board possible, though this taxi is ideal for large heavy electric chairs and their users. Those that give the option of transferring to a seat once inside are useful to some who prefer to travel facing forwards, not possible in some conversions if you stay in your chair.

Non wheelchair users often assume wrongly all wheelchairs are similar. Even electric chairs vary a lot in size and weight to cope with larger users. These chairs and their users are completely dependent on a fully accessible taxi.

It is generally possible for manual folding wheelchair users to use non accessible taxis if the user can transfer into a low car seat. However many long term self propelling users have chairs with a rigid frame, that may have the back fixed in position, and these do not fold., only the wheels are detachable, often not fitting in the boots of saloon cars. Transferring into and out of a low car seat is very difficult for most people with mobility issues with out any aids such as grab handles and transfer boards, or turning device.

Ideally when I travel I have bags carefully attached to my chair enabling my independence, with the weight of them balanced out to stop my lightweight wheelchair from tipping, which is ok in an accessible taxi. Having to remove them all, and take wheels off is not easy and often leaves the chair unbalanced when they are put back wrongly. Even when my chair fits in taxi boot it has frequently been damaged, requiring temporary repairs at the station, including a broken castor, wheel spokes, seat straps being partially removed when picked up wrongly, apart from the cosmetic damage. Manual chairs can cost up to £5000.

Accessible taxis tend to have grab handles, and some models swing out seats to aid any one with mobility issues, such as more traditional style London cabs, that also feature built in ramps. Separate ramps tend to be problematic and time consuming especially those with 2 separate channels. The traditional style purpose built London taxi generally have lower floors, less steep ramps, less risk of tipping off ramp! and easier for both mobility impaired and older people to board if using seats than conversions. There is a new TX taxi that is electric, meeting the need for greener transport, which is accessible to most people, other than possibly the users of very large bariatric electric chairs.

Speaking to Darlington taxi drivers, they fail to understand that the lack of accessible taxis is a major issue, and they state there is under use of current ones. Because there are so few, there is little chance of one turning up on time when needed, I and probably most other manual wheelchair users, no longer specify, but I do tell them I have a non folding , manual wheelchair when I book, Rarely does an accessible one turn up, even though this company has 4 accessible ones on your list. There needs to be a much higher proportion of both accessible Hackney carriages, and private hire cars before wheelchair users in Darlington can even begin to get out and about like non disabled people, that is get a taxi at the time you want one, not dictated to by availability of "special ones" I would have missed trains, or been late to meetings, appointments if I had relied only on wheelchair accessible taxis.

I am lucky in that I can drive, but limited by medications and medical treatments, so still need a reliable, dependable, taxi service that I can use without damage to me or my chair. Currently it is unreasonable difficult for wheelchair users to access taxi and private car at a time of their choosing, and the Council has an Equality Duty under the Equality Act to meet as well as the taxi companies own as a service provider. There is an ageing population who will be even more reliant on easy to access taxis. Saloon cars are obviously much cheaper than accessible TX Taxis, or specialist conversions. It is vital that all of Tees Valley citizens has a reliable useable taxi service. May be the Tees Valley Mayor can help make loans available for greener wheelchair accessible taxis and all councils increase the percentage licensed.

---

Having recently moved to the town, I find the majority of taxis drive inconsiderate, dangerously and fast. I have seen taxi drivers being aggressive and threatening to other road users.

---

I live on Clifton Road and have seen multiple taxis 'take off' as they launch themselves over the speed ramps at 40mph+.

---

If anything can be done to address their standard of driving and behaviour it would be great. It's only a matter of time until one hits somebody.

Hope this helpful for your review,

---

If it is possible, please could taxis be aware and set an example by not allowing their car engines to run unnecessarily.

This causes to pollution from engine emissions that harms people's health and affects climate change.

Thank you.

---

My concerns about the taxis are the speed they drive at, when on a job and off a job. I feel taxi's should have a black box which when they speed effects there insurance. So as a Darlington policy making all Darlington taxis have a black box to protect the passengers but also protect the community from speeding taxi drivers!

Would you jet off on holiday in a plane that had no black box or limits for your safety, the same should apply to taxis and the drivers!

---

I have just seen that you are looking for feedback regarding taxi policy.

I would like to raise the point regarding lack of availability for wheelchair users. I find it disappointing and frustrating the lack of taxis that provide this service. It needs to be a minimum requirement that there are available taxis for wheelchair users at all times.

Often, you are unable to pre-book these taxis. Firms often do not know if they will have an available car for wheelchair users in advance, if is almost saying that wheelchair users cannot make plans if they need transport.

I sincerely hope this a prioritised issue and hope that this is something that you could also help with.

---

Just seen a post to say you're changing the way taxi services are ran.

I think there isn't enough taxi drivers for one, leaving people stuck after a night out for 1-2 hours because they can't afford a rank taxi home which may I add costs £10 usually.

I think you should take a look at how the yellow cabs in Middlesbrough work, I've never had an issue with them and £2.50 for a journey.

There also isn't enough disabled taxis, if I've ever been with my grandma and we need to go somewhere we've had to wait an hour or even more sometimes to get a wheelchair accessible taxi.

---

Drop the price from villages such as Middleton set George £8 each way is too much and that's most of my wages gone When the drivers pretend their card machine isn't working when it actually is its important for drivers to make sure all machinery is working when they pick up a customer When I'm in the town on a night out its harder to get a taxi so more taxis would be great

## Dementia Friendly Darlington

### Darlington Borough Council Taxi Policy Review



Dementia Friendly Darlington is a Dementia Friendly Community (an Alzheimer's Society programme) that works together with people living with and affected by dementia, local communities, businesses, services and people of all ages to make Darlington a place where people with dementia live well, are included, understood and able to fully participate as they choose.

Transport plays a vital role in the lives and wellbeing of people living with and affected by dementia and we welcome the opportunity to respond to Darlington Borough Council's public consultation over proposed changes to the way taxis and private hire vehicles are licensed and operated and would welcome the opportunity to work with Darlington Borough Council and the Tees Valley Licensing Group (TVLG) to become a Dementia Friendly Taxi Service.

Becoming a **Dementia Friendly Taxi Service** ensures that all staff (drivers and booking staff) are dementia aware. This is one of the most important things that you can do to provide a positive and inclusive experience for people with dementia and carers. It also supports drivers and booking staff to feel more confident.

There are two main ways that we are proposing for Dementia Friendly Darlington to work with Darlington Borough Council and the Tees Valley Licensing Group

#### 1. **Become a Dementia Friendly Taxi Service**

**Join Dementia Friends** - We encourage all drivers and staff (including new applicants, existing drivers and private hire controller staff to increase their awareness and understanding of dementia by becoming Dementia Friends through our [Dementia Friends initiative](#). This includes taking part in an online Dementia Friends Information Session to understand how dementia affects a person and the actions drivers can take to support people affected by dementia who are their customers.

**Use Dementia-friendly signage and promotional material** – You can download our [environment checklist](#) to ensure your environment and signage is fit for purpose.

**Download our business guidance** - For more dementia-friendly guidance for your service, download our [dementia-friendly business guide](#)

#### 2. **Ideas for actions that can be done now**

We would like to propose some key actions that can be done now to support people affected by dementia during the coronavirus pandemic to raise awareness and ensure people with dementia can still access local amenities and essential travel. This includes:

- A programme of online Dementia Friends Information Sessions can be led by Dementia Friendly Darlington to existing drivers and controller staff.
- Consider working with pharmacy chains for prescription deliveries.

- Use taxis as central points to put up information about local Darlington Dementia Adviser and support services that are available during Covid-19
- Prioritise pick-ups for vulnerable groups.
- Reassure customers of how you are keeping your taxis clean and sanitised and provide hand sanitiser and wipes in vehicles.

**Additional ideas and responses include:**

- Once taxi services have become Dementia Friends and have taken steps to become Dementia Friendly Services, they can display Dementia Friendly Darlington's 'Working to become Dementia Friendly' sticker to inform passengers that they are dementia friendly.
- Be aware of the Sunflower Lanyard Scheme for people with hidden disabilities <https://hiddendisabilitiesstore.com/>
- Consider the continuity and consistency of taxi drivers for people with dementia and carers
- With the consent of people affected by dementia and carers, consider having an emergency contact on a database to contact for support for passengers in a safeguarding situation e.g. confusion or distress.
- Work with Dementia Friendly Darlington and people with dementia to create Dementia Friendly taxi cards and promotional material.
- Please make sure to read the Alzheimer's Society's regularly updated information on [face coverings for people affected by dementia](#).

You can also find more information at:

<https://www.alzheimers.org.uk/get-involved/dementia-friendly-communities/organisations/transport>

Belinda Williams  
Dementia Friendly Communities Coordinator, Darlington on behalf of  
Dementia Friendly Darlington

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Department  
for Transport

# **Statutory Taxi & Private Hire Vehicle Standards**

## Contents

	Page
1. Introduction .....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards .....	6
3. Administering the Licensing Regime.....	8
Licensing polices .....	8
Duration of licences .....	9
Whistleblowing.....	9
Consultation at the local level .....	10
Changing licensing policy and requirements .....	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service .....	12
The Disclosure and Barring Service Update Service .....	13
Common Law Police Disclosure .....	13
Licensee self-reporting .....	13
Referrals to the Disclosure and Barring Service and the Police .....	14
Working with the Police .....	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees .....	17
Overseas convictions .....	17
5. Decision Making .....	19
Administration of the licensing framework .....	19
Training decision makers.....	19
The regulatory structure .....	20
Fit and proper test .....	21
Criminal convictions and rehabilitation .....	21
6. Driver Licensing .....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation .....	24
Language proficiency .....	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors .....	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines .....	28
8. Private Hire Vehicle Operator Licensing .....	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping .....	31
Use of passenger carrying vehicles (PCV) licensed drivers .....	31
9. Enforcing the Licensing Regime .....	33
Joint authorisation of enforcement officers .....	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions .....	35
Annex – Disclosure and Barring Service information .....	37
Annex – CCTV Guidance .....	38
Annex - Staying Safe: Guidance for Passengers .....	40

# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**



## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**



- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.



- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

- 4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
  - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.



6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;



- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

- 7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

- 7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.
- 7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
- 7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

- 8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

- 8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

- 8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

- 8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

- 8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

- 8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

- 8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**



**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.



## 9. Enforcing the Licensing Regime

- 9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

- 9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

- 9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

- 9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
<b>Unspent convictions</b>	Yes	Yes	Yes	Yes
<b>Unspent cautions</b> <sup>1</sup>	Yes	Yes	Yes	Yes
<b>Spent convictions</b> <sup>2</sup>	No	Yes	Yes	Yes
<b>Spent cautions</b> <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
<b>Additional police Information</b> <sup>3</sup>	No	No	Yes	Yes
<b>Barred list(s) Information</b> <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.



## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



## **COUNCIL 26 NOVEMBER 2020**

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### **LEADER OF THE COUNCIL OVERVIEW**

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#### **Council's Continued Response to COVID19**

1. COVID19 remains the Council's and the Country's major challenge in the short to medium term. By the time of our meeting, we will be approaching the end of the second national lockdown and I will update you on any information I have received since the dispatch of this report. The levels of infection still remain high, although we expect to see these fall as a result of the lockdown, but as Council will appreciate, there is a time lag before we see the impact of the lockdown on rates of infection and hospital admissions.
2. We all appreciate these are difficult times for residents but to ensure we return to "normal" as soon as possible we all need to continue to be vigilant and follow guidance to minimise transmission. To help residents in these difficult times we have paid £36,500 in isolation grant payments. This has also been a very challenging time for businesses and through the grant funding made available by the Government, we have recently paid out £663,910 to 449 businesses to help them manage through lockdown and other trading difficulties. At the time of this report being despatched, further Government guidance is awaited on the Winter Grant Scheme.

#### **Save our Loco Campaign**

3. At the time of writing we have over 4,500 signatures on the petition to keep Loco No1 in Darlington. The campaign to raise awareness continues via social media, billboards, posters, banners, media including TV, One Darlington magazine as well as lots of engagement activities through various social media channels. We are planning further activity in the coming weeks and hopefully there will be a successful outcome to the campaign in the near future.

#### **135<sup>th</sup> Anniversary of the opening of Crown Street Library**

4. On 23 October 2020 I attended a meeting of the Crown Street Trustees (via Teams), which had been convened on the anniversary of the opening of Crown Street Library. One of the Trustees, Yvonne Richardson, gave a very informative presentation about the construction of the Crown Street library, the events leading up to the opening of the Crown Street Library and the celebrations in the town that took place on the day it opened. Yvonne also talked about some of the features of the building and importance of the building in the Darlington streetscape and as an example of a Victorian library building. Yvonne noted the benefits of the library to the people of Darlington, the social, educational, leisure pursuits and more recently also for local history and arts activity. Recognition was given to the Pease family for their many contributions to the betterment of life for the townspeople, not just with the library, but with many other things and for the library building as a lasting legacy. Updates about the plans for building renovation and information about how

the Library Service has been coping during lockdown and its future plans were also received. Further details about this meeting are available on the Library Service webpage <https://www2.darlington.gov.uk/web/arena/darlington>

## **Strategic Transport**

5. As portfolio Member for Transport in the Tees Valley Combined Authority I continue to work at regional and national level lobbying for the strategic transport needs of the Tees Valley and Darlington.
6. I attended the All Parliamentary event on Transport (via zoom) to make the case for further investment in the Tees Valley for rail and road infrastructure.
7. Attended meetings with Transport for the North and East Coast Mainline Group and 2 meetings of the Audit Committee for Transport for the North.
8. There is a significant and ambitious investment programme being developed and delivered across all forms of transport. Some of the key highlights of the programme are:

- (a) The New Tees Crossing, which will increase capacity and reliability on the A19 is progressing to Outline Business Case stages for Government to consider the funding for the scheme.
- (b) An update to residents, businesses and stakeholders is underway on the progress in developing the Darlington Northern Link Road scheme. The aim being to complete an Outline Business case for Government early next year. Support for the scheme from residents, business and stakeholders is being sought to address the inadequacies of the current route for strategic traffic and HGVs to the motorway.

A new road is needed not just to alleviate pressures on our local roads but to provide a fit for purpose connection from the Tees Valley to the motorway network to improve the Economic Growth opportunities for the sub-region.

- (c) There is significant investment planned for the rail network, with:-
  - (i) Darlington Station progressing into detailed design stages and full business case to Government.
  - (ii) Middlesbrough Station detailed designs progressing.
  - (iii) Hartlepool Station feasibility work for enhancements being undertaken.
  - (iv) Northallerton to Eaglescliffe design work for improvements to enhance freight connections to and from Teesport.

All of the above putting the building blocks in place to deliver a high-quality integrated rail network across the Tees Valley that facilitates passenger and freight growth.

- (d) The development of a Local Cycling and Walking Plan with around £5.6m of investment planned to encourage cycling and walking to replace short or local

journey and increase more sustainable journeys. In Darlington the first priority will be the Woodlands Road area into the town centre.

- (e) Work is also progressing to develop a Bus Partnership to work with operators to improve bus services and passenger experience across the Tees Valley.

### **Towns Fund**

- 9. Attended Board meeting of Town Fund to complete acceptance of the £22.3m allocation awarded to the Council. The hard work of everyone involved in putting together the application has been recognised in achieving this superb result.

### **Healthy New Towns**

- 10. Represented the Council at a Westminster Health Forum policy conference to share information on our successful pilot project.

**Councillor Mrs Heather Scott OBE**  
**Leader of the Council Portfolio**

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## **COUNCIL 26 November 2020**

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### **OVERVIEW OF STRONGER COMMUNITIES PORTFOLIO**

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1. Since the last meeting of Council, the following are the main areas of work undertaken under the Stronger Communities Portfolio.

#### **Community Safety**

##### **Purple Flag**

2. After a rigorous assessment process, Darlington was the first town in the North East to be awarded Purple Flag status in January 2020, a standard awarded to those places that offer safe and enjoyable nights out.
3. Due to COVID-19, the presentation of the award has been delayed, however, the Council, along with other organisations and businesses from across the town centre, were required to complete the renewal process, which completed in October 2020. The result of the renewal process will be announced in January 2021.
4. The renewal application which consists of a renewal document, performance package, Evening and Night-Time Economy Strategy, linked Action Plan, Marketing Plan and a three-minute video clip to highlight the many achievements and attractions in Darlington was submitted to Purple Flag for assessment on Friday 9 October 2020.

#### **Darlington Borough Council COVID Pandemic Prevention and Compliance Group**

5. Members of Environmental Health, Community Safety, Police and Fire and Rescue are meeting on a weekly basis to promote improved compliance with the restrictions of COVID-19 in Darlington.
6. The group will maintain:
  - (a) an overview of all local information and intelligence to identify threat and risk in our communities;
  - (b) facilitate actions to prevent the spread of the disease and secure compliance with government advice, restrictions and legislation;
  - (c) ensure that all relevant information is shared with the Health Protection Board which is tasked with managing any future outbreak of the pandemic.

#### **Civic Enforcement Service**

##### **Responsible Dog Ownership Project**

7. The project has gained interest from members of the public and following the recent article in the One Darlington magazine, people have come forward expressing an

interest in supporting and becoming involved. The group are looking at some key areas initially and have made good progress:

- (a) improving the way in which people can report a lost/found dog – telephone options are currently being improved;
- (b) Interactive bin map – work is currently underway with the ICT department to plot all Council bins on an interactive map, the idea being that dog walkers can check the map on their phone prior to planning their walks;
- (c) The 'We are Watching you' campaign will be utilised as part of both the Back Lanes Project and the Responsible Dog Project, aimed at reminding people that authorities are watching and will prosecute for dog related and other environmental crime.

### **73 Longfield Road - Closure Order**

- 8. A Closure Order was granted at Court on 16 September 2020 due to alleged drug dealing from the address and the serious nuisance associated with this activity. Although strongly defended, the magistrates were satisfied that all of the tests to grant a Closure Order were met and the property has been closed for three months. (The occupants will not be able return.)

### **CCTV**

- 9. The Control Room continue to monitor the town centre and parks, ensuring that members of the public and business are adhering to the current COVID-19 pandemic rules.

### **Deployable CCTV**

- 10. Six cameras continue to be deployed in various locations around the Borough in order to tackle various issues such as environmental crime and anti-social behaviour. An evaluation of the cameras is currently being undertaken.

### **Trading Standards**

- 11. Following an investigation by Darlington's Trading Standards service, a charge of failing to complete work to a reasonable standard was added to charges brought against Ryan White as part of a prosecution by Durham County Council's Trading Standards service.
- 12. White was successfully prosecuted on 10 September 2020 in Peterlee Magistrates Court after failing to complete a number of jobs across County Durham and Darlington whilst trading as R&J Landscapes in 2019. He received a fine of £750 and was ordered to pay court costs of £1,526.43 and a £75.00 victim surcharge; all Darlington-based victims received their money back.
- 13. Veronika Kutkova, who was the owner of the Corner Shop, High Northgate, Darlington, was successfully prosecuted after illicit and counterfeit tobacco products - 7660 cigarettes and 2.55 kg hand rolling tobacco - were found at the premises during Operation Sirenian, a Trading Standards led multi-agency illegal

tobacco operation.

14. Veronika Kutkova was sentenced to 12-month Community Order within 15 days of Rehabilitation Activity Requirement and ordered to pay prosecution costs of £643.80 plus a victim surcharge of £90.00.
15. On 2nd September 2020, the Trading Standards and Animal Health Manager was interviewed and filmed by Tomos TV for BBC One factual documentary series, 'Defenders UK'. The case related to a surveyor who was prosecuted for fraud in respect to a building work project following an investigation by Trading Standards. The programme is due to be broadcast early in 2021.
16. Throughout October, Trading Standards worked with the National Trading Standards Scams Team to support the four-year celebration of the Friends Against Scams initiative. This initiative aims to protect and prevent people from becoming scam victims by empowering people to take a stand against scams.

## **Private Sector Housing**

### **Energy Efficiency and Fuel Poverty**

17. Fuel poverty levels when last recorded in 2018 showed nine per cent of households in Darlington were in fuel poverty, representing 4,402 households; an improvement from 2015 when it was recorded as 14.1 per cent. However, many households have been negatively impacted financially from the COVID-19 pandemic and this is likely to have an impact on fuel poverty over the winter months. Cold weather experienced in the winter months can affect or exacerbate a range of health problems, including respiratory and circulatory conditions, cardiovascular disease, mental health and accidental injury.
18. This is likely to increase the burden on healthcare systems and contribute to excess winter deaths. Estimates suggest that some ten per cent of excess winter deaths (up to 5,000 nationally) are directly attributable to fuel poverty and 21.5 per cent of excess winter deaths are attributable to the coldest 25 per cent of homes.
19. 4.48 per cent of residential properties in Darlington (as of June 2020) are in the lowest EPC bands of F and G.
20. There are a number of projects currently running to assist with energy efficiency and fuel poverty. These projects will aim to assist as many as is reasonably practicable to increase energy efficiency and therefore reduce the effects of fuel poverty.

### **Warm Homes Fund**

21. The programme was re-launched in August 2020 after being on hold since March 2020 due to the pandemic.
22. Targeted promotion is currently underway of those in the lowest EPC bands in qualifying areas. This will assist with both the provision of energy advice, which will be delivered by Citizens Advice, and the provision of gas boilers and air source heat pumps to qualifying residents.

23. Partners have recently identified the potential to provide 167 properties across Darlington with a gas supply as part of an infill programme. The Warm Homes Fund would then be able to provide gas central heating to those eligible under the scheme. Other households in these areas could also benefit from lower fuel costs. There are approximately 2,600 households in Darlington that use electricity as their main source of heating. This is likely to mean that they are using expensive and inefficient electric heating systems. Those using electric heating systems are more likely to be in fuel poverty because running costs are significantly higher.

### **Green Homes Grant - Voucher Scheme**

24. The Green Homes Voucher scheme commenced on 30th September 2020. This is a National government scheme where homeowners and residential landlords can apply for a Green Homes Grant voucher towards the cost of installing energy efficient improvements to reduce energy use or to install low-carbon heating.
25. Vouchers cover two-thirds of the cost of eligible improvements, up to a maximum contribution of £5,000. If someone in the household receives certain benefits, they may be eligible for a voucher covering 100% of the cost of the improvements. The maximum value of the voucher is £10,000.
26. A joint press statement was issued by Private Sector Housing and Trading Standards in October 2020 and this will be followed up by a social media campaign until the scheme finishes in March 2021. The campaign will aim to advertise the scheme whilst informing residents to be vigilant and how to avoid fraudulent traders.

### **Green Homes Grant - The Local Authority Delivery (LAD) Scheme**

27. £500 million funding will also be delivered through local authorities by the Government between September 2020 and March 2022, to improve the energy efficiency of low-income households. This will help reduce fuel poverty and support the installation of low carbon heating.
28. A bid has been submitted for phase 2 of this scheme which will be allocated through Local Energy Hubs for regional delivery. If successful, this phase will operate between June 2021 until March 2022.
29. The primary purpose of the LAD scheme is to raise the energy efficiency rating of low income and low EPC rated homes (those with E, F or G) to result in the following outcomes:
- (a) tackle fuel poverty by increasing low-income homes energy efficiency rating while reducing their energy bills;
  - (b) support clean growth and promoting global action to tackle climate change;
  - (c) support economic resilience and a green recovery in response to the economic impacts of COVID-19, by creating jobs;



- (d) use learning from the delivery experience to inform the development and design of further energy efficiency and heat schemes.

## **Community Resilience**

### **Water Safety**

- 30. The Community Resilience Officer attended a Microsoft Teams meeting of the Durham Open Water Safety group on 21 October. The multi-agency group was set up several years ago following two drowning incidents within a short period of time in the County Durham area. The group operates best practice by taking a holistic and long-term view to reducing near misses and drownings in open water. This includes oversight of education programmes, identification and prioritisation of risk locations, implementation of safety measures and more. Discussions are ongoing with the Head of Community Safety following the meeting as to how DBC takes any actions/learning forward.

### **Home Office Violence and Vulnerability Group (County Lines - 100 licences)**

- 31. Darlington Borough Council's Community Safety Team has joined the Home Office Ending Gang Violence and Exploitation (EGVE) Group. The purpose of the group is to bring local areas together and discuss emerging issues, share new and effective practice, useful documents and offer support to all EGVE areas.
- 32. The names of nominated persons to have been sent and they will each receive an e-mail invite to the training, which can be completed at a time convenient for them.
- 33. The level of interest shown was such that the Community Resilience Officer is developing a training package for DBC staff (Academy 10 and hard copy) with the assistance of the HR Performance and Policy Officer, so that all staff will be able to access training if required.

### **Road Safety Scheme for Schools**

- 34. Some schools have reported traffic/parking problems since the new term began and have received support from Civic Enforcement Officers. The schools that have responded have indicated they are still willing to be involved in the scheme but have highlighted COVID-19 restrictions will impact on its delivery i.e. advice leaflets cannot be included in school bags to be taken home, children cannot wear hi-vis jackets or patrol roadways, and visitors cannot come into school to deliver safety lessons. Products will still be purchased and some will be used immediately (banners for roadways, for example) whereas others will be introduced once restrictions are lifted. Schools will be provided with products and guidance and can commence a 'limited' scheme. The official press launch will be undertaken once COVID restrictions are sufficiently relaxed to allow the launch to have maximum impact across the Darlington area and schools.

## **Community Engagement**

- 35. The Community Resilience Officer is maintaining contact with Arcus (LGBTQ+), Darlington Association on Disability and the UNITY group via e-mails/telephone calls and information from Police Community Cohesion officers.

## **Hate Crime Awareness Week (HCAW) 10 – 17 October 2020**

36. The Community Resilience Officer linked with the Crown Prosecution Service (North East), Police and PCVC to share HCAW content across all of their comms media. In collaboration with PCSO Benji Scott, 'talking heads' videos were produced calling for an end to hate crime in Darlington and answering some frequently asked questions. Information was shared with Members regarding the availability of 3 webinars during the week, each session on a different strand of hate crime.

## **PREVENT**

37. Following the two education sector Prevent webinars on 9 and 14 July which were well received, the Community Resilience Officer has worked with the Police Prevent team to provide a PowerPoint presentation, with video links and case studies, that can be sent to all schools to assist with their staff awareness training and improve reporting.
38. The first Prevent Newsletter went out to all DBC staff on the 15 September; this included a two-page brief with links to further information, learning, apps and an update on DBC activity. The newsletter resulted in another member for DBC staff volunteering to become a 'Local Counter-Terrorism Champion' and an induction has been arranged with Police Prevent team. A 'Local Counter-Terrorism Champion' event is planned for late November/December and DBC currently has 7 volunteers.
39. No Tension Monitoring reports received since last report.

## **Eyes and Ears**

40. A joint briefing with the Police and the Community Resilience Officer was delivered to Northgate/North Road Councillors and Councillor Dulston on 6 October looking at how Eyes and Ears will work alongside initiatives including 'Safer Streets', 'Confidence Academy', 'Back Lanes' and 'Street Champions'. A venue is now being sought to deliver the project to a limited number of key participants (due to COVID-19 restrictions), with the following key themes/issues to be explored:
- (a) Fuel poverty
  - (b) Safeguarding – children
  - (c) Safeguarding – adults / older persons
  - (d) Social isolation and loneliness
  - (e) Child exploitation
  - (f) Stray/ / dangerous dogs
  - (g) Environmental crime
  - (h) Safety – adults with health problems

- (i) Anti-social behaviour
- (j) Community tensions

### **Home Office Safer Streets Fund**

41. Following receipt of funding to support target-hardening and crime prevention measures in the Northgate and the North Road area of Darlington, the following actions have been undertaken:
- (a) One burglary in first four weeks.
  - (b) 13 properties agreed to receive target hardening products; 4 refused/ were unable to contact.
  - (c) All properties that don't accept/engage still receive a crime prevention advice leaflet as a minimum and are able to contact the Safer Streets administration team if they decide to take part at a later date.
  - (d) A potential underspend has been identified (due to fewer burglaries than average) and the working group is in discussion with the Home Office as to how this funding could be utilised, without deviating too much from the ethos of the scheme.

### **Licensing**

42. For several weeks, the Council's Licensing department have been holding intelligence sharing meetings with Police, Environmental Health, and Public Health in relation to licensing issues concerning COVID-19, which has facilitated early identification of problem premises enabling rapid interventions to take place. This partnership approach and early intervention has seen Darlington's licensed premises largely comply with regulations, in stark contrast to many other northern towns. CCTV continue to pass information of any potential breaches for immediate attention.
43. Licensing has procured a new taxi licensing system from IDOX, which will allow the full licensing process to move online. Installation work commenced on the 5 October and it is hoped that it will be in place by early 2021. In addition to this, an electronic workflow monitor, 'Enterprise', will be introduced to manage all licensing applications with greater efficiency.
44. Consultation for the first draft of the revised taxi policy closed on the 2 October and a report is currently being prepared for consideration by the Licensing Committee. A number of changes will be mandatory as a result of the Department of Transport's statutory minimum standards, issued just as the consultation period began. These changes had largely been anticipated and already featured in the revised policy.
45. Darlington's Licensing Act Policy is due to be reviewed by January 2021, however, concerns have been expressed nationally that with the closure of many licensed premises it will be impossible to adequately consult with the hospitality industry. The Licensing Committee agreed to delay implementing a new policy until April 2021 where it is hoped there will be a clearer picture of what the future may hold for

the hospitality industry.

46. Following the easing of 'lockdown' restrictions, Licensing have been responding to a number of animal welfare related issues, particularly involving the unlicensed selling of puppies. Licensing have been working closely with partner agencies to ensure compliance with the Animal Welfare Regulation 2018 in relation to this issue. The department have recently provided a robust response to a legal challenge from a person who appealed a decision not to grant them a dog breeders licence. This decision has significantly disrupted known criminal activity.

### **Crime and Disorder**

47. There has been a 16 per cent decrease in the number of reported crimes in Darlington during the period 1 April to 30 September 2020 compared to the same period in 2019/20. This equates to a decrease of 998 crimes. Crimes showing an increase include: Racially Aggravated Crime (this equates to 4 crimes), Arson (this equates to 6 crimes) and Public Order (this equates to 43 crimes), this increase is subject to further analysis that is being completed. All other categories of crime are showing a significant decrease.

48. There has been a 10 per cent increase in the number of reported anti-social behaviour incidents in Darlington during the period 1 April to 30 September 2020 compared to the same period in 2019/20.

This equates to an increase of 205 incidents. Incidents showing an increase include: Alcohol related ASB and Drugs related ASB. However, if COVID-19 related anti-social behaviour incidents are removed, there would be an 8 per cent increase in incidents. This equates to an increase of 174 incidents.

49. There has been a 54 per cent decrease in the number of reported crimes in Darlington Town Centre during the period 1 April to 30 September 2020 compared to the same period in 2019/20. This equates to a decrease of 515 crimes. All crimes are showing a significant decrease.
50. There has been a 51 per cent decrease in the number of reported anti-social behaviour incidents in the Town Centre during this period compared to the same period in 2019/20 and this equates to 118 incidents. If COVID-19 related anti-social incidents are removed, there would be no change in the figures, due to there being only 2 COVID-19 related incidents.

**Councillor Jonathan Dulston**  
**Stronger Communities Portfolio**

## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF ADULTS PORTFOLIO**

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#### **Purpose of the Report**

1. To inform and update Members on progress within Adult Services since the last meeting of Council. The following are the main areas of work under the Portfolio for Adult Services.

#### **Operational Services**

2. In house Day Opportunities for adults with a Learning Disability reopened on a phased return on 7th September. The Task and Finish group continued to meet on a weekly basis, monitoring progress and planning the next phase of re-opening. The aim was to re-open the remaining two buildings (Foundations and the Bridge) for the beginning of November 2020. Staff and attendees have been acclimatising to reopening in the first phase, which has proved to be very successful in combining a safe and secure environment with meaningful activities. In response to the new guidance issued by the Government, regarding CEV (clinical extremely vulnerable) individuals, the day opportunities Task and Finish group met with colleagues in Public Health and agreed to review all individual risk assessments. The outcome being all assessments were updated and most individuals wished to continue to attend. All 4, day opportunity provisions, are now open. The Links and Lakeside have now been open for 8 weeks, there have been no outbreaks and all bubbles are intact. We have returned to pre-covid opening times, of 9-3.
3. Currently, due to adhering to safe practises of working, we are not able to offer the full pre COVID level of resource. However, providing the second phase of reopening is successful, it is anticipated we will be able to return to near normal levels by the end of the year.
4. Further updated guidance was issued by the Department of Health (DOH) on 9th September in relation to Deprivation of Liberty Safeguards (Dols). The updated guidance included a return to face to face assessments in Care Home settings, which had been suspended in April 2020 at the start of the pandemic. Operational staff had been preparing for these changes and have been working with colleagues in Commissioning and Contracts to ensure Care Homes were prepared for the changes. The guidance recognised that in some instances, for example, if there was a COVID outbreak within a home, face to face visits may not be possible, and alternative arrangements made.
5. Seven day working, and the discharge pathway continues to be in operation. Further guidance on the Reintroduction of Continuing Health Care (CHC) and the introduction of the Hospital Discharge Operational Model was issued by the DOH in September. A project group, including officers from across various departments within the council, has been set up to manage this transition. Close working arrangements are in place with health colleagues to ensure this piece of work is managed as smoothly as possible.
6. Social work teams continue to operate within a “business as usual” model. Staff have become adept and skilled in working in both community and care home settings whilst adhering to infection control measures and safe system of work protocols.

7. Winter planning is at an advanced stage. Colleagues in the council and across the wider health and social care continue to work together closely to ensure there is a coordinated response to supporting the system to manage the winter months. An area of focus will be supporting the care home sector to manage the additional demand from COVID-19.

## **Commissioning and Contracts**

8. Five care homes have seen residents testing positive for Covid-19 since the 28 September 2020. Four homes are currently classed as having outbreaks, as per Public Health England guidance. 75 residents across all five homes having tested positive. There are currently 1238 residents across all care homes in the Borough. Not all of these cases are symptomatic. There are currently 57 staff who have tested positive across six care homes.
9. Monitoring calls continue to be made to all care homes on a twice weekly basis with calls being made more frequently if the home has an outbreak. Additional support is also being provided into care homes from the CCG Infection Control Team as appropriate. No issues have been reported in relation to PPE supplies.
10. Care home testing is continuing across both older persons homes and homes for people with a learning disability or mental health illness, with guidance and monitoring being provided from Public Health England.
11. Twice weekly Outbreak Control Group meetings are being held with Public Health with representation from commissioning and infection control.
12. The NHS is leading on ensuring that all eligible care home residents are offered a flu vaccination and providers are being encouraged to support staff to access a flu vaccination. All care homes have been able to identify a date their flu vaccination programme will be undertaken.
13. Work led by the Alzheimer's Society to support the development of Dementia Friendly Darlington continues, with delivery of further online Dementia Friends information sessions. Steering Groups are also being established to progress the establishment of Dementia Friendly Communities in Haughton, Springfield and Whinfield, Cockerton, Hurworth and Northgate.
14. North East and Cumbria commissioners have worked with Inclusion North in order to gather 'good news stories' from the region during the Covid pandemic. In Darlington a focus was on Supported Living providers and how these have adapted to meet social needs during a difficult time. The stories shared served not just to share best practice but also raised morale amongst providers.

## **Darlington Safeguarding Partnership**

15. The Statutory Safeguarding Partners (SSP) meet every three weeks and continue to engage with wider partners to obtain an understanding of current issues about safeguarding and challenges they may be facing. Partners were provided with an assurance report on Elective Home Education following previous discussions on safeguarding concerns for Gypsy, Roma and Travelling community. It was recognised

there is a consistent and persistent approach to elective home education and evidence of good partnership working to ensure all are safeguarded.

16. County Durham and Darlington NHS Foundation Trust provided an overview of measures currently in place to protect the vulnerable as well as details of recovery/restoration of services. Partners were informed on the role the Clinical Commissioning Group has played in supporting organisations with PPE and infection prevention and control guidance. It was positive to see multi-agency arrangements continue to be maintained and agencies embracing the use of online platforms such as Microsoft teams to engage with families and each other.
17. Partners were provided with an overview of the findings of a thirteen-week review of the children's front door arrangements. Key highlights included a ten-fold increase in the number of telephone contacts. This was very positive with partners embracing the new processes and welcoming the opportunity for telephone conversations about their concerns, to enable support to be provided by services who are best placed to provide this.
18. The Quality Assurance and Performance Management and Learning and Development Sub-groups continue to meet via Teams. Partners were assured by Chairs of the groups, that multi-agency representation and attendance is good, and feedback from partners is positive. Work continues to ensure policy, procedure, guidance and safeguarding training, is made available to support those working on the front line. The Chairs are looking at how they can align the respective sub-group meetings more closely to ensure that learning has been embedded in practice. Partners recognised there is assurance in the multi-agency Performance data, and agreed reporting has come a long way, putting the partnership in a better position to make the right decisions.

**Councillor Rachel Mills**  
**Cabinet Member with Portfolio for Adults**

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF CHILDREN AND YOUNG PEOPLE PORTFOLIO**

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1. Since the last meeting of Council, the following are the main areas of work undertaken under the Children and Young People Portfolio.

#### **Early Intervention and Front Door**

##### **Front Door**

2. The Children's Initial Advice Team (CIAT) has continued to encourage telephone contacts from partner agencies to ensure relationship-based approaches to dealing with concerns about children.
3. A 26-week evaluation of the progress of the CIAT was completed in September, following the new service going live in March 2020. The evaluation found that the team are developing in key areas and performance recognises this. The team are increasing the number of contacts which are received by the telephone as opposed to email, and there has been a reduction in the number of referrals to children's Social Care and increases in the number of families receiving Early Help.

##### **Early Help**

4. Early Help Services increased their offer during August 2020, and this included a rapid same *day*, response service to families requiring help and support being introduced. This has led to an increase in families accessing the service and improved performance in terms of how quickly Early Help are engaging with families and the timeliness of assessments.
5. Services delivered through McNay Children's Centre are continuing to be done so, online, with advice about children's development, school readiness and regular video sessions around play and positive interaction. For families who need more than virtual contact, face to face home visits have continued to be undertaken.
6. Where communication with some children has proved challenging, continued use of the Mind of My Own (MOMO) app is in place to better support this. The service continues to explore the uses of different technologies and innovative approaches to engage with families.
7. The Early Help Service has continued to develop integrated services and approaches to reduce parental conflict, into local services for families under the programme, 'Reducing Parental Conflict', with funding allocated from the Dept of Work and Pensions (DWP). Practitioners have received awareness training on how to support families and identify need. A working group are developing digital resources, toolbox for families, and promotional websites to support children's emotional well-being.

## **Safeguarding Assessment and Looked After Through Care:**

### **Corporate Parenting Panel**

8. The Panel met on 8 September 2020, with young people involved, alongside Members and Officers. The Panel received and discussed:
  - a) The Annual report of the Independent Reviewing Officers;
  - b) Performance data for Children in Care and Care Leavers for the fourth quarter in 2019/20;
  - c) School attendance of Children in Care during the Covid-19 partial school closure period;
  - d) The additional support that had been offered to Care Leavers during the lockdown period;
  - e) The additional support offered to all Children in Care and Care Leavers to promote positive mental health; and
  - f) An update on the development of lockdown diary for Children in Care and Care Leavers.

### **Child in Need (CiN) Child Protection, Children in Care and Care Leaver statistics**

9. At the end of September 2020 there were:
  - a) 314 children in need (CiN) – the number of children being supported with a CiN plan has reduced from 334 at the end of quarter 1 for 2020/21;
  - b) 103 children subject to child protection plans – this is a slight increase when compared with 95 at the end of quarter 1 for 2020/21;
  - c) 302 children in care – this number has increased since the end of quarter 1 for 2020/21 (291). During quarter 2 a small number of children and young people left care, but this figure was not sufficient to see a reduction in the overall number of children. There continues to be significant drive to progress children's permanence plans to enable them to safely leave the care of the local authority;
  - d) 146 Care Leavers between 18-25 years, all of whom have access to a personal advisor for support, advice and guidance.

### **Fostering Residential and Lifestages**

#### **Children with Disabilities**

10. In the early stages of Covid, to reduce the risk of infection, interim changes were made to the number of children accessing Harewood Hill Lodge Short Break Centre. Risk assessments identified the most vulnerable children and they have been provided with a service that was/is targeted for a group of vulnerable children/young people with a disability. From 27 July, Harewood Hill Lodge has provided an

extended service to the full-service user group. Children and staff have been “grouped” as far as possible to minimise the risk of cross-infection.

11. As a result of the medical vulnerabilities of some of the children, parents and carers have been “shielding” so have accepted virtual visits as being beneficial by keeping everyone safe, whilst providing a good level of support. Since August, an increased number of doorstep and face to face visits have taken place, although virtual visits have continued in some cases, and have worked very well for many children and families.

## **Fostering**

12. Our foster carers have continued to be flexible to help provide extra placements to meet the needs of children since the onset of Covid. Most children have remained in placement with only a small number of moves taking place, in accordance with care planning requirements.
13. Where foster carers have had capacity, we have agreed a small number of exemptions to the fostering limit, or variations to the foster carer’s terms of approval, to enable them to care for siblings or to provide emergency placements.
14. Since July, face to face visits have taken place between professionals and foster carers, subject to the individual circumstances of the fostering household.
15. Supervising social workers have continued to progress prospective foster carer assessments and the ‘Skills to Foster’ training programme has been delivered virtually.

## **Children’s Residential Services**

16. Since March, our three mainstream residential homes have functioned without interruption. Clear risk assessments and safe systems of work have supported the staff to remain well and continue to deliver a service. Young people have remained well and have had support to understand and accept the requirements of social distancing, hand washing and good hygiene.

## **Education**

17. Education services continue to work closely with the LA’s Public Health team to provide schools with advice and support. The Public Health Principal and Head of Education and Inclusion have operated a joint weekly drop- in clinic for schools and colleges this half term and offer early morning availability from 8AM to speak to any head teacher/principal to offer advice on any specific Covid-19 issues relating to their setting. There has been positive feedback from these sessions which are continuing for the November to December half term.
18. Department for Education data shows Darlington ahead of national average on overall attendance. Attendance has been particularly positive for those pupils with SEND needs and an Education, Health and Care Plan (EHCP). Attendance for these learners has been consistently significantly above national average. On 14<sup>th</sup> October Darlington’s attendance rate for pupils in special schools was 91 per cent, over 10 per cent above national average.

19. The Schools Forum met on 13<sup>th</sup> October. Forum were presented with papers which updated the current year's budget position and provided details regarding the formula for school budgets in 2021/22. Forum were also given an update regarding progress against the high needs (SEND) strategy and the provision of high needs outreach.

### **Children's Commissioning and Contracts**

20. Officers have continued to work alongside regional colleagues to ensure RAG rated COVID-19 monitoring is undertaken with all service providers providing residential care and independent foster agency placements to local children. Providers and Officers have worked together to enable services to remain operational throughout this period. As we head into Autumn, the positive work undertaken in relation to COVID-19 impact monitoring will be broadened to include all aspects of quality assurance and contract monitoring, with Officers taking the lead for providers operating within their locality.

### **Local Safeguarding Children Board (LSCB)**

21. The Statutory Safeguarding Partners (SSP) meet every three weeks and continue to engage with wider partners to obtain an understanding of current issues about safeguarding and challenges they may be facing. Partners were provided with an assurance report on Elective Home Education following previous discussions on safeguarding concerns for Gypsy, Roma and Travelling community. It was recognised there is a consistent and persistent approach to elective home education and evidence of good partnership working, to ensure all are safeguarded.
22. County Durham and Darlington NHS Foundation Trust provided an overview of measures currently in place to protect the vulnerable as well as details of recovery/restoration of services. Partners were informed on the role the Clinical Commissioning Group has played in supporting organisations with PPE and infection prevention and control guidance. It was positive to see multi-agency arrangements continue to be maintained and agencies embracing the use of online platforms such as Microsoft Teams to engage with families and each other.
23. Partners were provided with an overview of the findings of a thirteen-week review of the children's front door arrangements. Key highlights included a ten-fold increase in the number of telephone contacts which was very positive with partners embracing the new processes and welcoming the opportunity for telephone conversations about their concerns to enable support to be provided by services who are best placed to provide this. It was recognised that this is a big shift in processes and may take some organisations more time to embed.
24. The Quality Assurance and Performance Management and Learning and Development Sub-groups continue to meet via Teams and partners were assured by Chairs of the groups that multi-agency representation and attendance is good and feedback from partners is positive. Work continues to ensure policy, procedure and guidance and safeguarding training is made available to support those working on the front line. The Chairs are looking at how they can align the respective sub-

group meetings more closely to ensure that learning has been embedded in practice. Partners recognised there is assurance in the multi-agency Performance data and agreed reporting has come a long way, putting the partnership in a better position to make the right decisions.

**Councillor Jon Clarke**  
**Children and Young People Portfolio**

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF ECONOMY PORTFOLIO**

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1. Since the last meeting of Council, the following are the main areas of work undertaken under the Economy Portfolio.

#### **Borough of Darlington Local Plan 2016 – 2036 Updated Local Development Scheme 2020-2023**

2. The Local Development Scheme, which sets out the programme for the Local Plan preparation and previously approved by Cabinet and Council in February 2020, has been updated to reflect delays of up to four months to some target dates due to the Covid19 pandemic, in particular the Regulation 19 representation stage.
3. Cabinet has approved the updated Local Development Scheme 2020-2023 August 2020 with immediate effect.

#### **Climate Change**

4. Work is progressing on the rolling climate change action plan. Discussions with Lead Officers tasked with developing actions for their area has resulted in an early draft of the action plan being produced. Work is progressing to firm this up into something that can be placed in front of the Chief Officers Board. Potential funding sources are being explored e.g., the recently announced Public Sector Decarbonisation Fund.
5. Mandatory e-learning for staff will be launched shortly alongside the Council's revised e-Learning Programme (Academy 10).
6. The Business Resilience Manual has been produced to guide businesses towards greater resilience to climate change, which is available on the Sustainable Darlington page of the Council's website. This will be disseminated to businesses through the Business Growth team.

#### **Estate Management**

##### **Delivery of New Homes at Neasham Road Joint Venture Proposal and Land Disposal (Sept Cabinet)**

7. Cabinet has approved the establishment of a new Joint Venture Company (JVC) to build and sell new homes on Neasham Road development site with the release of £8.5m from the Investment Fund to fund the JVC.
8. Cabinet also agreed that an area is allocated to the Council's new build affordable housing scheme. The scheme will deliver 150 Council owned affordable homes.

## **Cattle Mart**

9. The Council has taken control of the site from Darlington Farmers Auction Mart (DFAM), who are now operating from their new facility in the NW of the borough. The area has been secured and we are demolishing the buildings. These works will begin in November 2020 and will be concluded early in the New Year.
10. An assessment of the possible future uses of the site has been undertaken, illustrating that it may support between 100 and 160 housing units, if the full site was built on. Any future development cannot be completed until the new station gateways are operational and once the proposed multi-storey car park has been built on the east side of Bank Top Station.

## **Land to the rear of Tandridge Court, Woodland Road, Darlington – Disposal for Residential Self Build Plots**

11. In order to facilitate the Council's legal duty to have a site available and listed on the Self-build and Custom Housebuilding Register, Cabinet has agreed that the land to the rear of Tandridge Court is declared surplus to requirements and its inclusion on the Council's Self-build and Custom Housebuilding Register.
12. The Director of Economic Growth and Neighbourhood Services is authorised to dispose of the land for self-build housing development, subject to the Council receiving market value for the plot(s) and the prospective self-builder obtaining detailed planning consent.

## **Town Centre Developments**

### **Towns Fund**

13. The Town Investment Plan (TIP) was agreed by the Towns Board and submitted to Government on 31 July 2020. The TIP provides details of Darlington's proposed interventions under the Towns Fund.
14. On the 27 October 2020 we received notification from Government that an allocation of £22.3m has been offered as our Towns Deal for Darlington. On acceptance of the Heads of Terms and prioritisation of proposals within the TIP, progression will commence on Phase 2 of the Towns Fund process. This will include project development and detailed business cases for each of the proposed project interventions which will result in submission of a Towns Deal Summary Document to Government within 12 months of accepting the Heads of Terms. Agreement of this will release funding from Government.
15. The funding will be used to complement, and extend, regeneration schemes in the town centre; in North Road, in the area between the town centre and the Head of Steam Museum; and Victoria Road, including the areas around the station and the cattle market.
16. Accelerated funding of £1,000,000 has been received from Government to fund capital projects that are in line with the Towns Fund. This funding must be spent this financial year with the aim of making an immediate impact to support the growth and recovery of Darlington during the pandemic. Projects include improvement with the historic yards; town centre enhanced lighting; town centre



WIFI; and property acquisition in Northgate, and these projects are now being developed.

### **Future High Street Fund (FHSF)**

17. The application for FHSF was submitted to Government in June 2020, which focused on a largely residential proposal within the East Street and Crown Street area of the town centre. A clarifications request was issued by Government to towns across the country with a submission date of 12th October. Clarification of our application has been successfully submitted to which we await a response.

### **Repair to the Victorian Indoor Market Roof**

18. The release of £300,000 from the agreed capital budget to enable works on the repairs to the roof at the Victorian Indoor Market to commence has been approved.
19. On completion of roof works, Phase 1 of the redevelopment of the market hall will commence in early 2021.

### **Skinnergate Development**

20. Work with Historic England has progressed well regarding protection of the heritage assets included within the scheme. A planning application will be brought forward in the next weeks to gain the necessary permissions for the residential development to commence in mid-2021.

### **Planning, Development Management and Environmental Health**

21. Work on the new Development Management Charter is progressing and a report will be brought to Members of the Planning Committee for consideration when complete.
22. Discussions with Homes England regarding the Burtree Garden Village are ongoing.
23. The Development Management process is operating as normal, despite most members of staff working from home. Planning Committee is operating successfully via TEAMS. Since the beginning of August, we have received 340 applications which can be broken down into 11 major and 329 others. We have made 272 decisions in this period which include Committee Decisions, Chairs Delegated and Delegated decisions.
24. The Planning enforcement/compliance service is operating as normal, including site visits, seeking to resolve planning disputes and breaches. Further use of Section 215 Powers [untidy land] have been used to improve the appearance of land and properties within the Borough. There are currently 54 planning enforcement cases under investigation. Members will appreciate that only the most significant cases are reported confidentially to Planning Committee on a monthly basis where the issues discussed are not within the public domain to ensure that the Council's position is not compromised in any way. In general terms however 69 cases have been satisfactorily resolved by the Monitoring and Compliance Officer since the beginning of August.

25. Members of the Planning Committee agreed at the October Planning Committee Meeting to grant planning permission for a Lidl supermarket and associated development at Faverdale which incorporates a Home Bargains store and a drive through coffee retailer.
26. During the Pandemic (up until the end of Q2) the Environmental Health Department responded to 829 requests for service relating to Covid 19, the closure of premises and safe working practices.
27. Officers have generally seen a high level of compliance from businesses; however, it has been necessary to:
  - (a) Serve a Prohibition Notice followed by a Fixed Penalty Notice on a barber who was working remotely through lockdown.
  - (b) Serve a Prohibition Notice on a Gym that was opening to members of the public in contravention of the business closure provisions.
  - (c) Serve a Fixed Penalty Notice on a takeaway that opened beyond 22.00 despite previous warnings from officers.
28. Officers from Environmental Health participated in an online forum as part of Business Week giving advice and guidance to businesses on Covid related issues.
29. The Environmental Health Department responded to 2,318 requests for service for the months June, July, August and September. The main categories of these requests are:
  - (a) Food 140
  - (b) Licensing 78
  - (c) Noise 357
  - (d) Planning Consultations 96
  - (e) Refuse 116
  - (f) Pest 337
  - (g) Covid Enquiries 351
30. Environmental Health has successfully prosecuted two cases in which the tenants of properties allowed household refuse to build up in private yards and gardens and in one of the cases this contributed to a rat problem. The tenants in both cases failed to comply with a Community Protection Notice and the defendants were fined £500 and £440 plus costs and a victim charge.

### **Business Investment Team Update**

31. As well as supporting the on-going business development enquiries, the Business Investment team have focussed on the following.

### **Business Week 2020**

32. Darlington's Business Week 2020 programme was an entirely virtual experience, brought together by the Business Investment Team. The week consisted of 17 on-

line activities such as the launch event with a keynote address from Tees Valley Mayor, Ben Houchen, information sessions and a series of business development workshops. Business Week was supported by networking events hosted by Darlington Business Club and Tees Valley Business Club bringing together a range of local companies, partners and business support organisations to provide free informative and engaging sessions to help local businesses build resilience, help recovery, and learn how to diversify and find new opportunities via new and existing customers. There were also dedicated support sessions for those wishing to start their own business.

### **Jobs Fair**

33. As part of Business Week 2020, the team hosted its first ever virtual Jobs Fair, providing information and links on employment opportunities currently available in the Darlington area. The event was held entirely on-line as a Facebook live event, and provided details of more than 100 live vacancies, together with a range of training and volunteering opportunities. In addition, details of a number of measures to assist jobseekers with the support they need to progress were shared.

### **Tees Valley Business Summit**

34. Tees Valley Business Summit aims to connect the local business community through an innovative and interactive experience to help local business grow and develop. Run in association with Tees Valley Business, Tees Valley Combined Authority, Tees Valley Mayor and the North East Enterprise Agency, the Business Summit has become the number one event in the region that brings the business community together. Built on world-leading technology, this year's event was entirely on-line and virtual, allowing attendees, partners, exhibitors and speakers to participate in a safe and secure environment. Darlington Borough Council had a virtual stand at the two-day event, with officers on hand to help and guide with information, resources and expertise.

### **Business Doctor Workshops**

35. To help and support Darlington businesses during these difficult times, a series of peer-to-peer workshops are now in place, focussed on putting plans together so every business can be adaptable and flexible and emerge from the pandemic stronger and more resilient. Each 3-hour workshop is limited to 10 participants to promote engagement and peer group interaction and learning. Feedback from the first two sessions has been very positive.

### **Business Promotion**

36. The team have been raising awareness of a number of business issues/opportunities, primarily around the Covid pandemic and the implementation of the UK's exit from the EU. Specifically, these have included:
- (a) Kickstart Scheme
  - (b) QR Code Generator and Business Requirements

- (c) EU Exit – End of transition Workshops (BEIS)
- (d) Digital City Accelerator Programme

### **Darlington Station Local Supplier Event**

37. Working with Council colleagues, TVCA and Network Rail, a local supplier event took place to raise awareness of the opportunities for local SMEs to be engaged in future rail station redevelopments. Mayor Ben Houchen spoke to about 200 businesses at this virtual event to explain how they could get involved with the transformational work at Darlington, Middlesbrough, Hartlepool, Billingham and Teesside Airport stations. Available work for local businesses will include building and stone masonry, groundworks, joinery, roofing, glazing, electrical, scaffolding and steel fabrication packages, painting, security, and much more.

**Councillor Alan Marshall**  
**Economy Portfolio**

## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF HEALTH AND HOUSING PORTFOLIO**

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#### **Purpose of the Report**

1. Since the last meeting of Council, the main areas of work under my Health and Housing Portfolio were as follows:-

#### **Summary**

2. There have been some huge changes to our way of life since March and it's fair to say that things have begun to change even more in the last few weeks. These changes have been happening so fast that it can sometimes be hard to keep up with the latest information. I know we all want to do the right thing, so it's vital that we stick together as a town, familiarise ourselves with the new updated regulations, and look out for our communities.
3. COVID-19 case numbers are rising rapidly across the whole of the UK, I have said it before, and it is important to recognise that Darlington residents have been working hard to stick to the rules, this is reflective in our overall numbers. We must not be complacent, the Council will continue to inform, educate and support residents across the borough.

#### **National Lockdown**

4. On Thursday 5 November national restrictions replaced the Local Covid Alert Level measures. The new measures will apply nationally for four weeks up to and including Wednesday 2 December. At the end of that period, we will return to a regional approach, based on the latest data.
5. You can view the National Restrictions at [www.gov.uk/guidance/new-national-restrictions-from-5-november](https://www.gov.uk/guidance/new-national-restrictions-from-5-november)
6. These continue to be very difficult times for everyone but I'm confident that if we follow the regulations, we can reduce the numbers affected by the virus and keep Darlington on the right track.
7. These measures will be underpinned by law. Police and other authorities will have powers to give fines and break up gatherings.

#### **Local COVID communications**

8. Localised coronavirus messaging, a requirement of the Local Outbreak Control Plan are now in circulation, and have been placed in the One Darlington magazine,

billboards, town centre planters. These have been produced in various languages and have been supported by the Darlington Primary Care Network.

### **New Director of Public Health**

9. The Council have appointed a new Director of Public Health, Penny Spring who commenced her role in early November.

### **COVID lateral flow tests for Darlington**

10. Lateral flow antigen tests are a new kind of technology that can be used to test a higher proportion of asymptomatic people, better enabling us to identify and isolate more people who are at high likelihood of spreading virus, and break the chain of transmission.
11. Darlington will receive a batch of 10,000 antigen lateral flow devices as part of a new pilot to enable us to start testing priority groups, followed by weekly local allocations.
12. 10,000 test kits have been issued to the Director of Public Health, which will enable us to direct and deliver community testing.
13. There is still some work to be done relating to how we strategically deploy these tests, but they will be used in the most effective way possible based on local data.

### **Darlington Health Protection Board**

14. The Darlington Health Protection Board monitors the delivery of the Darlington Local Outbreak Control Plan. The purpose of the Health Protection Board is to lead and co-ordinate work to prevent, contain and manage outbreaks of COVID-19.
15. The Health Protection Board is chaired by the Director of Public Health and includes representation from Education, Environmental Health, Housing, Community Services, Darlington Partnership, Tees Clinical Commissioning Group, County Durham and Darlington NHS Foundation Trust, TEWV, Harrogate and District NHS Foundation Trust and Healthwatch.
16. The Board meets weekly and reviews and shares data and intelligence from a range of different settings, to enable all partners to work together to prevent and control Covid-19 at a population level and in complex settings and communities. The Board is informed about the management of community outbreaks, escalating to the Local Resilience Forum when appropriate.

### **Public Health**

17. The 2020/2021 Healthy Lifestyles Survey has been offered to all schools in the borough and includes questions about Covid19 and its impact on the lives of children and young people. Key themes of the survey will be reported in Spring, 2021.
18. In 2019/20, four projects were funded to provide suicide prevention support in Darlington. All of the projects have faced issues in relation to the lockdown and

work is ongoing to see how needs can continue to be met in these difficult circumstances. MIND was due to deliver face to face training sessions and set up instead a dedicated telephone support service for children, young people and families.

19. ManHealth were delivering face to face groups for men during lockdown and they kept in touch with people needing support via a webchat service and SMS messages as well as a closed Facebook group.
20. Morrisons Trust were in the process of developing Men Shed and employment support and this work, whilst delayed is ongoing, supported by the Care and Share group. Finally, Longfield School have been developing a community garden and volunteers supported this by growing seeds at home during lockdown when schools were closed.

### **Stop Smoking Service**

21. The Stop Smoking Service is offering telephone, face to face and Attend Anywhere appointments.
22. Attend Anywhere is a virtual online system where face to face assessments are carried out with those wishing to quit smoking. The Darlington stop smoking service have a waiting area which clients access via a URL code that is sent to them prior to their first appointment. Clients are sent information so they know what to expect when they arrive in the waiting area. The stop smoking practitioner then enters the Attend Anywhere site and can collect their client from the waiting area to begin their consultation.

### **Health and Wellbeing Board Survey**

23. As part of my vision to transform the way the Health and Wellbeing Board operates, members of the HWBB will soon receive a survey, this has been delayed in part to due to the change of Public Health Director and Coronavirus developments.

### **Housing Services**

#### **Universal Credit**

24. Despite the numerous challenges this year has brought so far, the team have enabled the Housing Income team to continue to provide dedicated support to those people who have lost employment, had an income change or claimed Universal Credit. This intensive support and guidance has continued to help residents to be supported in maintaining payment plans and maintaining tenancies, and to date the team have so far collected over £13.2 million towards current tenant rent and arrears. Arrears levels are currently lower than this time last year which demonstrates how effective the support offered has been. Collection rates for current tenants are at 97.1 per cent with rent arrears at the end of Quarter 2 standing at 3.2 per cent which is lower than the same time last year.

#### **Housing Management and Maintenance**

25. There have been many challenges for the management and maintenance of our council properties this year. The postponement of gas servicing earlier in the year

due to the lockdown has led to an increase in the number of properties that required their annual gas service safety check.

26. We have ensured these were prioritised as soon as possible resulting in 1449 safety checks being completed between 1 July and 1 October 2020 and the backlog has now been cleared. Alongside this the team ensured that safe systems of working were adhered to and the teams have adapted to the new ways of working. This has resulted in the repairs and maintenance service now running at full capacity.
27. Good progress has also been made in allocating properties. Between the 1 July and the 1 October 2020, 159 properties have been let to a broad section of applicants. Again, safe ways of working have been introduced to keep both residents and staff safe.
28. A new post of Communication and Engagement co-ordinator has been appointed to ensure that tenants are fully involved and consulted on community issues and the services that we provide as a social landlord.
29. The role will encourage more flexible engagement methods using social media and other on-line methods of engagement. It is important for all our tenants to be given every opportunity to actively participate in helping to shape the services we provide, leading to continual improvement.

### **Lifeline Services**

30. Following the relaxation of lockdown rules, Housing and Lifeline Services have continued to signpost and help the most vulnerable tenants. This assistance has aided the more vulnerable of the communities to rebuild their support networks around food, medication and reducing isolation. The teams have liaised closely with community groups to help to meet these needs.
31. As we head into further restrictions, we recognise that some of our tenants in our sheltered, extra care and good neighbour schemes can often feel lonely and isolated. To help us better understand their needs we have arranged for the Lifeline team to survey the tenants to seek their views, enabling us to future-plan their support over the winter period. I will keep Members updated with the feedback I receive.
32. With this in mind, following the successful bid for funding around infection control, we have arranged for 'Unforgettable Experiences' to work in our extra care schemes with some of our most vulnerable tenants, embarking on projects around tenant engagement in digital activities. Once this is embedded it can then be rolled out to our sheltered and good neighbour settings
33. Meanwhile the key role of Lifeline Services continues and over a three-month period we have:
  - Undertaken 2,365 emergency call outs
  - Provided 34,061 welfare calls
  - Worked in partnership with external agencies such as GP's, nurses and other health worker on 6048 occasions



- Installed new Lifeline and Telecare equipment to 134 customers
- Carried out 516 activities in sheltered housing and extra care schemes.

34. I have asked officers to look at the branding and logo of lifeline services, to ensure this valuable service has the recognition and presence it deserves.

### **Funding Support to Homeless**

35. I am pleased to be able to report that the Council has been successful in its bid for funding from the Government from the Next Steps for Rough Sleepers programme. We have received more than £290,000, to be used over the next three years, to help provide a permanent place to live for some of our most vulnerable facing homelessness.
36. A specialist programme will be created within the council's homelessness services, with the aim of providing sustainable housing and independence, and additional support for those who have complex needs and difficulties in moving into long-term accommodation.
37. It will offer intense, personalised, accommodation-based support, 24/7 for up to three years, and be delivered from eight new units of dedicated, self-contained accommodation created by renovating several empty properties in the Northgate area.
38. Work will include addiction and mental ill-health support alongside how to manage a tenancy and how to sustain one, by offering long-term solutions to those with the highest needs aiming to deliver a sustainable reduction in rough sleeping.

### **Digital Offer**

39. The team have helped to improve the digital offer to tenants and customers with the introduction of the "myscan" app which allows customers to scan documents and send these through to Council services without leaving their home.
40. This improvement, along with the planned improvements to the Digital Tenancy app and housing application systems will make it easier for tenants and customers to contact the team 24/7, 365 days a year.

### **The Dolphin Centre**

41. The Dolphin Centre has continued to operate in line with government and national governing body guidance and a best practice approach to all safe systems of work, as of the 5th November and in line with National Lockdown measures the Dolphin Centre has closed.
42. The pool programme introduced family swimming sessions on weekends and evenings in September, which were very popular with customers. Dedicated pool and diving board sessions were also introduced to broaden the appeal to young people in Darlington. The gym also operated a junior gym session to strengthen the offer to young people.
43. Catering services continued to be fully open with the Bistro and Pavement Café operating along with 16 Horsemarket. Again, capacity was limited to reinforce the 2-metre social distancing and safe working practices. A number of offers have been available to encourage customers during this period and once we are able to reopen, we can continue to offer fantastic deals to customers.

44. The fitness class programme expanded further with options of more classes and onsite partner Fitlab have opened the Studio to customers providing greater choice whilst still operating their online offer.
45. Additional clubs and partners began delivery including the table tennis club, Street Swords and the Music Bugs Parent and Toddler group. Darlington Football Club have also reintroduced the educational delivery of the academy programme on site.
46. The Dolphin Centre was delighted to welcome a new partner to the facility in October. Stagecoach Performing Arts operated on Fridays and Saturdays.
47. Work continues on the bowling, soft play and mechanical and electrical project, which is due to complete for December 2020 opening.

### **Eastbourne Sports Complex**

48. The Sports Complex has recovered extremely well during what has been a very challenging time for the site and the community clubs who use the facility. Prior to the National Restrictions, all partners and customers returned to site and the business plan was recovering well.
49. This shows how important having a strategic sports hub facility is, which can play a very important role in improving the health and wellbeing of all of the residents in the Borough.

### **Outdoor Classes**

50. The Move More Team provided a very successful outdoor activity programme at Eastbourne Sports Complex to encourage participants back to classes and to provide a service that wasn't available at the Dolphin Centre due to the indoor COVID-19 restrictions. The sessions ranged from Walking groups to Keep Fit and HIIT classes, with a total of 10 classes over the week. The classes have been extremely popular with over 120 people attending each week.

### **Tackling Inequalities Fund**

51. With the support of Tees Valley Sport, the Darlington Move More Team have supported Firthmoor Community Association, Darlington Association on Disability and Cruse Bereavement Services with applications into the Sport England Inequalities Fund. Each organisation is responding to the direct impact of the lockdown on the people they support and who access their services and a total of £15,800 has been applied for to help them to do this.

**Councillor Kevin Nicholson**  
**Cabinet Member with Portfolio for Health and Housing**

## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF LOCAL SERVICES PORTFOLIO**

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1. Since the last meeting of Council, the following are the main areas of work undertaken under the Local Services Portfolio.

#### **Highway Maintenance Schemes**

2. Despite the pandemic the Council is on track to deliver one of the largest annual programmes of highway maintenance to improve the Borough's streets. An additional £500k of Council funding and an additional £1.274m of Government funding has significantly increased the money available and the Council has accelerated delivery of this programme during COVID.
3. Around 16 significant maintenance schemes are being delivered across the Borough and over 72 streets are also being surfaced (microasphalt) with 24 of these having significant deep patching repairs before the micro-asphalt is applied. This year approximately 16km of streets were restored using this treatment.
4. Highway Maintenance schemes ongoing:
  - (a) Micro-Asphalt: 69 Sites – (16.025km)
  - (b) Hercules Street (Back Lane): Reconstruction (0.070km)
  - (c) Bates Avenue (Footway): Footway Reconstruction (0.230km)
  - (d) Cleveland Avenue: Carriageway Reconstruction/Recycling (0.490km)
5. Highway Maintenance schemes due to start:
  - (a) Stanhope Road South/Coniscliffe Road, West Street: Carriageway reconstruction (0.260km)
  - (b) Victoria Embankment: Drainage/Channel Works (0.450km)
  - (c) A68 West Auckland Road: Carriageway Reconstruction (2.210km)
  - (d) C38 Sadberge Road/Middleton Road: Carriageway Haunching (5.210km)
6. Highway maintenance schemes complete:
  - (a) Patching Prior to Micro-asphalt (Various sites) – 31 locations
  - (b) Fenby Avenue: Carriageway reconstruction/Recycling (0.250km)
  - (c) Barnes Road: Carriageway resurfacing (0.140km)
  - (d) A67 Merrybent: Carriageway resurfacing (0.460km)
  - (e) A67 Yarm Road (Morton Palms): Carriageway resurfacing (0.720km)
  - (f) Surface Dressing: four Sites (9.650km)

#### **Highway Improvement Schemes**

7. The Rethinking Victoria Road scheme has commenced on-site. This scheme will improve the link between the Station and town centre, improving the walking and cycling facilities, the public realm and the environment. This will link into further improvements to create a new transport interchange and public realm improvements at the Station entrance as part of the Darlington Station Project

8. The scheme will be delivered in six phases to try to minimise disruption. A temporary one-way system is in place to allow for safer working whilst maintaining access for residents, business and people going to the station.
9. The works to upgrade the back lane adjacent to the Royal Mail sorting office have been completed, as have the works around the bridge over the river Skerne. We are currently carrying out footway improvements on the section of Victoria Road from Victoria Embankment to Clifton Road. This phase involves footway improvements on the south side of the road, followed by footway widening works on the north side.

### **Transport for the Return to School and College**

10. Following advice from Public Health England and the Departments for both Transport and Education transport measures for pupils and students returning to school and college were planned and put into place.
11. Due to the continued reduced capacity on public transport to enable social distancing between passengers, additional duplicate bus services were put into operation on key services used by children and young people to access education. Planning was done in collaboration with North Yorkshire, Durham and Stockton Councils as well as with the bus operators, colleges and schools. Further funding has been allocated to TVCA to enable these additional services to operate until Christmas ensuring pupils and students can access education by public transport.
12. In addition information campaigns were run to encourage people to follow Government advice to walk or cycle to school where possible; to park further away from the school gates to reduce congestion outside schools (on the basis that travel by car was expected to increase due to the reduced capacity on buses); and to wear face coverings when travelling by public transport. These campaigns were run across the Tees Valley. In addition, an influencer campaign was run to encourage young people to wear face coverings on the basis that bus operators identified that compliance was low amongst this demographic.

### **Cycle Parking**

13. A review has been undertaken of cycle parking in the town centre. There are currently 200 spaces available to the public - 140 spaces on-street, 40 in the covered store on the town hall forecourt and parking for a further 20 at Bike Stop on Skinnergate. A programme of works is being drafted to retain the same number of stands but to relocate some and maintain others. There will also be improvements to signage and information to help people find cycle parking near their destination. Additional locations will be identified if demand increases.

### **Stockton and Darlington Railway Walking and Cycling Route**

14. The works to improve the section of the walking and cycling route along the Stockton and Darlington Railway alignment between the A66 and Mill Lane in Middleton St George has been completed.

## **Head of Steam**

15. The “Keep the Loco in Darlo” campaign has begun with an online petition, which has been promoted to all visitors in person and virtually. The campaign was launched on local TV with a socially distanced filming session involving St John’s CE Academy in Darlington and Chris Lloyd.
16. During September and early October, staff worked with five different schools from Darlington, Stockton and Middlesbrough, and a further two schools during November. This work was completed via a combination of outreach to the school, loans boxes, local area walks and the use of our new digital resources. A total of 393 children have been engaged so far, with COVID-secure procedures in place.

## **Creative Darlington**

17. The ‘Tracks! Hark!’ online event featured readings, interviews with authors and a live music and writing workshop opportunity within one programme. A screening of parts of this programme was shared live online on 11 October 2020 and received great feedback. Creative Darlington provided budget support and Darlington Library service enabled parts of the screening to be filmed at Darlington Library.
18. In 2019/20 Creative Darlington offered budget to support a new organisation, ‘Making It Happen’, to develop a proposal to work with members of the public in Darlington. The group have developed their practice, which looks to encourage positive health outcomes through creative engagement. They have developed a temporary space within a unit in The Cornmill Centre and recently secured grant support from Arts Council England’s Emergency Fund to support their ongoing practice in Darlington.

## **Libraries**

19. Over 200 entries were received from children as part of our Reading Rollercoaster Summer Reading Challenge. There were 7 winners aged between 3 and 11 years who won parties at the Gamers Lounge, at home mascot parties, book vouchers and a year’s membership to the Head of Steam Railway Museum. Primary Schools are being offered book boxes from our library containing specially selected titles according to the school’s requirements.
20. Friday 23 October 2020 marked the 135<sup>th</sup> birthday of Darlington Library. A video was produced showcasing a collection of historic photographs of the building alongside more recent images. Throughout the week anyone who borrowed from the library was placed into a draw to win a book voucher.

## **Tornado**

21. On 27 September 2020, the Mayors of Darlington and Stockton launched the 5-year countdown to 2025 with a COVID-secure ride on Tornado, in partnership with the A1 Steam Locomotive Trust, culminating with the launch of the countdown clock at the Head of Steam.
22. To honour the occasion, and Darlington’s wider plans for the 200<sup>th</sup> celebrations, A1 Trust’s Tornado stopped on Skerne Bridge to mirror the famous Dobbin painting on

the bridge. Drone footage captured the moment and the day received coverage on BBC Look North.

### **Darlington Hippodrome**

23. Darlington Hippodrome have been successful in a bid for £1,000,000 from the Cultural Recovery Fund which is being administrated by Arts Council England. The money will support the running costs of the theatre between October to the end of March 2021.
24. Since reopening the doors of the Hippodrome on 7 September 2020, the theatre has delivered a series of socially distanced engagement activities including dance and drama classes, art workshops, tours of the building, book groups and classic cinema screenings.

### **Environmental Services**

#### **Waste Services**

25. Waste Services continue to operate with additional resources allocated to ensure teams are able to adhere to Government guidelines in relation to social distancing.

#### **Garden Waste Collection Service**

26. The Garden Waste Collection Service was initially delayed due to the onset of the pandemic and therefore operates until week commencing 14 December 2020, when this year's season ends.

#### **Street Cleansing**

27. A three-month trial of additional resources allocated to the collection of fly tips from rear lanes and other areas was due to cease in September 2020. Due to the success of the trial, it has now been extended until the end of June 2021.
28. A further additional street orderly funded from the Futures Fund has been allocated to the periphery of the town centre to ensure all roads leading towards the centre are clean and tidy.
29. In addition to the periphery of the town centre, the operative is also to sweep the Northgate Ward on a fortnightly basis, enhancing resources in that area as part of the ongoing Northgate Initiative.

#### **Grounds Maintenance**

30. The current grass cutting season concluded at the end of October and the teams were then be reassigned to the winter programme of pruning and cutting back hedges, brambles, shrubs etc.

#### **Winter Maintenance**

31. The Winter Maintenance season commenced on the 5 October 2020. All vehicles, staff and rock salt are in place to ensure the safety of residents and visitors to the

town during the winter period.

**Councillor Andy Keir**  
**Local Services Portfolio**

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF RESOURCES PORTFOLIO**

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1. Since the last meeting of Council, the following are the main areas of work undertaken under the Resources Portfolio.

#### **COVID funding**

2. The Council has received a further £1.508m in Covid-19 funding from the Government bringing the total to £8.682m. We have also put the first claim in for the Local Government Income Compensation Scheme for lost sales, fees and charges which was announced in July. The scheme will compensate for the loss of sales, fees and charges income for 75 pence in every pound lost after the first 5 per cent of planned income. Our first claim covered the April – July 2020 period and we anticipate receiving £4.095m in 2020/21.
3. Our current estimated COVID-19 costs are £13.7m, so with the grant received to date and the anticipated income recompense funding, assuming nothing changes, there will be a shortfall in COVID-19 funding of £0.875m in 2020/21.
4. We will continue to closely monitor the position and lobby for funding to meet this deficit gap.

#### **Revenue Budget Management 2020/21**

5. Cabinet considered the Quarter 2 Revenue Budget Management report and the Council's projected revenue reserves at the end of 2020 are £20.506 million, £1.143m higher than the initial 2020-21 budget position and include a brought forward amount of £0.274 million from 2019-20 and the rebasing exercise of £0.897 million.
6. This in year positive position is despite the projected deficit on Covid-19 funding as detailed above and the improvement will be used to support the MTFP in future years.

#### **Furlough**

7. The furlough scheme has been extended until March 2021. The Council will be using the flexible furlough scheme which allows employees to work some hours where possible. The scheme will be used in the main for Leisure and Culture staff where the premises have closed under lockdown for instance the Dolphin Centre. Hippodrome employees however will no longer be furloughed as the Council was successful in its bid for Arts Council England funding to cover the costs of the Theatre until March 2021.

## **Regulation of Investigatory Powers Act**

8. Cabinet has received an update on the use of the Regulation of Investigatory Powers Act 2000, which enables the Authority to carry out certain types of surveillance activity as long as specified procedures have been followed.

## **Capital Projects and Design Services Management**

9. The Investment and Funding, Capital Projects and Building Design teams all continue to operate on a working from home basis to support the delivery of the Councils extensive capital programme.
10. At Quarter 2 there were 39 live significant projects reported with an expected outturn at £126 million.
11. Impacts of Covid continue to be monitored with some limitations on larger schemes in terms of on-site surveys, but desktop work has been able to continue with minimal impact. We have not seen further delay costs from COVID-19 related effects since the last report, but this remains a risk to monitor on ongoing projects.

## **Acquisition of the Former Lime Cells at Hopetown Lane**

12. Cabinet has agreed to the acquisition of the former lime cells at Hopetown Lane. The Lime cells are of significant local historic importance linked to the Darlington and Stockton Railway and the acquisition will enable the facilitation of the building to be used as part of the Stockton and Darlington Railway 2025 Celebrations.

## **Annual Procurement Plan - Update**

9. An update report was presented to the November Cabinet meeting, which approved a number of additional contracts to be added to the Annual Procurement Plan.

## **Member Meetings**

10. All of the Council democratic and member decision making and business has been functioning virtually. For the most part, remote meetings seem to be going well and has become part of the new normal in these times.

## **Annual Canvass (Electoral Registration) 2020**

11. Work on the Annual Canvass is continuing. Annual Canvass Reminder Forms were issued in August to those properties which had not responded, but which were required to do so. Visiting Officers have subsequently undertaken a personal canvass of those properties that remained outstanding during October and November to encourage the completion of overdue Annual Canvass forms ahead of the publication of the new Electoral Register on 1 December 2020.

## **Elections**

12. Preparatory work is underway preparing for elections which are due to be held on 6 May 2021. These will be the Tees Valley Combined Authority Mayoral, the Police and Crime Commissioner and the by-election in the Redhall and Lingfield Ward

(the vacancy created by the resignation of former Councillor Sam Howarth). The impacts of coronavirus are being planned for with polling stations and staffing levels being reviewed from the perspective of keeping people safe. Publicity is planned to encourage postal voting to reduce attendance at polling stations and to ensure that people are aware of other ways of voting.

**Councillor Charles Johnson**  
**Cabinet Member with Resources Portfolio**

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**COUNCIL  
26 NOVEMBER 2020**

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**THE COUNCIL PLAN 2020-2023**

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**Responsible Cabinet Member - Councillor Heather Scott  
Leader and all Cabinet Members**

**Responsible Director - Chief Officers Executive**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek Council approval for the Council Plan 2020-2023.

**Summary**

2. The Council Plan sets out a proposed vision for the Council and key actions the Council would take to achieve that vision.
3. The draft plan was originally presented to and approved by Cabinet on 7 January 2020. Following a period of public consultation, a further report on the outcome of the consultation was presented to Cabinet on 3 March 2020 at which point it was agreed the draft plan should be presented to Full Council to seek approval.
4. The Coronavirus pandemic lock down delayed the plan from being submitted to Council in line with the original timetable. Nine months have passed since the initial Cabinet approval, and whilst the plan remains largely unchanged it has been updated to reflect the impacts of COVID, progress against some of the original key actions, and a change to one of the portfolio holders. This updated version of the plan was approved by Cabinet on 10 November 2020.
5. The plan now requires approval from Council.

**Recommendation**

6. It is recommended that Council approves the Council Plan 2020-2023

**Reasons**

7. The recommendation is to seek approval of the Council Plan.

**Chief Officers Executive**

## Background Papers

No background papers were used in the preparation of this report

Paul Wildsmith : Extension 5828  
TAB

S17 Crime and Disorder	The Council Plan outlines the council's priorities and objectives in respect of community safety.
Health and Well Being	The Council Plan outlines the council's priorities and objectives in respect of improving the health and wellbeing of residents.
Carbon Impact and Climate Change	The Council Plan outlines the council's priorities and objectives in respect of improving the local environment, including carbon emissions.
Diversity	The Council Plan outlines the council's priorities and objectives in respect of building stronger communities and reducing inequalities across the borough.
Wards Affected	All
Groups Affected	Whole population
Budget and Policy Framework	The Council Plan will form part of the council's policy framework
Key Decision	This is a key decision because following consultation, agreement to the recommendations will result in the Local Authority adopting a plan which will have an effect on the communities living or working in an area comprising two or more wards within the area of the local authority.
Urgent Decision	This is not an urgent decision for Cabinet as it will require adoption by full Council.
One Darlington: Perfectly Placed	The Council Plan is directly aligned to the One Darlington Perfectly Placed priorities and outcomes.
Efficiency	The Council Plan outlines the council's organisational objectives, including improving efficiency.
Impact on Looked After Children and Care Leavers	The Council Plan outlines the council's commitment to ensuring the best outcomes for Looked After Children, and contains a number of objectives and planned actions relating to this target.

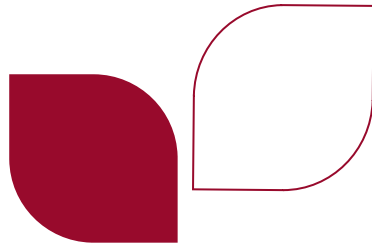
## MAIN REPORT

### Information and Analysis

8. It is good practice for a Council to have a plan setting out its vision and priorities and the Council's Corporate Plan 2017-2021 currently does that. It is also appropriate that a new administration would review the plan and establish its own vision and priorities, the Council Plan is the product of the review.
9. Cabinet approved the draft Council Plan for consultation at its meeting on 7 January 2020, and following consultation with residents and via scrutiny committees, Cabinet approved the draft Council Plan at its meeting on 3 March 2020.
10. The Coronavirus pandemic lock down delayed the plan from being submitted to Council in line with the original timetable. Nine months have passed since the initial Cabinet approval, and whilst the plan remains largely unchanged it has been updated to reflect the impacts of COVID, progress against some of the original key actions, and a change to one of the portfolio holders. This updated version of the plan was approved by Cabinet on 10 November 2020.
11. It is proposed that there will be a 6 monthly reporting cycle to Cabinet and Scrutiny Committees on progress against the plan and wider performance indicators relating to priority outcomes and Council service delivery.
12. The Council Plan is attached at **Appendix 1**.

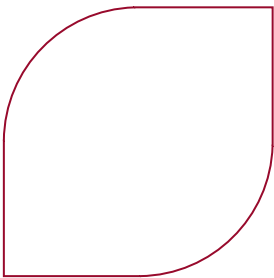
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# Darlington Borough Council

Delivering success for Darlington



Council Plan 2020-2023





## Foreword by the Leader of the Council

### Councillor Heather Scott OBE

Welcome to the Council Plan which sets out our vision for the period between now and May 2023. The council's focus over this time will be:

#### **DELIVERING SUCCESS FOR DARLINGTON**

And our vision for the borough is:

**Darlington is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential.**

Darlington is a borough of opportunity with much to celebrate and to be proud of. As a borough we outperform many of our North East neighbours, but we want more for Darlington and its residents. We know we cannot rest on our laurels and we must strive for continuous improvement, otherwise we will go backwards.

Recovery from the COVID-19 pandemic is a major challenge for us. Investment via the Town Fund, the upgrade of Darlington Station and the 2025 railway celebrations are all opportunities for local businesses to be involved and to create job opportunities within our community.

Economic growth is the key lever we have at our disposal to be able to deliver our long-term vision for the borough, and therefore growing Darlington's economy is our top priority.

**Duncan Selbie, the Chief Executive of Public Health England, on a visit to Darlington stated “the best thing to improve people’s health and wellbeing is a good job and a good home.”**

By growing the economy we are striving to provide the opportunity for everyone to access a good job and a good home, so they can maximise their potential and play their part in Darlington's success.

You will see from our plan on a page that whilst growing the economy is crucial to delivering our vision, that other key priorities are included; we want to maximise people's potential and support those who need our help.

To **DELIVER SUCCESS FOR DARLINGTON**, the council will create the conditions and opportunities for growth, but it is the private sector from which much of the investment required to deliver growth will come. Our key partner in growing the economy is the Tees Valley Combined Authority, from which much of the funding required to deliver growth will come and be invested in Darlington and the Tees Valley. A thriving Tees Valley economy is important for Darlington's success and so we will continue to work with and support our neighbouring Tees Valley councils.

The plan shows our vision and top priorities with the following pages detailing actions we intend to take between now and May 2023 to deliver our vision and priorities. The plan will be reviewed annually alongside the council's Medium Term Financial Plan, to take account of changing circumstances and to ensure our plans are affordable. The progress against the plan will be reviewed twice a year, along with other key performance indicators by Cabinet and the various scrutiny committees.

The borough's biggest asset is its residents, they make the place what it is and I hope everyone will get behind our plans to make it an even better place. We should all be proud and emphasise the positive benefits of living and working in a great borough.

**Councillor Heather Scott OBE**  
**Leader of Darlington Borough Council**





## Delivering Success for Darlington

**THE VISION** - Darlington is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential.

### OUR PRIORITIES

#### Growing Darlington's Economy

By delivering:

- More sustainable well-paid jobs
- More businesses
- More homes

And we will support economic growth by keeping the borough:

- Clean
- Safe
- Healthy
- Sustainable
- Well-planned
- On the move

Whilst

- Valuing our heritage and culture

#### MAXIMISE THE POTENTIAL OF OUR YOUNG PEOPLE BY:

- Working with partners to maximise educational achievement
- Working to remove barriers to young people reaching their potential
- Working at a Tees Valley level to match jobs with skills and training.

#### WORKING WITH COMMUNITIES TO MAXIMISE THEIR POTENTIAL BY:

- Maximising the benefits of a growing economy for all communities
- Targeting services where they are most needed
- Working with partners
- Working with communities.

#### SUPPORTING THE MOST VULNERABLE IN THE BOROUGH BY:

- Providing care and support when needed
- Working with people to build on their strengths to maximise their potential
- Working with partners.



**SUPPORTED BY: A dedicated workforce who are proud to serve the borough and an accessible, effective and engaged council.**



## Deputy Leader and Stronger Communities Portfolio - Councillor Jonathan Dulston



**"My Vision is to build Stronger Communities that are resilient, sustainable and safe to ensure everyone has the best opportunities to succeed."**

This portfolio focuses on creating the conditions for safe and strong communities, often working in partnership with residents and other agencies to identify and address localised and borough-wide issues. The portfolio holder has responsibility for ensuring the council meets its equality and diversity obligations and is the cabinet champion for tackling inequalities in the borough.



Key Actions	Lead Director	Lead Officer
Utilise the skills and resources of businesses to increase volunteering and corporate social responsibility primarily through Darlington Cares	Managing Director	Director of Darlington Partnership
Produce, deliver and appraise a pilot for a local neighbourhood renewal scheme including reviewing the approach to private sector landlord operations to ensure residents are best supported and protected	Director of Economic Growth and Neighbourhood Services	Director of Darlington Partnership
Work with partners to address food instability	Managing Director	Director of Darlington Partnership
Embed the new Community Safety service and review its effectiveness and priorities	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Work with Durham Constabulary and other key partners to improve our collective response to dealing with drug and alcohol issues	Managing Director	Director of Public Health
Support the development of the town centre economy by putting appropriate measures in place and demonstrating it is a safe place to visit	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Review our approach to the use of CCTV in supporting community safety and work with partners to enhance the service further	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Oversee the implementation of the council's equality policy	Managing Director	Head of Strategy, Performance and Communications
Work with partners to assess flood risk for Darlington and develop solutions	Director of Economic Growth and Neighbourhood Services	Assistant Director - Transport and Capital Projects



## Resources Portfolio - Councillor Charles Johnson

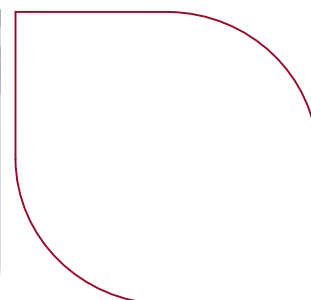
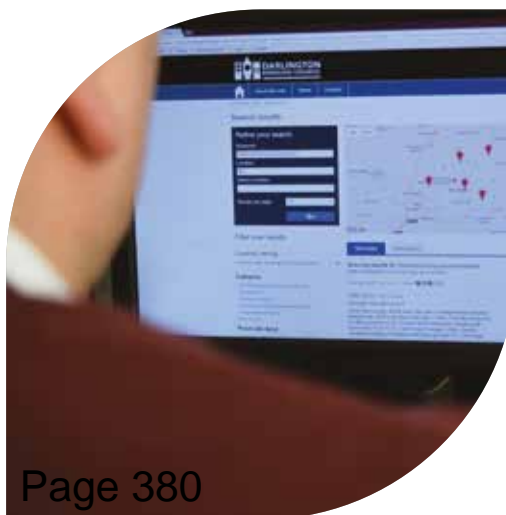
This portfolio focuses on ensuring the council is running efficiently, effectively, and is well governed in order to ensure a balanced budget. It has oversight of activities that generate income for the council which in turn is used to enhance the services available to residents. It also encourages local public and private organisations to spend locally to enhance the local economy.



**"I have a vision for a council that is financially stable and delivering much needed services and support for the borough."**



Key Actions	Lead Director	Lead Officer
Deliver a balanced Medium Term Financial Plan (MTFP) and a positive Value for Money (VFM) outcome	Managing Director	Assistant Director - Resources
Oversee the successful completion of existing house building joint venture companies	Managing Director	Assistant Director - Resources
Maximise the council's income from the council's Investment Fund, including further joint venture housing companies	Managing Director	Assistant Director - Resources
Maximise council tax and business rate income through robust income collection processes	Managing Director	Assistant Director - Housing & Building Services
Adopt a local wealth building approach to council procurement and work with the wider public sector in Darlington to do the same	Managing Director	Director of Darlington Partnership/ Head of Procurement and Principal Lawyer
Increasing the availability of council services online	Managing Director	Head of Strategy, Performance and Communications
Review and refresh the council's workforce strategy	Managing Director	Assistant Director - Resources



## Children and Young People Portfolio - Councillor Jon Clarke



**“My vision is a borough where young people get the best start in life, can maximise their potential and are safe.”**

This portfolio focuses on ensuring that every child in Darlington has the best start in life so that our children and young people can grow and flourish. There are some groups of children who require enhanced and targeted support to achieve their full potential.

Key Actions	Lead Director	Lead Officer
Provide excellent services for children and young people with special educational needs and disability (SEND) - implement a new SEND strategy, increase the number of SEND places in schools and work to raise SEND funding levels from central government	Director of Children and Adults Services	Head of Education and Inclusion
Reduce the need for looked after children placements through effective implementation of the Darlington Strengthening Families programme	Director of Children and Adults Services	Assistant Director - Children's Services
Continue to increase the number of in-house foster carers to reduce the need for independent placements	Director of Children and Adults Services	Assistant Director - Children's Services
Review in-house residential care and consider the council's place in providing services	Director of Children and Adults Services	Assistant Director - Commissioning Performance and Transformation/Assistant Director - Children's Services
Improve employment opportunities for our children in care and care leavers	Chief Officers Executive/ Director of Children and Adults Services	Chief Officers Board
Work with partners to reduce youth and long-term unemployment, by increasing the opportunity for retraining and apprenticeships leading to gainful employment	Director of Children and Adults Services/Director of Economic Growth and Neighbourhood Services	Head of Education and Inclusion/Assistant Director - Children's Services/Assistant Director - Economic Growth
Work with schools and the Regional Schools Commissioner to increase educational achievement across the borough and, in particular, for young people from deprived backgrounds	Director of Children and Adults Services	Head of Education and Inclusion
Deliver and review the In2 Project to support disadvantaged children to participate in Arts, Leisure and Culture to maximise their potential	Director of Economic Growth and Neighbourhood Services/ Director of Children and Adults Services	Assistant Director - Community Services/ Assistant Director - Children's Services/ Head of Education and Inclusion
Look for innovative ways to try and deliver school homework clubs and holiday enrichment activities	Managing Director	Director of Darlington Partnership



## Economy Portfolio - Councillor Alan Marshall



**"My vision is a borough where economic growth is high and the benefits are enjoyed by all residents."**

This portfolio's focus is growing the local economy in a post-Covid19 world, implementing a long-term plan for the development of the Borough. It is imperative that we create the conditions to attract new businesses and help our indigenous businesses to grow and maximise employment opportunities for Darlington residents.



Key Actions	Lead Director	Lead Officer
Work with Market Asset Management to deliver a refurbished and vibrant covered market and successful outdoor market	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Deliver the Town Centre Strategy leading to a diversified and successful town centre	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Develop key economic sites to be investor ready at Central Park, Ingenium Park and Faverdale	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth/ Assistant Director - Transport and Capital Projects
Encourage new investment in the Borough and maximise employment opportunities for Darlington residents	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Work with indigenous companies to identify and attract further job creating investment	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Successful adoption of the Local Plan	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Create the conditions to deliver hundreds of new homes each year, ensuring sufficiency of affordable homes	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Develop the council's response to the agreed Climate Change Emergency and begin delivery of the agreed plan	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Develop the Darlington Station project and regeneration opportunities for the surrounding areas including Victoria Road, the cattle market and Neasham Road areas	Director of Economic Growth and Neighbourhood Services	Assistant Director - Transport and Capital Projects

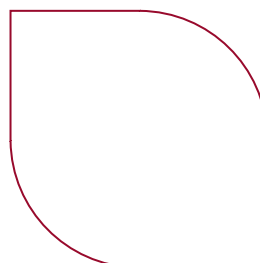


## Local Services Portfolio - Councillor Andy Keir



**“My vision is a borough that is attractive, green and clean, with a wide variety of activities to be enjoyed, and a transport offer that facilitates efficient movement and reduced carbon emissions in the borough.”**

This portfolio focuses on ensuring we have the right balance of high quality services and events to meet the needs and expectations of a wide range of local people. This involves modernising a number of our key public buildings, creating the conditions for a thriving and vibrant town centre, planning and celebrating our rail heritage, regeneration of Darlington station and the surrounding area, and working with partners improve transport links.



Key Actions	Lead Director	Lead Officer
With the Tees Valley Combined Authority (TVCA), plan the 2025 celebrations for the Stockton and Darlington Passenger Railway	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Ensure the borough is clean with a vibrant town centre with an extensive range of events and festivals	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Finalise plans for the Rail Heritage Quarter and initiate implementation of the plans together with partners	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Deliver the refurbishment and modernisation of the Crown Street Library service	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Review and deliver a revised car parking strategy	Director of Economic Growth and Neighbourhood Services	Assistant Director - Transport and Capital Projects
Work with TVCA to deliver improved transport links within Darlington and the Tees Valley	Director of Economic Growth and Neighbourhood Services	Assistant Director - Transport and Capital Projects
Modernise Darlington's crematorium service	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Work with TVCA to develop a sustainable Teesside International Airport	Director of Economic Growth and Neighbourhood Services/ Managing Director	Assistant Director - Economic Growth



## Health and Housing Portfolio - Councillor Kevin Nicholson



**"My vision is a borough where people enjoy productive, healthy lives. They will have access to excellent leisure facilities and recognising the importance of having a home, there will be access to quality social housing."**

This portfolio focuses on helping people across the borough to live long and healthy lives. It looks at the facilities available to help people keep fit and healthy, services that help people to be physically and mentally well, the provision of high quality council housing and the prevention of homelessness.



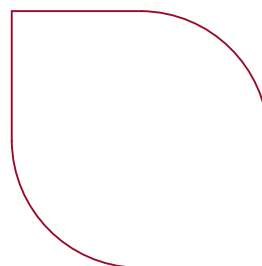
Key Actions	Lead Director	Lead Officer
Review the vacant space within the Dolphin Centre to improve the leisure offer and so maximise income	Director of Economic Growth and Neighbourhood Services	Assistant Director - Community Services
Work to, and continue to review the Local Outbreak Plan for Coronavirus	Director of Economic Growth and Neighbourhood Services	Assistant Director - Economic Growth
Continue to build new council houses and ensure the existing council housing stock is maintained to a high standard and environmentally friendly	Director of Economic Growth and Neighbourhood Services	Assistant Director - Housing and Building Services
Maximise rental and service charge income from council tenants to ensure we are able to provide them with a comprehensive range of good quality housing management and support services	Director of Economic Growth and Neighbourhood Services	Assistant Director - Housing and Building Services
Review the Darlington Preventing Homelessness and Rough Sleeping Strategy	Director of Economic Growth and Neighbourhood Services	Assistant Director - Housing and Building Services
Maintain oversight and offer challenge to health and care services that support individuals to achieve good mental, physical and emotional health as identified in a wide range of partnership plans such as Best Start in life, autism awareness, alcohol plan, suicide prevention, healthy workforce, and ageing well	Director of Children and Adults Services	Director of Public Health
Implement the Darlington Child Healthy Weight Plan with partners	Director of Children and Adults Services	Director of Public Health
Implement the Darlington Oral Health Plan 2017-2022 with partners	Director of Children and Adults Services	Director of Public Health
Continue the reduction in smoking to achieve a smoke free Darlington (i.e. just 5% of total population smoking) by 2030	Director of Children and Adults Services	Director of Public Health
Continue to deliver the Lifeline services and increase promotion and take up	Director of Economic Growth and Neighbourhood Services	Assistant Director - Housing and Building Services

## Adults Portfolio - Councillor Rachel Mills

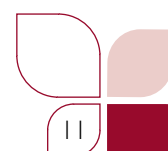


**"My vision is a borough where vulnerable adults can be helped and supported to maximise their independence and enjoy life to the full, and where care services are available to those in need."**

This portfolio focuses on supporting the most vulnerable adults in our society and helping them remain in their own homes by maximising their independence. Adult services will continue find creative and innovative ways to deliver good outcomes for our most vulnerable residents.



Key Actions	Lead Director	Lead Officer
Continue to implement initiatives that tackle social isolation	Director of Children and Adults Services	Assistant Director - Commissioning Performance and Transformation
Work with individuals to maximise independence and reduce demand on services	Director of Children and Adults Services	Assistant Director - Adult Social Care
Continue to deliver modern transformed Adult Social Care that results in positive outcomes	Director of Children and Adults Services	Assistant Director - Adult Social Care/ Assistant Director - Commissioning Performance and Transformation
Promote and increase the use of assistive technology	Director of Children and Adults Services	Assistant Director - Housing and Building Services





**COUNCIL  
26 NOVEMBER 2020**

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**COUNCIL TAX SUPPORT – SCHEME APPROVAL 2021-22**

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**Responsible Cabinet Member - Councillor Charles Johnson,  
Resources Portfolio**

**Responsible Director – Paul Wildsmith, Managing Director**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To approve the Council Tax Support (CTS) scheme for 2021-22.

**Summary**

2. On 5 December 2019, Council approved the local CTS scheme for 2020-21 and the scheme became operational on 1 April 2020.
3. Councils are required to set a CTS scheme each year and as part of that exercise:
  - (a) Consider whether any changes should be made to the existing scheme, and
  - (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
4. This report sets out the details of the CTS scheme for 2021-22. No changes are proposed to the existing scheme.
5. This report was considered by Cabinet on 10 November 2020, who agreed its onward submission for consideration by Council.

**Recommendation**

6. It is recommended that Council:-
  - (a) Consider the contents of this report.
  - (b) Approve the CTS scheme for 2021-22 at **Appendix 1** which is to:-
    - (i) Continue providing up to 100% CTS for care leavers under the age of 25, and
    - (ii) Continue providing up to 80% CTS for all other working age people.

## Reasons

7. The recommendations are supported by the following reasons:-

- (a) The Council is required to publish a local CTS scheme for 2021-22 by 11 March 2021.
- (b) The CTS schemes since 2013 have all been implemented successfully without any major challenges.
- (c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

**Paul Wildsmith**  
**Managing Director**

## Background Papers

- (i) Local Government Finance Bill 2012
- (ii) Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012
- (iii) Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012
- (iv) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013
- (v) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014
- (vi) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015
- (vii) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016
- (viii) Council Tax Reduction Schemes (Amendment) (England) Regulations 2017
- (ix) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018
- (x) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no issues
Health and Well Being	The CTS scheme may have an adverse impact on the health and well-being of low-income groups
Carbon Impact and Climate Change	There is no impact in this report
Diversity	Working aged recipients of CTS are treated differently to pensioners, whose CTS entitlement is decided under a national set of regulations.
Wards Affected	All wards are affected, but in particular those with higher numbers of people claiming CTS
Groups Affected	Working age recipients of CTS are affected by the local scheme. Pensioners are protected under a national set of regulations.

Budget and Policy Framework	The issues contained within this report do not represent a change to Council budget or the Council's policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	This report has implications for the 'Healthy Darlington' and 'Prosperous Darlington' themes of the Sustainable Community Strategy.
Efficiency	The operation of the local CTS scheme continues to represent a significant financial challenge to the Council and other precepting authorities
Impact on Looked After Children and Care Leavers	Young care leavers, who do not have the family support most young people have to establish themselves in the community, can receive up to 100% CTS

## MAIN REPORT

### Information and Analysis

8. Since 2013, the previous national Council Tax Benefit scheme was replaced with local CTS schemes, designed and administered by local authorities. Grants are paid to local authorities to fund CTS, but the overall amount does not fully meet actual expenditure levels.
9. The Council is required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing. A full public consultation exercise and an equality impact assessment were undertaken on the initial scheme in 2013.
10. Each year, the Council must consider whether any changes should be made to the existing scheme and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
11. Each year's scheme then must be approved by full Council.
12. The key feature of Darlington's CTS scheme is that most working aged people can only receive a maximum of 80% support towards their Council Tax. Young care leavers can receive up to 100% support (introduced in April 2018) and pensioners are also protected under a national set of regulations.
13. No changes are recommended for the 2021-22 CTS scheme. Changes to the Prescribed Requirements regulations (due to be published in January 2021) will be incorporated into the scheme before publication.

### Financial Implications

14. The recommendations in paragraph 5 will not have any significant financial implications and therefore it is not intended to amend the budget in the MTFP.

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# **Darlington Borough Council**

## **Council Tax Support Scheme**

### **2021 - 2022**

## **1 Introduction**

- 1.1.1 Council Tax Support (also referred to as Council Tax Reduction) is the means of helping people on low incomes pay their Council Tax. Each Council Tax billing authority is responsible for setting its own local Council Tax Support scheme every year.
- 1.1.2 Pensioners are protected from the effects of local schemes by a national framework of rules and eligibility. Working aged people however are subject to the provisions of the locally defined scheme.
- 1.1.3 On 5<sup>th</sup> December 2019, Darlington Borough Council approved the Council Tax Support scheme for 2020-2021, which became operational from 1<sup>st</sup> April 2020.
- 1.1.4 This document sets out Darlington Borough Council's scheme for 2021-2022 and should be read in conjunction with the following regulations.
- 1.1.5 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
- 1.1.6 The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012.
- 1.1.7 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013.
- 1.1.8 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014.
- 1.1.9 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014.
- 1.1.10 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015.
- 1.1.11 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016.
- 1.1.12 The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.
- 1.1.13 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018.
- 1.1.14 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020.

## **2 Executive Summary**

### **2.1 Prescribed requirements**

- 2.1.1 There are a number of prescribed requirements that will apply to all local Council Tax Support schemes and are therefore not included in Darlington's local scheme. These are set out in the regulations referred to in 1.1.5 to 1.1.14, copies of which can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 2.1.2 Where the prescribed regulations apply, reference has been made to the relevant parts in the Council Tax Support scheme. For the purpose of this document, "the regulations" are the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as amended. A summary of the key features of the regulations are as follows:
- 2.1.3 There is a prescribed scheme for persons who have reached the qualifying age for state Pension Credit. 'Working aged' is defined as people who have not yet reached the qualifying age for state Pension Credit.
- 2.1.4 There are restrictions excluding foreign nationals with limited immigration status and non-economically active European Union individuals.
- 2.1.5 Individuals with refugee status, humanitarian protection, discretionary or exceptional leave to remain granted outside the immigration rules and who are exempt from the habitual residence test are entitled to support with their Council Tax.
- 2.1.6 Regulations allow arrangements for a person to act on behalf of another, for example where a person has been granted a power of attorney over a liable Council Tax payer.
- 2.1.7 Formal rights of appeal are set out in the regulations and appeals are heard by Valuation Tribunals.
- 2.1.8 Billing authorities are required to consider whether to revise or replace their Council Tax Support schemes each year and under such circumstances, to consider what transitional arrangements may be required to move from an existing local scheme to a replacement scheme. Schemes cannot be amended within a financial year.

## 2.2 Key features of Darlington's Council Tax Support scheme

- 2.2.1 The requirements for Council Tax Support schemes are set out in an amendment to the Local Government Finance Act 1992, under schedule 1A.
- 2.2.2 Council Tax Support for most working aged claimants will be based on 80% of their Council Tax liability (as opposed to pensioners, where entitlement is based on 100%).
- 2.2.3 Entitlement to Council Tax Support will be means tested. The amount of Council Tax Support awarded will depend on:
  - 2.2.3.1 The circumstances of the claimant and their family, such as their income and savings.
  - 2.2.3.2 The number of children who live in the household and their circumstances.
  - 2.2.3.3 The number of other adults who live in the household and their circumstances.
  - 2.2.3.4 The amount of Council Tax, less any other discounts or reliefs.

## 2.3 Temporary absence from home

- 2.3.1 There are no temporary absence rules for working aged people in Darlington's Council Tax Support scheme. Anyone who is liable for Council Tax on a dwelling which is their sole or main residence and not subject to a Council Tax exemption is able to claim Council Tax Support. Temporary absence rules for pensioners are set out in the regulations.

## 2.4 Students

- 2.4.1 There are no specific exclusions for students in the Council Tax Support scheme. Anyone who is liable for Council Tax and not subject to the Council Tax student exemption is able to claim Council Tax Support.

## 2.5 Extended payments

- 2.5.1 Under the Council Tax Support scheme, anyone losing entitlement to a qualifying benefit, such as Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance or Universal Credit due to moving into work or increasing their hours or pay, automatically qualifies for a 4 week run on of their Council Tax Support.

## 2.6 Backdating

- 2.6.1 An automatic backdating rule exists for Council Tax Support claims. Claims can be paid for any period where entitlement to Council Tax Support exists. Backdating rules for pensioners are set out in the regulations.

- 2.6.2 There is no requirement for a person to show 'good cause' as to why they didn't claim earlier.

## 2.7 Discretionary discounts

- 2.7.1 The Council has the power under section 13A of the Local Government Finance Act 1992, to reduce the Council Tax liability of a person "to such an extent as it thinks fit". This includes the power to reduce the amount to nil.
- 2.7.2 The Council has a Council Tax Discretionary Discount policy, details of which can be found at: [Darlington Borough Council - Discounts and Exemptions](#).

### **3 People who can claim Council Tax Support**

#### **3.1 Who can claim**

3.1.1 The rules for making an application to Council Tax Support is set out in schedule 8, part 2, paragraph 4 of the regulations. These state:

- In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should apply or, in default of agreement, by such one of them as the council decides
- Where the person who is liable for Council Tax is unable to act the Council will accept or appoint a person who may make an application on their behalf, in accordance with the provisions contained within this part of the regulations.

3.1.2 The classes of working aged people entitled to a reduction under the Council's scheme are as follows:

#### **3.2 People in receipt of a qualifying benefit**

People in receipt of a qualifying benefit are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

3.2.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

#### **3.3 People with income equal to or less than their applicable amount**

People with income equal to or less than their applicable amount are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

3.3.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

### 3.4 People with income more than their applicable amount

People with income more than their applicable amount are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is more than their applicable amount

3.4.1 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

### 3.5 People receiving Universal Credit with income equal to or less than their Universal Credit maximum award

People receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

3.5.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

### 3.6 People receiving Universal Credit with income more than their Universal Credit maximum award

People receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

- 3.6.1 Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.7 Young care leavers in receipt of a qualifying benefit

Young care leavers in receipt of a qualifying benefit are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

- 3.7.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.8 Young care leavers with income equal to or less than their applicable amount

Young care leavers with income equal to or less than their applicable amount are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

- 3.8.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.9 Young care leavers with income more than their applicable amount

Young care leavers with income more than their applicable amount are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence



- Capital is less than £16,000
- Income is more than their applicable amount

3.9.1 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.10 Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award

Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

3.10.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.11 Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award

Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

3.11.1 Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up

to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.12 The classes of pensioners who are entitled to a Council Tax reduction are set out in schedule 1 of the regulations, as follows:

3.13 Pensioners with income equal to or less than their applicable amount

Pensioners with income equal to or less than their applicable amount are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

3.13.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.14 Pensioners with income more than their applicable amount

Pensioners with income more than their applicable amount are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- Capital is less than £16,000
- Income is more than their applicable amount.

3.15 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.16 Alternative maximum Council Tax Support

People entitled to alternative maximum Council Tax Support are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5

of the regulations

- One or more people reside with the claimant who are not a member of their family
- No other resident in the dwelling is liable to pay rent to the claimant in respect of that dwelling.

3.16.1 Having claimed Council Tax Support, this class of people will have their Council Tax Support calculated on the income, or aggregate incomes, of one or more people who reside in the dwelling, up to a maximum of 25% of their eligible Council Tax.

### 3.17 Pensioners with war pensions

Pensioners with war pensions are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- In receipt of War Disablement Pension, War Widow's Pension or War Widower's Pension

3.17.1 Having claimed Council Tax Support, this class of people will be assessed in accordance with the prescribed regulations for pensioners. War Disablement Pension, War Widow's Pension and War Widower's Pension will be fully disregarded.

### 3.18 Pensioners

3.18.1 The provisions for pensioners are set out in Schedules 1 to 6 of the regulations.

3.18.2 The meaning of who is and who is not a pensioner is set out in paragraph 3 of the regulations. These state:

- A person is a 'pensioner' if they have attained the qualifying age for state Pension Credit; and
- They, or their partner are not in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit
- A person is 'not a pensioner' if they have not attained the qualifying age for state Pension Credit; or
- They have attained the qualifying age for state Pension Credit and they, or their partner are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit.

### 3.19 Membership of a family

3.19.1 The meaning of a 'couple' is set out in paragraph 4 of the regulations. These state a 'couple' is:

- A man and woman who are married to each other or who are civil partners of each other and are members of the same household; or
- A man and a woman who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners; or
- Two people of the same sex who are married to each other or who are civil partners of each other and are members of the same household; or
- Two people of the same sex who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners.

3.19.2 The rules for polygamous marriages are set out in paragraph 5 of the regulations. This regulation applies to:

- A person who is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, and
- Either party to the marriage has for the time being any spouse additional to the other party.

3.19.3 The meaning of 'family' is set out in paragraph 6 of the regulations. These state a 'family' is:

- A couple
- A couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person
- A person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person
- A child or young person includes those in respect of whom section 145A of the Social Security Child Benefit Act 2005 applies for the purposes of entitlement to Child Benefit
- A young person does not include those who are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Universal Credit; or a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

3.19.4 The rules for circumstances in which a person is to be treated as responsible or not responsible for another are set out in paragraph 7 of the regulations. These state:

- A person is to be treated as responsible for a child or young person who is normally living with them
- Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household they are living in, they will be treated as normally living with;
  - the person who receives Child Benefit in respect of that child or young person, or
  - if there is no such person, the person who has claimed Child

Benefit, or the person who has the primary responsibility for them.

3.19.5 The rules for membership of a household are set out in paragraph 8 of the regulations. These state:

- The claimant and any partner who are treated as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household
- A child or young person is not treated as a member of the claimant's household where they are;
  - placed with the claimant or their partner by a local authority under section 22C or 23(2)(a) of the Children Act 2002 or by a voluntary organisation under section 59(1)(a) of that Act, or
  - placed with the claimant or their partner prior to adoption, or
  - placed with the claimant or their partner in accordance with the Adoption and Children Act 2002
- A child or young person is not treated as a member of the claimant's household where they are not living with the claimant as they are;
  - being looked after by a local authority under a relevant enactment, unless they live with the claimant for part or all of a relevant week or the authority considers it reasonable to do so taking into account the nature and frequency of that child's or young person's visits, or
  - placed with a person other than the claimant prior to adoption, or
  - placed for adoption in accordance with the Adoption and Children Act 2002.

### 3.20 Non-dependants

3.20.1 The meaning of non-dependants is set out in paragraph 9 of the regulations. These state a 'non-dependant' is:

- Any person who normally resides with the claimant or with whom the claimant normally resides
- This excludes;
  - any member of the claimant's family,
  - a child or young person who is living with the claimant but is not classed as a member of their household,
  - any person who is jointly and severally liable to pay Council Tax in respect of the dwelling,
  - any person who is liable to make payments on a commercial basis to the claimant or their partner in respect of occupation of the dwelling, unless that person is a close relative of the claimant or their partner, or the tenancy or other agreement between them is other than on a commercial basis, or where it appears to the authority to have been created to take advantage of a scheme
  - a person who lives with the claimant in order to care for them or their partner and who is engaged with a charitable or voluntary organisation which makes a charge to the claimant or their partner for the services provided by that person.

### 3.21 Persons from Abroad

3.21.1 The rules for persons treated as not being in Great Britain are set out in paragraph 12 of the regulations. These state:

- Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme
- A person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, except;
  - a qualified person (or their family member), for the purposes of regulation 6 of the EEA regulations 2016 as a worker or self-employed person,
  - a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA regulations 2016,
  - a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees, as extended by Article 1(2) of the Protocol relating to the Status of Refugees,
  - a person who has been granted leave outside of the rules under section 3(2) of the Immigration Act 1971 where that leave is discretionary leave to enter or remain in the United Kingdom, leave to remain under the Destitution Domestic Violence concession, or leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005,
  - a person who has humanitarian protection granted under those rules,
  - a person who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom,
  - a person in receipt of Income Support or income related Employment and Support Allowance,
  - a person in receipt of income based Jobseekers Allowance and has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland,
  - a Crown servant or member of HM forces posted overseas and the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places
- A right to reside does not include a right which exists by virtue of, or in accordance with;
  - regulation 13 of the EEA regulations 2016,

- regulation 14 of the EEA regulations 2016, but only in a case where the rights exist under that regulation because the person, or a family member, is a jobseeker for the purpose of the definition of a 'qualified person' in regulation 6(1) of those regulations,
- regulation 16 of the EEA regulations 2016, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (5) of that regulation,
- a person having been granted limited leave to enter, or remain in the United Kingdom under the Immigration Act 1971 by virtue of;
  - article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
  - Appendix EU to the immigration rules made under section 3(2) of that Act;
  - being a person with a 'Zambrano' right to reside as defined in Annex 1 and Appendix EU to the immigration rules made under section 3(2) of that Act.

3.21.2 The rules for persons subject to immigration control are set out in paragraph 13 of the regulations. These state:

- Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme, except;
  - a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance, or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom
- 'Persons subject to immigration control' has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

### 3.22 Applicable amounts

3.22.1 The applicable amount will be made up of a number of elements. These may include, depending upon individual circumstances:

- A personal allowance for the claimant and their partner
- An amount for every child or young person who is a member of the family
- A family premium where at least one child or young person is part of the household
- Premiums for people in receipt of Employment and Support Allowance
- Premiums which may apply in special circumstances.

3.22.2 The weekly amounts to be included in the applicable amount are detailed below. The qualifying conditions for each of these personal allowances and premiums are set out in Schedule 3 of The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. These are summarised in **Table 1**. The applicable amounts for pensioners are set out in schedule 2 of the regulations.

3.22.3 The amounts detailed below in **Table 1** are those stated within the 2020-2021

scheme and will be uprated for 2021-2022. The uprated amounts will be calculated with reference to the amended regulations and Social Security Benefits Up-rating Order.

3.22.4 People in receipt of Universal Credit will have their Council Tax Support calculated based on their Universal Credit maximum award.

3.22.5 The Family Premium does not apply from 1<sup>st</sup> May 2016, unless the conditions in 3.22.6 apply.

3.22.6 Claims for Council Tax Support where the Family Premium applied at 30<sup>th</sup> April 2016 will continue to be entitled to the Family Premium from 1<sup>st</sup> May 2016 until their claim for Council Tax Support ends or their household no longer includes at least one child or young person.



**Table 1: Applicable Amounts**

<b>Personal allowances</b>	<b>Weekly amount 2020-2021</b>	<b>Weekly amount 2021-2022</b>
Single claimant aged 18 to 24	£58.90	
Working aged single claimant aged 25 or over	£74.35	
Single claimant entitled to main phase Employment and Support Allowance	£74.35	
Working aged lone parent	£74.35	
Working aged couple	£116.80	
Couple entitled to main phase Employment and Support Allowance	£116.80	
Single claimant or lone parent who has attained pensionable age	£187.75	
Couple where one or both members have attained pensionable age	£280.85	
A child or young person until the day before their twentieth birthday	£68.27	
<b>Family premium</b>	<b>Weekly amount 2020-2021</b>	<b>Weekly amount 2021-2022</b>
A household which includes at least one child or young person (but see 3.22.5 and 3.22.6)	£17.60	
<b>Employment and Support Allowance premiums</b>	<b>Weekly amount 2020-2021</b>	<b>Weekly amount 2021-2022</b>
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£29.55	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£39.20	
<b>Special circumstances premiums (entitlement limited to only one of the premiums below)</b>	<b>Weekly amount 2020-2021</b>	<b>Weekly amount 2021-2022</b>
Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following: <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> </ul>	£34.95	

<ul style="list-style-type: none"> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Armed Forces Independence Payment</li> </ul>		
<p>Disability premium (couple) – the claimant or partner is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Armed Forces Independence Payment</li> </ul>	£49.80	
<p>Carers premium – the claimant or partner is entitled to Carers Allowance</p>	£37.50	
<p><b>Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)</b></p>	<p><b>Weekly amount 2020-2021</b></p>	<p><b>Weekly amount 2021-2022</b></p>
<p>Severe disability premium (single rate) - for a single claimant, lone parent or couple where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner is receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, and</li> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance or the carer element of Universal Credit for looking after them.</li> </ul>	£66.95	
<p>Severe disability premium (double rate) - for a couple where:</p> <ul style="list-style-type: none"> <li>• Both the claimant and partner are receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence</li> </ul>	£133.90	

<p>Payment, and</p> <ul style="list-style-type: none"> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance or the carer element of Universal Credit for looking after both of them.</li> </ul>		
<p>Enhanced disability premium (single) – where:</p> <ul style="list-style-type: none"> <li>• The claimant has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant's family, or</li> <li>• The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant's family.</li> </ul>	£17.10	
<p>Enhanced disability premium (couple) – where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant's family.</li> </ul>	£24.50	
<p>Enhanced disability premium (disabled child) – where:</p> <ul style="list-style-type: none"> <li>• The highest rate care component of Disability Living Allowance is payable for a child or young person, or</li> <li>• The daily living component of Personal Independence Payment is payable for a child or young person.</li> </ul>	£26.60	
<p>Disabled child premium – where a child or young person:</p> <ul style="list-style-type: none"> <li>• Receives Disability Living Allowance, or</li> <li>• Receives Personal Independence Payment, or</li> <li>• Is registered blind.</li> </ul>	£65.52	

## 4 Making a claim

4.1.1 The rules by which a person may apply for a reduction under an authority's scheme are set out in Schedule 7, Part 1 of the regulations. These state that:

- The claim may be made in writing, by electronic communication means or by telephone
- A claim made in writing must be made to the Council on a properly completed form
- A claim is considered properly completed if it has been completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim
- Where a claim is defective because it has not been made on a form approved for the purpose, the Council may request the claimant to complete an approved form
- Where a claim is defective because it is not accepted as being properly completed, the Council may allow the claimant sufficient time to provide information and evidence in connection with the claim, or request further information and evidence
- If a claim made by electronic communication is defective, the Council must provide the claimant with an opportunity to correct the defect. A claim made by electronic communication is defective if the claimant does not provide all the information the Council requires.

### 4.2 Time and manner of making a claim

4.2.1 A claim for Council Tax Support may be made with the Council by completing the on-line claim form on the 'Council Tax Support' page of the Darlington Borough Council website. Where the Council holds sufficient information to decide entitlement to Council Tax Support, the claim may be made by telephone.

4.2.2 Where the Council becomes aware that a person may be entitled to Council Tax Support, or where a claim form has been requested, they will invite a claim by asking them to complete the on-line claim form or by contacting them by telephone.

4.2.3 Where a claim is made for Housing Benefit and the claimant or their partner is liable for Council Tax in respect of that dwelling, the claim for Housing Benefit will be deemed to be a claim for Council Tax Support.

4.2.4 Where a claimant notifies the Department for Work and Pensions of their intention to apply for Council Tax Support and as a consequence of this notification, the Department for Work and Pensions share details of the claimant's Department for Work and Pensions benefit with the Council, this data share will constitute an application for Council Tax Support.

4.2.5 The Council will offer assistance to the claimant to make their claim for Council Tax Support, where this is required.

#### 4.3 Information and evidence

4.3.1 The rules for the information and evidence required to support a claim or ongoing award of Council Tax Support is set out in Schedule 8, Part 2, paragraph 7 of the regulations. These state:

- The claim must be accompanied by a statement of the claimant's (and any other person in respect of whom they are making an application) national insurance number and information or evidence to establish that that number has been allocated to that person
- Where the person has applied for a national insurance number, the claim must be accompanied by evidence of the application for a national insurance number to be allocated
- The claim must be accompanied by any certificates, documents, information and evidence in connection with the claim or an award as may reasonably be required by the Council to decide the claim or a continuing award
- The claimant must provide the Council with the information and evidence it requires to decide the claim or a continuing award within one month of a request to do so, or such longer time as the Council may consider reasonable
- The claimant is not required to provide evidence of any income or capital which are disregarded under the Council Tax Support scheme.

4.3.2 Where information and/or evidence has already been verified by the Department for Work and Pensions in relation to a claim for Income Support, Jobseekers Allowance, Employment and Support Allowance or Universal Credit, the Council will also accept this as verified for any Council Tax Support claim or a continuing award.

#### 4.4 Amendment and withdrawal of claim

4.4.1 The rules for the amendment and withdrawal of a claim for Council Tax Support is set out in Schedule 8, Part 2, paragraph 8 of the regulations. These state:

- A person who has made a claim may amend it at any time before a decision has been made on it
- A person who has made a claim may withdraw it at any time before a decision has been made on it.

## **5 Income and capital**

### **5.1 Treatment of income**

5.1.1 The income of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the income will be the assessment of income provided by Universal Credit, plus the award of Universal Credit.

5.1.2 'Income' includes any of the following:

- Earnings
- Social Security Benefits
- Tax credits
- Pensions
- Maintenance
- Income from rent / board and lodgings
- Royalties
- Student grants
- Compensation payments.

5.1.3 Income will be calculated on a weekly basis. Any income paid for a period other than on a weekly basis, will be converted to a weekly figure. All income will be taken into account in full, unless a disregard applies.

5.1.4 The income to be taken into account will be the actual weekly income or likely average weekly income of the claimant and partner. This will be calculated over such a period as is likely, in the opinion of the Council, to provide the most accurate estimate.

5.1.5 In the case of earnings from employment, the earnings will be taken into account for the period they relate to, even if the person does not actually receive the earnings from their employer during that period.

5.1.6 In the case of earnings from employment, where employment is due to commence, an estimate of likely earnings will be based on whatever information is available from the person or the person's employer.

5.1.7 The treatment of income for a pensioner is set out in schedule 1 of the regulations.

### **5.2 Earnings**

5.2.1 The meaning of remunerative work is set out in paragraph 10 of the regulations. These state:

- A person must be treated as in remunerative work if they are engaged on average, for not less than 16 hours a week, in work for which payment is made or expected
- Where a person's working hours fluctuate, regard must be had to the normal cycle of work, the number of hours they are expected to work, or

the 5 weeks immediately prior to the date of claim or such other length of time that may allow the person's weekly average hours of work to be determined

- Where a person works at a school or other educational establishment, any vacation periods or holidays where they are not required to work will be disregarded for establishing the average hours for which they are working
- Where no recognisable cycle can be established in respect of a person's work, regard must be had to the number of hours or average hours where these fluctuate, which they are expected to work in a week
- Any periods of absence from work, such as holiday, will be disregarded for establishing the average hours for which the person is working
- A person must not be treated as engaged in remunerative work if they are on maternity leave, paternity leave, adoption leave, shared parental leave, parental bereavement leave, or if they are absent from work because they are ill.

5.2.2 'Earnings' mean any remuneration or profit derived from that employment and includes:

- Bonuses or commission
- Payments in lieu of remuneration
- Payments in lieu of notice
- Holiday pay
- Payments by way of a retainer
- Payments for expenses not wholly, exclusively and necessarily incurred in the performance of the employment
- Statutory sick pay, maternity pay, paternity pay, shared parental pay, parental bereavement pay, or adoption pay.

5.2.3 A claimant or partner's net earnings will be the gross earnings less:

- Income Tax
- National Insurance contributions
- Half of any sum paid by the employee towards an occupational or personal pension scheme.

5.2.4 Where the person is receiving Universal Credit, the earnings will be the assessment of earnings provided by Universal Credit.

5.2.5 The calculation of earned income for pensioners is set out in schedule 1 of the regulations.

5.2.6 The following sums will also be disregarded in the calculation of earnings:

- Temporary care provision payments in the calculation of earnings
- Payments relating to former employment paid after retirement
- Compensation payments for loss of employment
- Guarantee payments on medical or maternity grounds
- Payments for expenses wholly, exclusively and necessarily incurred in the performance of the employment
- For a single person, the first £5.00 per week of any earnings
- For a couple, the first £10.00 per week of any earnings

- For a lone parent, the first £25.00 per week of any earnings
- For people in receipt of contribution-based Employment and Support Allowance, Incapacity Benefit or Severe Disablement Allowance, where a permitted earnings disregard applies, the first £140.00 per week of any earnings
- For people entitled to the disability premium, the severe disability premium or one of the Employment and Support Allowance premiums, the first £20.00 per week of any earnings, except where the permitted earnings disregard applies
- For people entitled to the carers premium, the first £20.00 per week of any earnings
- For people in certain special occupations, the first £20.00 per week of any earnings. These are:
  - Part-time fire-fighters
  - Auxiliary coastguards
  - Part-time life-boat workers
  - Members of the Territorial Army or similar reserve force
- For people in receipt of the additional earnings disregard in Working Tax Credit, an additional disregard of £17.10 per week of any earnings. If the additional disregard would result in a negative earned income figure, the disregard will be made from their Working Tax Credit
- Disguised remuneration lump sum payments
- Child care charges (see below).

5.2.7 The sums disregarded from pensioner's earnings are set out in schedule 4 of the regulations.

### 5.3 Child care charges

- 5.3.1 Child care charges up to a maximum of £175.00 per week for one child, or £300.00 per week for two or more children, will be deducted from earned income, plus any Working Tax Credit and Child Tax Credit where:
- A lone parent works 16 hours per week or more, or
  - Both members of a couple work 16 hours per week or more, or
  - One member of a couple works 16 hours per week or more and the other member of the couple is disabled, and the disability premium or one of the Employment and Support Allowance premiums is included in the couple's applicable amount due to this disability, or
  - One member of a couple works 16 hours per week or more and the other member of the couple is on maternity leave and receiving Statutory Maternity Pay or Maternity Allowance, or
  - One member of a couple works 16 hours per week or more and the other member of the couple is in hospital or prison.
- 5.3.2 The child must be under 15 years of age, or 16 if they are disabled, and the care must be provided by one of the following:
- A registered child minder
  - A registered nursery or play scheme
  - An out of hours scheme run by an approved provider



- An out of hours club provided by a school on school premises (this applies only if the child is aged 8 or over).

5.3.3 The treatment of child care charges for pensioners is set out in schedule 1 of the regulations.

#### 5.4 Self-employed earnings

5.4.1 The weekly earnings of a self-employed claimant or partner will be calculated based on:

- The most recent year's trading accounts, if the claimant or partner have been self-employed for one year or more, or
- The estimated net weekly profit figure provided by the claimant or partner, if they have been self-employed for less than a year, together with any evidence of their recent actual income and expenses.

5.4.2 In calculating the estimated net weekly profit figure, the Council will use the gross income of the employment, less any expenses which are wholly and reasonably incurred for the purpose of the business. The following will not be allowable in the calculation of the estimated net weekly profit figure:

- Sums employed or intended to be employed in setting up or expanding the business
- Capital repayments on business loans, except where these are for replacing business equipment or machinery
- Any other capital expenditure
- Depreciation of any capital asset
- Losses incurred before the beginning of the assessment period
- Debts, other than proven bad debts
- Business entertainment
- Any sum for domestic or private use
- Drawings from the business.

5.4.3 For child minders, one third of the gross profit will be used to calculate the gross income.

5.4.4 The net income will then be calculated by deducting an amount for tax, national insurance contributions and half of any pension contributions from the gross pre-tax profits.

5.4.5 In cases where the actual tax and national insurance contributions are not provided, the Council will estimate the likely tax and national insurance contributions payable.

5.4.6 The treatment and calculation of self-employed earnings for pensioners is set out in schedule 1 of the regulations.

#### 5.5 Student income

#### 5.6 Student grant

5.6.1 The whole amount of a person's grant income will be taken into account, with the exception of the following:

- Payments for tuition fees or examination fees
- Payments in relation to the student's disability
- Payments for term-time residential study away from the student's educational establishment
- Payments for another home at a place other than which the student resides during the course
- Payments for books and equipment
- Payments for travel expenses to attend the course
- Payments for child care costs
- Any special support grant, education maintenances allowances, 16-19 bursary fund payments, higher education grant, or higher education bursary for care leavers
- Any other amounts intended for expenditure necessary to attend the course.

5.6.2 A student's grant income will be apportioned over the period of study the grant relates to.

## 5.7 Covenant income

5.7.1 Where a student is receiving a grant and a contribution has been assessed, the whole of the covenant income will be taken into account.

5.7.2 A student's covenant income will be apportioned over the whole calendar year and an amount of £5.00 per week will be disregarded.

5.7.3 Where a student is not receiving a grant, the whole of the covenant income will be taken into account. In these circumstances, a student's covenant income will be apportioned as follows:

5.7.3.1 Any covenant income up to the amount of the standard maintenance grant will be apportioned over the period of study, less any amounts to be disregarded as set out above in 'Student grant'.

5.7.3.2 Any covenant income over the amount of the standard maintenance grant will be apportioned over the whole calendar year and an amount of £5.00 per week will be disregarded.

## 5.8 Student loans

5.8.1 The whole amount of a person's student loan will be taken into account, less any amounts to be disregarded in the same way as set out above in 'Student grant'. A student's loan will be apportioned over the period of study the loan relates to and an amount of £10.00 per week will be disregarded.

5.8.2 A person will be treated as having a student loan in respect of an academic year where:

- A student loan has been made to them for that year, or
- They could have taken reasonable steps to acquire a loan. In these cases, the amount to be taken into account will be the maximum amount they could have acquired for that year.

5.8.3 A loan for fees, known as a fee loan or a fee contribution loan will be fully disregarded.

## 5.9 Payments from access funds

5.9.1 A payment from access funds will be disregarded as income, with the exception of any payments intended for:

- Food
- Ordinary clothing or footwear
- Household fuel
- Water charges
- Rent
- Council Tax.

5.9.2 In these circumstances, the whole amount will be taken into account and an amount of £20.00 per week will be disregarded.

5.9.3 Where a payment from access funds is made to bridge the period until a student loan is received, the whole amount will be disregarded.

## 5.10 Student income treated as capital

5.10.1 The following amounts paid to students will be treated as capital:

- A refund of tax deducted from a student's covenant income
- An amount paid from access funds as a single lump sum, whatever the purpose of the payment.

## 5.11 Notional income

5.11.1 A claimant will be treated as possessing income of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

5.11.2 The treatment of notional income for pensioners is set out in schedule 1 of the regulations.

## 5.12 Tariff income from capital

5.12.1 Where the claimant and their partner have capital in excess of £6,000 (but less than £16,000), a tariff income of £1.00 per week will be taken into account for every £250, or part of £250, over £6,000.

5.12.2 The calculation of tariff income from capital for pensioners is set out in schedule 1 of the regulations.

### 5.13 Other income

5.13.1 Any other income of the claimant or partner will be taken fully into account, with the exception of 'income disregarded' below.

5.13.2 Where deductions are being made from income in the recovery of overpayments or taxes, by public bodies, the gross income amount will be taken into account.

### 5.14 Income disregarded

5.14.1 The following income paid to the claimant or partner will be disregarded in full, unless otherwise stated:

- Any payment of expenses for participation in 'work for your benefit' schemes
- Any payment of expenses for attending mandatory work activity, employment, skills or enterprise schemes
- Any payment of expenses for a person who is a volunteer for a charitable or voluntary organisation
- Any payment of expenses for a person who participates as a service user
- Certain state benefits and pensions:
  - Attendance Allowance
  - Child Benefit
  - Disability Living Allowance
  - Discretionary Housing Payments
  - Education Maintenance Allowance
  - Guardian's Allowance
  - Housing Benefit
  - Income Support
  - Income based Jobseekers Allowance
  - Income related Employment and Support Allowance
  - Mobility supplements
  - Personal Independence Payments
  - Armed Forces Independence Payments
  - War Disablement Pensions
  - War Widow's Pensions
  - War Widower's Pensions
  - Widowed Mother's Allowance
  - Widowed Parent's Allowance
- The income of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- Any payment made to a person as a holder of the Victoria Cross or George Cross
- Charitable or voluntary payments
- Any income from capital
- Any payments received from dependants or non-dependants
- The first £20.00 per week of any rental payments from a person, other than a non-dependant, who occupies the claimant's home

- The first £20.00 per week, and then 50% of any income over £20.00 per week, of any rental payments from a boarder, other than a non-dependant, who occupies the claimant's home
- Any payment in kind made by a charity
- Any income payable outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- Any payment made for adoption, fostering, guardianship support or supported lodgings
- Any payment made for a person who is not normally a member of the claimant's household, but is temporarily in their care
- Any payment made by a Local Authority under section 17 of the Children's Act 1989
- Any payment ordered by a court for a personal injury, accident or disease in respect of the claimant or their family
- Any payment made under an agreement to settle a claim for personal injury
- Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments of a loan
- Any income treated as capital
- Social Fund payments or its equivalent
- Any payment for banking charges or commission, to convert a payment of income to sterling
- Any payment made under the following:
  - The Macfarlane Trust
  - The Eileen Trust
  - The Independent Living Fund
  - The Skipton Fund
  - The Caxton Foundation
  - The London Bombing Relief Charitable Fund
  - The London Emergencies Trust
  - The We Love Manchester Emergency Fund
  - The Variant Creutzfeldt-Jacob Disease Trust
  - An approved infected blood support scheme
  - The Thalidomide Health Grant or other Thalidomide Trust
  - The Windrush Compensation and Exceptional Payments Scheme
  - Any support payment from the Grenfell Tower Residents' Discretionary Fund or other charitable funds
- Any payment of expenses for jurors, witnesses or prison visitors
- Any refund of Council Tax
- Any payment of child maintenance
- The first £15.00 per week of any maintenance, other than child maintenance
- Sports awards.

5.14.2 The income disregarded for pensioners is set out in schedule 5 of the regulations.

#### 5.15 Capital

5.15.1 The capital of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the capital will be the assessment of capital provided by Universal Credit.

5.15.2 All capital of the claimant or partner will be taken fully into account, with the exception of 'capital disregarded' below.

5.15.3 Where capital is jointly held by the claimant or partner and one or more other persons, the Council will apportion the capital to decide what share is held by the claimant or partner.

5.15.4 Where the value of the capital item is not known, the Council will calculate the value of the capital item using the information available to provide the most accurate estimate, including:

- The current market or surrender value of the capital item
- Less any costs for selling the capital item
- Less any debt or charge secured against the capital item.

5.15.5 The treatment and calculation of capital for pensioners is set out in schedule 1 of the regulations.

#### 5.16 Income treated as capital

5.16.1 The following payments will be treated as capital:

- Holiday pay, paid 4 weeks or more after termination of employment
- Tax refunds
- Lump sum charitable or subsistence payments
- Arrears of Tax Credits.

#### 5.17 Notional capital

5.17.1 A claimant will be treated as possessing capital of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

5.17.2 The treatment of notional capital for pensioners is set out in schedule 1 of the regulations.

#### 5.18 Capital disregarded

5.18.1 The following capital held by the claimant or partner will be disregarded in full, unless otherwise stated:

- The dwelling normally occupied by the claimant as their home
- Any property which is actively being sold
- Any property acquired by the claimant which they intend to occupy as their home, whilst they are preparing for occupation
- Any property acquired by the claimant, which they intend to occupy as their home, which is undergoing essential repairs or alterations
- The proceeds of sale of any property formerly occupied by the claimant as

their home, which is to be used for the purchase of another property intended for their occupation

- Any property occupied by a partner or relative of the claimant or any member of their family, where that person is a pensioner or is disabled
- Any property occupied by the former partner of the claimant as their home, where the former partner is a lone parent, or where the property is actively being sold
- The capital of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- Any future interest in property, other than land or premises where the claimant has granted a lease or tenancy
- The assets of any business owned by the claimant for the purpose of their self-employment
- Any arrears of state pensions, benefits or tax credits
- Any amount paid to the claimant, or acquired by the claimant as a loan, as a result of damage or loss of the home or personal possessions and intended for its repair or replacement
- Any amount deposited with a Registered Provider, which is to be used for the purchase of another property intended for occupation
- Any personal possessions
- The value of the right to receive any income under an annuity or the surrender value of an annuity
- Where the funds of a trust resulted from a payment for a personal injury to the claimant or their partner, the value of the trust fund and the right to receive any payment under that trust
- The value of the right to receive any income under a life interest or from a life rent
- The value of the right to receive any income payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- The surrender value of any life insurance policy
- Where payments of capital are made by instalments, the value of the right to receive any outstanding instalments
- Any payment made by a local authority under section 17 of the Children Act 1989
- Any payment made for adoption, fostering, guardianship support or supported lodgings
- Any social fund payment or its equivalent
- Any refund of tax deducted on a payment of loan interest for the purpose of acquiring a home or carrying out repairs or improvement to the home
- Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling
- Any payment made under the following:
  - The Macfarlane Trust
  - The Eileen Trust
  - The Independent Living Fund
  - The Skipton Fund

- The Caxton Foundation
- The London Bombing Relief Charitable Fund
- The London Emergencies Trust
- The We Love Manchester Emergency Fund
- The Variant Creutzfeldt-Jacob Disease Trust
- An approved infected blood support scheme
- The Thalidomide Health Grant or other Thalidomide Trust
- The Windrush Compensation and Exceptional Payments Scheme
- Any support payment from the Grenfell Tower Residents' Discretionary Fund or other charitable funds
- The value of the right to receive any rent
- Any payment in kind made by a charity
- Any refund of Council Tax
- Any payment made by a local authority to the claimant, to be used to purchase a property for occupation as their home, or to carry out repairs or alterations to the home
- Any payments for:
  - travel expenses for hospital visits
  - medical supplies and vouchers
  - health in pregnancy grants
- Home Office payments for prison visits
- Any payment made to assist a disabled person to obtain or retain their employment
- Any payment made by a local authority under the Blind Homeworkers' Scheme
- Any capital administered on behalf of a person by the High Court, County Court, or the Court of Protection
- Any payment to the claimant as a holder of the Victoria Cross or George Cross
- Any payment made to assist a person under the self-employment route
- Any payment of a sports award
- Any payment of an education maintenance allowance
- Any payment made by a contractor for a person participating in an employment zone programme
- Any arrears of subsistence allowance
- Any payment made by a local authority for a service which is provided to develop or sustain the capacity of the claimant or their partner to live independently in their accommodation, including personal budgets.

5.18.2 The capital disregarded for pensioners is set out in schedule 6 of the regulations.



## 6 Calculation of entitlement

### 6.1 Maximum Council Tax Support

6.1.1 The amount of a person's maximum Council Tax Support for a day which they are liable to pay Council Tax will be 80% (100% for Young Care Leavers).

6.1.2 The amount of Council Tax Support will be calculated as A divided by B and multiplied by 80% (100% for Young Care Leavers) where:

- A is the amount of Council Tax set for the financial year for the dwelling the person resides in and for which they are liable, less any discount which applies
- B is the number of days in that financial year
- Less any non-dependant deductions.

6.1.3 Where a person is jointly and severally liable for Council Tax, which they are liable with one or more other persons, the maximum amount of Council Tax Support will be the amount in A divided by the number of people who are jointly and severally liable. This will not apply if the only person they are jointly and severally liable with is their partner.

6.1.4 The maximum Council Tax Support for pensioners is set out in schedule 1 of the regulations.

### 6.2 Council Tax Support taper

6.2.1 The percentage of excess income over the applicable amount (or Universal Credit maximum award) which will be deducted from the weekly maximum Council Tax Support will be 20%.

### 6.3 Non-dependant deductions

6.3.1 A deduction from a person's maximum Council Tax Support will be made for non-dependants, as follows. The amounts detailed below are those stated within the 2020-2021 scheme (**Table 2**) and will be uprated for 2021-2022. The uprated amounts will be calculated with reference to the amended regulations.

**Table 2: Non-dependant deductions 2020-2021**

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
• Less than £217.00	£4.05
• Not less than £217.00 and less than £377.00	£8.25
• Not less than £377.00 and less than £469.00	£10.35
• Not less than £469.00	£12.40
A non-dependant aged 18 or over not in remunerative work	£4.05

- 6.3.2 In calculating the gross income of a non-dependant, any amounts which would normally be disregarded for a Council Tax Support claimant, will also be disregarded for a non-dependant.
- 6.3.3 Only one non-dependant deduction will be made for a couple, and the amount deducted will be based on their joint income, calculated as above.
- 6.3.4 Where a person is jointly and severally liable for Council Tax for a dwelling they reside in, which they are liable with one or more other persons, the amount of the non-dependant deduction will be apportioned equally between those liable persons.
- 6.3.5 Non-dependant deductions will not be made in the following circumstances:
- Where the claimant or their partner is blind
  - Where the claimant or their partner receives Attendance Allowance, or the care component of Disability Living Allowance, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment
  - Where the non-dependant normally resides elsewhere
  - Where the non-dependant receives a training allowance
  - Where the non-dependant is a full-time student
  - Where the non-dependant is not residing with the claimant because they have been an in-patient for more than 52 weeks (without any break exceeding 28 days)
  - Where the non-dependant receives Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance, or Pension Credit
  - Where the non-dependant receives Universal Credit, where the award has been calculated on the basis that they do not have any earned income
  - Where the non-dependant is aged under 18
  - Where the non-dependant is not residing with the claimant because they are a member of the armed forces and they are absent, while on operations, from the dwelling usually occupied as their home.
- 6.3.6 Where the income of the non-dependant is not known or has not been provided, the Council will assume that the maximum deduction will apply.
- 6.3.7 The rules for non-dependant deductions for pensioners are set out in schedule 1 of the regulations.

#### 6.4 Date on which a claim is made and entitlement begins

- 6.4.1 The rules for the date on which a claim is made are set out in schedule 8, part 2, paragraph 5 of the regulations. These state:
- Where an award of Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit has been made to the claimant or their partner; and the claim for Council Tax Support is made within one

month of the date of the claim for one of those benefits; the date of claim will be the first day of entitlement to those benefits

- Where the claimant or their partner is receiving Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit; and they become liable for Council Tax for the first time; and the claim for Council Tax Support is made within one month of the date of the change; the date of claim will be the date on which the change takes place
- Where the claimant is the former partner of a person who was entitled to Council Tax Support before the date of death or separation; and the claimant makes a claim for Council Tax Support within one month of the date of death or separation; the date of claim will be the date of death or separation
- Where the claim for Council Tax Support is made within one month of a request to claim Council Tax Support, or such longer period as the Council considers reasonable, the date of claim will be the date on which the request was made
- In all other cases, the date of claim for Council Tax Support will be the date the claim form is received by the Council.

6.4.2 Council Tax Support will begin on the Monday following the date of claim unless:

- The claimant requests the claim is paid for an earlier period, or
- The Council identifies entitlement to Council Tax Support for an earlier period.

6.4.3 Council Tax Support will be awarded for an earlier period once the Council has received sufficient information and evidence to calculate entitlement to Council Tax Support for the earlier period.

6.4.4 The rules for the backdating of claims for pensioners are set out in schedule 8, part 2, paragraph 6 of the regulations.

## 6.5 Duration of award and reviews

6.5.1 Council Tax Support will be awarded for an indefinite period, until:

- Council Tax liability ends
- A change in the claimant or partner's circumstances results in Council Tax Support ending
- The claimant fails to respond to a request for information or evidence in connection with their claim or an award.

6.5.2 The Council may review a person's entitlement to Council Tax Support at any time.

## 6.6 Extended reductions

6.6.1 A person who is entitled to Council Tax Support will be entitled to an extended reduction where:

- The claimant or their partner were entitled to a qualifying benefit or any combination of those benefits of either;
  - Income Support, or
  - Jobseekers Allowance (income based or contributory), or
  - Employment and Support Allowance (income related or contributory), or
  - Universal Credit, or
  - Incapacity Benefit, or
  - Severe Disablement Allowance.
- Entitlement to a qualifying benefit ceased because the claimant or their partner;
  - Commenced employment as an employed or self-employed earner, or
  - Increased their earnings from their employment, or
  - Increased the number of hours in their employment.

6.6.2 Providing that the claimant remains liable for Council Tax at the dwelling in which they reside during the extended reduction period.

6.6.3 The extended reduction period will start on the day after Council Tax Support would normally have ended after the qualifying benefit has ceased and will last for 4 weeks or up to the day Council Tax liability at the dwelling in which they reside ends, if this is earlier.

6.6.4 The amount of the extended reduction will be the higher of:

- The amount of Council Tax Support which the claimant was entitled to before the qualifying benefit ceased, or
- The amount of Council Tax Support which the claimant is entitled to after the qualifying benefit ceased.

6.6.5 The rules for extended reductions for pensioners is set out in schedule 1 of the regulations.

## 6.7 Extended reductions – movers into Darlington

6.7.1 The rules covering people who move into Darlington who are in receipt of an extended reduction is set out in Schedule 8, Part 1 of the regulations. These state:

- Where a claim for Council Tax Support is made and the claimant or their partner is in receipt of an extended reduction from another authority, the Council must reduce any entitlement to Council Tax Support by the amount of that extended reduction.

## **7 Decision making and notifications**

### **7.1 Decisions and notification**

7.1.1 The rules by which the Council must make and notify decisions for Council Tax Support are set out in Schedule 8, Part 3 of the regulations. These state:

- The Council must make a decision on a Council Tax Support claim within 14 days of receiving all the information and evidence for that claim, or as soon as reasonably practicable after that date
- The Council must notify the claimant in writing of any decision relating to a Council Tax Support claim within 14 days of making the decision, or as soon as reasonably practicable after that date
- The decision notice must include a statement informing the claimant of their duty to notify changes of circumstances, explaining the consequences of failing to comply with that duty, and setting out the changes which may affect entitlement to Council Tax Support
- Where the decision is to award Council Tax Support, the notice must include a statement as to how it will be paid
- The decision notice must include the procedure by which an appeal may be made
- The claimant may request a statement of reasons about the notification, within one month of the date of the notification. The statement of reasons must then be sent to the claimant within 14 days of the request, or as soon as reasonably practicable after that date
- A person affected by a decision relating to Council Tax Support will be the claimant, or where the person who is liable for Council Tax is unable to act, the accepted or appointed person who has made an application on their behalf.

### **7.2 Payment of Council Tax Support**

7.2.1 The rules for the payment of Council Tax Support are set out in Schedule 8, Part 4 of the regulations. These state:

- Payment of Council Tax Support will be made to the person entitled to the reduction of their Council Tax liability
- Where a person is jointly and severally liable for Council Tax, payment of Council Tax Support will be paid to the person entitled to the reduction of an appropriate amount of their Council Tax liability, rounded to the nearest penny.

7.2.2 Payment of Council Tax Support will be made by reducing the Council Tax liability of the person entitled to the reduction.

### **7.3 Electronic communications**

7.3.1 The rules by which the Council can undertake electronic communications is set out in Schedule 7, Part 4 of the regulations. These state:

- The Council must meet certain conditions to allow electronic communication in relation to its Council Tax Support scheme
- The Council may use intermediaries in connection with electronic communication in relation to its Council Tax Support scheme
- Any information delivered by the Council by electronic means must meet all the other conditions relating to its Council Tax Support scheme
- Proof of identity of the sender or recipient of information will need to be verified where information is sent or received by electronic means
- The Council will need to establish procedures to verify delivery of information by electronic means.

## **8 Changes in decisions**

### **8.1 Duty to notify changes of circumstances**

8.1.1 The duty to notify changes of circumstances is set out in Schedule 8, Part 2, paragraph 9 of the regulations. These state:

- The claimant, or a person acting on their behalf, must notify the Council of any changes of circumstances which they might reasonably be expected to know may affect their entitlement to Council Tax Support
- Notification of a change of circumstances may be made in writing, by telephone or by any other means agreed by the Council and within 21 days of the change occurring, or as soon as reasonably practicable after that date.

8.1.2 Notifications of changes of circumstances in writing may be made by completing the on-line change of circumstances form on the 'Council Tax Support' page of the Darlington Borough Council website.

### **8.2 Date on which a change of circumstances will affect Council Tax Support**

8.2.1 The Council will review the amount of Council Tax Support, following a change of circumstances, as follows:

- Where entitlement to Council Tax Support continues after the change, Council Tax Support will change on the Monday following the date the change occurred
- Where entitlement to Council Tax Support ends after the change, Council Tax Support will end on the Sunday of the week in which the change occurred
- Where Council Tax liability changes or ends, Council Tax Support will be changed or ended on the same day.

### **8.3 Ending Council Tax Support**

8.3.1 Council Tax Support will end in the following circumstances:

- Council Tax liability ends
- A Council Tax exemption applies
- A change of circumstances occurs, which ends entitlement to Council Tax Support
- A change of circumstances occurs, but there is insufficient information or evidence to decide if entitlement to Council Tax Support will continue
- The claimant fails to provide, when requested, sufficient information or evidence to decide if entitlement to Council Tax Support will continue, one month following the date of the request or such longer time as the Council considers reasonable.

### **8.4 Revisions**

8.4.1 An original decision relating to a claim for Council Tax Support may be revised by the Council at any time.

## 8.5 Appeals

8.5.1 The rules by which a person may make an appeal against certain decisions of the authority are set out in Schedule 7, Part 2 of the regulations. These state:

- A person who disagrees with a decision in relation to their Council Tax Support claim may appeal in writing, stating their grounds for appeal
- The Council must consider the appeal and notify the person in writing of the outcome of their appeal and the reasons for the decision, within 2 months of the appeal being received
- If the person is still aggrieved or if the Council fails to notify the person of the outcome of their appeal within 2 months of receiving their appeal, they may appeal to a valuation tribunal under section 16 of the 1992 Act.

## 8.6 Downward adjustments of Council Tax Support

8.7 Any additional Council Tax liability created as a result of a downward adjustment of Council Tax Support entitlement, will be treated under the national Council Tax regulations.

## 8.8 Discretionary reductions

8.8.1 The rules for an application for a discretionary reduction are set out in Schedule 7, Part 3 of the regulations. These state:

- An application for a reduction under section 13A(1)(c)(a) of the 1992 Act may be made in writing, by telephone, or by electronic means
- A claim for Council Tax Support may also be treated as an application for a reduction under section 13A(1)(c) of the 1992 Act.



**COUNCIL**  
**26 NOVEMBER 2020**

ITEM NO. ....

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## **TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2019/20**

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**Responsible Cabinet Member - Councillor Charles Johnson, Resources Portfolio**

**Responsible Director - Paul Wildsmith, Managing Director**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. This report provides important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. It is a requirement of the Council's reporting procedures and covers treasury activity for 2019/20. The report also seeks approval of the Prudential Indicators results for 2019/20 in accordance with the Prudential Code.

#### **Summary**

2. The financial year 2019/20 presented similar circumstances to 2018/19 with regard to treasury management. However, as Members are aware due to the recent low returns for cash investments new ways to improve investment returns are continually being sought. Cost of borrowing remained low throughout 2019/20 and due to the Covid-19 pandemic the cost of short term borrowing is anticipated to remain low for a number of years.
3. During 2019/20 the Council complied with its legislative and regulatory requirements. The borrowing need (**Table 1**) was only increased for capital purposes.
4. At 31st March 2020 the Council's external debt was £181.661m which is £2.500m (1.3%) higher than the previous year. This relates to Housing Revenue Account (HRA) borrowing for future build requirements, that was achieved at favourable rates as the government reduced the Public Works Loan Board (PWLb) certainty rate for the HRA. The average interest rate for borrowing was down from 3.22% in 2018/19 to 2.72% in 2019/20. This reduction in the average rate of interest is due to a new mix of maturity dates to take advantage of the lower cost of borrowing for short term debt. Investments totalled £56.799m at 31st March 2020 (£55.849m at 31st March 2019) earning interest of 0.75% on short term cash investments and 2.23% on Property Fund units net of costs.
5. Financing costs have been reduced during the year and a saving of £0.268m has been achieved from the original MTFP. The majority of the savings relate to the

increase in interest received from investments and increased MRP from departmental prudential borrowing.

### **Recommendation**

6. It is recommended that:
  - (a) The outturn 2019/20 Prudential Indicators within this report and those in **Appendix 1** be noted.
  - (b) The Treasury Management Annual Report for 2019/20 be noted.

### **Reasons**

7. The recommendations are supported by the following reasons:
  - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.
  - (b) To inform members of the Performance of the Treasury Management function.
  - (c) To comply with the requirements of the Local Government Act 2003.

**Paul Wildsmith**  
**Managing Director**

### **Background Papers**

- (i) Accounting Records
- (ii) Annual Investment Strategy 2019/20
- (iii) Prudential Indicators and Treasury Management Strategy Report 2019/20

Peter Carrick: Extension 5401

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no issues relating to health and wellbeing which this report needs to address
Carbon Impact and Climate Change	There are no issues relating to carbon impact
Diversity	There are no specific implications for diversity
Wards Affected	The proposals affect all wards
Groups Affected	The proposals do not affect any specific group
Budget and Policy Framework	The report does not change the Council's budget or Policy framework but needs to be considered by Council
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	The proposals in the report support delivery of the Community Strategy through appropriate and effective deployment of the Council's Resources
Efficiency	The report outlines movements in the national economic outlook that have enabled officers to take advantage of different types of Investments and changing interest rates to benefit the Revenue MTFP.
Impact on Looked After Children and Care Leavers	Does this report impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

8. This report summarises:

- (a) Capital expenditure and financing for 2019/20
- (b) The Council's underlying borrowing need
- (c) Treasury position at 31st March 2020
- (d) Prudential indicators and compliance issues
- (e) The economic background for 2019/20
- (f) A summary of the Treasury Management Strategy agreed for 2019/20
- (g) Treasury Management activity during 2019/20
- (h) Performance and risk benchmarking

9. Throughout this report a number of technical terms are used, a glossary of terms can be found at the end of this report.

### The Council's Capital Expenditure and Financing 2019/20

10. The Council undertakes capital expenditure on long term assets, which is financed either,

- (a) immediately through capital receipts, capital grants, contributions and from revenue; or

(b) by borrowing.

11. Part of the Council's treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's cash flow, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost and then optimise performance.
12. Capital Expenditure forms one of the prudential indicators that are used to regulate treasury activity. Table 1 shows total capital expenditure and how this was financed, compared with what was expected to be spent and how this would have been financed. Actual expenditure was £4.281m more than planned, mostly due to increased activity in the General Fund. However the mix of funding differs from that which was expected as some schemes progressed quicker than others. This impacted slightly on the borrowing needed to fund expenditure which was £2.559m higher than initially anticipated.

**Table 1 – Capital Expenditure and Financing**

	2018/19	2019/20		
	Outturn £m	Revised Estimate £m	Outturn £m	Variance £m
General Fund Capital Expenditure	21.298	17.280	23.111	5.831
HRA Capital Expenditure	9.376	10.834	11.963	1.129
Loans to Joint Ventures etc	6.117	10.544	7.865	(2.679)
<b>Total Capital Expenditure</b>	<b>36.791</b>	<b>38.658</b>	<b>42.939</b>	<b>4.281</b>
Resourced by:				
Capital Receipts GF	3.022	1.705	2.348	0.643
Capital receipts Housing	0.550	0.200	1.432	1.232
Capital Grants	9.336	14.753	16.705	1.952
Capital Contributions	4.076	0.000	0.162	0.162
Revenue Contributions - GF	0.000	0.000	0.956	0.956
Revenue (Housing)	9.446	10.634	7.411	(3.223)
<b>Total Resources</b>	<b>26.430</b>	<b>27.292</b>	<b>29.014</b>	<b>1.722</b>
<b>Borrowing needed to finance expenditure</b>	<b>10.361</b>	<b>11.366</b>	<b>13.925</b>	<b>2.559</b>

### The Council's Overall Borrowing Need

13. The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). The figure is a gauge for the Council's debt position. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents 2019/20 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources.
14. Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the government, through

PWLB, or the money markets) or utilising temporary cash resources within the Council.

15. The General Fund element of the CFR is usually reduced each year by a statutory charge to the revenue accounts called the Minimum Revenue Provision (MRP). The total CFR can also be reduced each year through a Voluntary Revenue Provision (VRP).
16. The Council's CFR for the year is shown in Table 2 and represents a key prudential indicator. The CFR outturn for 2019/20 is £219.489m which is £2.559m higher than approved due to the increased borrowing need required to finance the additional capital expenditure in 2019/20.
17. No MRP repayments were made on the General Fund debt in line with the report to Council on 23<sup>rd</sup> February 2017.

**Table 2 - Capital Financing Requirement**

	2018/19	2019/20		
	Outturn £m	Approved Indicator £m	31 March Actual £m	Variance £m
Opening Balance	198.788	207.348	207.348	0.000
Add Capital Expenditure financed by borrowing	10.361	11.366	13.925	2.559
Less MRP/VRP General Fund	0.000	0.000	0.000	0.000
Less MRP/VRP Housing	(0.629)	(0.629)	(0.629)	0.000
Less MRP/VRP PFI	(1.172)	(1.155)	(1.155)	0.000
Closing balance	<b>207.348</b>	<b>216.930</b>	<b>219.489</b>	<b>2.559</b>

### **Treasury Position at 31 March 2020**

18. Whilst the measure of the Council's underlying need to borrow is the CFR, the Assistant Director of Resources can manage the Council's actual borrowing position by:
  - (a) borrowing to the CFR level; or
  - (b) choosing to utilise some temporary cash flows instead of borrowing ("under borrowing"); or
  - (c) borrowing for future increases in CFR (borrowing in advance of need, the "over borrowed" amount can be invested).
19. The financial reporting practice that the Council is required to follow (the Statement of Recommended Practice (SORP)), changed in 2007/08. Financial instruments (borrowing and investments etc.) must now be reported in the Statement of Accounts in accordance with national Financial Reporting Standards. The figures in this report are based on actual amounts borrowed and invested and so will differ from those in the Statement of Accounts which due to statutory requirements are shown at Fair Value.

20. The Council's total debt outstanding at 31st March 2020 was £181.661m. In addition to this, a liability of £11.498m relating to the PFI scheme and Finance Leases brings the total to £193.159m. The Council's revised CFR position was estimated to be £216.930m, however, the actual out turn position was £219.489m. When comparing this to our actual borrowing of £193.159m this meant that the Council was "under borrowed" by £26.330m. This "under borrowed" amount was financed by internal borrowing which means that the amount that could have been invested externally was reduced to cover this. The reduced under borrowed position still has the dual effect of reducing costs to the MTFP because borrowing costs are generally greater than investment returns and it reduces counterparty risk by reducing our exposure to banks and other financial institutions.
21. The treasury position at the 31st March 2020, including investments compared with the previous year is shown in Table 3 below.

**Table 3 – Summary of Borrowing and Investments**

Treasury Position	31 March 2019		31 March 2020	
	Principal £m	Average Rate %	Principal £m	Net annualised Average Rate %
General Debt - Fixed Rate Debt, Market and Public Works Loan Board (PWLb)	154.161	3.52%	156.661	2.93%
Property Fund Borrowing	25.000	1.17%	25.000	1.45%
<b>Total Debt</b>	<b>179.161</b>	<b>3.22%</b>	<b>181.661</b>	<b>2.72%</b>
Cashflow Investments up to 6 months	25.850	0.69%	21.800	0.91%
Capital Investments over 6 months	0.000	0.00%	5.000	1.05%
Property Fund Investment -net of costs	29.999	2.30%	29.999	2.20%
<b>Total Investments</b>	<b>55.849</b>		<b>56.799</b>	
<b>Net borrowing position</b>	<b>123.312</b>		<b>124.862</b>	

### Prudential Indicators and Compliance Issues

22. Some prudential indicators provide an overview while others are specific limits on treasury activity. These indicators are shown below:
23. **Gross Borrowing and the CFR** – in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2018/19) plus the estimates of any additional capital financing requirement for the current (2019/20) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2019/20. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

**Table 4 – Gross Borrowing Compared with CFR**

	<b>31 March 2019 Actual £m</b>	<b>31 March 2020 Approved Indicator £m</b>	<b>31 March 2020 Actual £m</b>
<b>Gross Borrowing Position</b>	<b>179.161</b>	<b>183.258</b>	<b>181.661</b>
<b>PFI and Finance Lease Liability</b>	<b>12.653</b>	<b>11.498</b>	<b>11.498</b>
<b>CFR Excluding PFI &amp; leases</b>	<b>194.695</b>	<b>205.432</b>	<b>207.991</b>
<b>CFR</b>	<b>207.348</b>	<b>216.930</b>	<b>219.489</b>

24. **The Authorised Limit** – The Authorised Limit is the “Affordable Borrowing Limit” required by section 3 of the Local Government Act 2003. The Council does not have power to borrow above this level.
25. **The Operational Boundary** – The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary are both acceptable, subject to the Authorised Limit not being breached.
26. **Actual financing costs as a proportion of net revenue expenditure** - This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue expenditure. The actual for this indicator has reduced due to nil provision of MRP for the General Fund and other savings in the Financing Costs budget, but has risen from the previous year due to a reduction in the Councils overall budget.

**Table 5 – Key Prudential Indicators**

	<b>Actual 2018/19 £m</b>	<b>Original Approved Limits 2019/20 £m</b>	<b>Revised Approved Limits 2019/20 £m</b>	<b>Actual Total Liabilities Borrowing + PFI/ leases 2019/20 Maximum £m</b>
<b>Approved Indicator – Authorised Limit</b>	<b>191.814</b>	<b>326.023</b>	<b>227.776</b>	<b>193.159</b>
<b>Approved Indicator – Operational Boundary</b>	<b>191.814</b>	<b>310.498</b>	<b>194.756</b>	<b>193.159</b>
<b>Financing costs as a percentage of net revenue expenditure</b>	<b>4.07%</b>	<b>2.10%</b>	<b>2.10%</b>	<b>2.02%</b>

27. At 31st March 2020 the total liabilities were £193.159m which is below both the approved Authorised Limit and the approved Operational Boundary. The Operational Boundary is the point at which we expect borrowing to be, but it can be lower or higher. Borrowing cannot exceed the Authorised Limit.

28. A further four prudential indicators are detailed in **Appendix 1**.

### **Economic Background for 2019/20**

29. A summary of the general economic conditions that have prevailed through 2019/20 provided by Link Asset Services, the Council's treasury management advisors is attached at **Appendix 2**.

### **Summary of the Treasury Management Strategy agreed for 2019/20**

30. The revised Prudential Indicators anticipated that during 2019/20 the Council would need to borrow £11.366m to finance part of its capital programme.

31. The Annual Investment Strategy stated that the use of specified (usually less than 1 year) and non-specified (usually more than 1 year) investments would be carefully balanced to ensure that the Council has appropriate liquidity for its operational needs. In the normal course of the Council's business it is expected that both specified and non-specified investments will be utilised for the control of liquidity as both categories allow for short term investments.

32. Longer term instruments (greater than one year from inception to repayment) will only be used where the Council's liquidity requirements are safeguarded. An estimate of long term investments (over 1 year) were included in the report on the Prudential Indicators update these were as follows £50m for 2019/20 and £50m for 2020/21. No other investments of over 1 year duration have been made during 2019/20.

### **Treasury Management Activity during 2019/20**

#### **Debt Position**

33. **Borrowing** – this increased during 2019/20 by £2.500m in total



	PWLB			Market Loans (incl. other Local Authorities)			Total
	Amount	Length of	Interest	Amount	Length of	Interest	
	£m	Loan	Rate	£m	Loan	Rate	£m
			%			%	
New Loans Taken							
	5.000	50 years	1.69%				
	5.000	50 years	1.69%				
				2.000	1 year	1.02%	
				3.000	1 year	1.02%	
				5.000	1 year	0.83%	
				5.000	3 months	0.70%	
				5.000	2 years	0.87%	
				5.000	9 months	0.80%	
				5.000	5 months	0.80%	
				5.000	1 year	1.00%	
							45.000
Loans Repaid							
				(5.000)	2 years	0.80%	
				(5.000)	1 year	0.70%	
				(5.000)	10 months	0.80%	
				(3.500)	1 year	1.00%	
				(5.000)	1 year	1.05%	
				(5.000)	1 year	1.15%	
				(4.000)	1 year	1.00%	
				(5.000)	1 year	1.10%	
				(5.000)	3 months	0.70%	
							(42.500)
Total New Borrowing	10.000			(7.500)			2.500

34. The new net borrowing of £2.500m was taken for various lengths of time at various interest rates as shown above.

35. **Summary of Debt Transactions** –The consolidated rate of interest decreased from 3.22% to 2.72% due to the above transactions.

### Investment Position

36. **Investment Policy** – the Council's investment policy for 2019/20 is governed by the DCLG Guidance which has been implemented in the annual investment strategy for 2019/20 approved by Council on 21 February 2019.

37. The investment activity during the year conformed to the approved Strategy and the Council had no liquidity difficulties.

38. Investments held by the Council consist of temporary surplus balances, capital receipts and other funds. Cash balances are invested on a daily basis to maximise the benefit of temporary surplus funds. These include investments in Money Market Funds, the Government's Debt Management Office and bank short term notice accounts. A total of 79 investments were made in the period 1 April 2019 to 31 March 2020 totalling c£146m these were for short periods of up to 100 days and

earned interest of £195k on an average balance of £27.354m which equated to an annual average interest rate of 0.70%

39. The Council also has longer term investments which consist of the property funds and the returns are shown below in **Table 6**.

**Table 6 – Longer Term 6 months to 5 years - Property Funds**

	<b>Original Budget 2019/20</b>	<b>Revised Budget 2019/20</b>	<b>Actual 2019/20</b>
Daily average level of Investments	<b>£29.999m</b>	<b>£29.999m</b>	<b>£29.999m</b>
Average Rate of Return on Investment (gross)	<b>3.57%</b>	<b>3.57%</b>	<b>3.44%</b>
Interest Earned (Gross)	<b>£1.072m</b>	<b>£1.072m</b>	<b>£1.033m</b>

### **Performance and Risk Benchmarking**

40. A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance, and these are shown in **Table 9**. Discrete security and liquidity benchmarks are relatively new requirements to the member reporting. These were first set in the Treasury Strategy report of the 25th February 2010.
41. The following reports the current position against the benchmarks originally approved.
42. Security – The Council’s maximum security risk benchmarks for the current portfolio of investments, when compared to historic default tables was set as follows:

#### **0.077% historic risk of default when compared to the whole portfolio**

43. **Table 7** shows that there has been a fluctuation in the historic levels of default over the year although still well below the benchmark. This is mainly due to some longer term investments actually being made for shorter terms i.e. up to six months rather than 1 year as these investments were better value than longer term investments and were also a better fit with how the council was expecting to utilise investments. It also shows more emphasis being placed on counterparties with a higher credit rating.
44. The investment portfolio was maintained within this overall benchmark during this year as shown in **Table 7**.

**Table 7**

<b>Maximum</b>	<b>Benchmark 2019/20</b>	<b>Actual June 2019</b>	<b>Actual October 2019</b>	<b>Actual January 2020</b>	<b>Actual March 2020</b>
Year 1	0.077%	0.002%	0.002%	0.001%	0.006%

45. The counterparties that we use are all high rated therefore our actual risk of default based on the ratings attached to counterparties is virtually nil.
46. Liquidity – In respect of this area the Council set liquidity facilities/benchmark to maintain
- (a) Bank Overdraft £0.100M
  - (b) Liquid short term deposits of at least £3.000M available within a weeks' notice.
  - (c) Weighted Average Life benchmark is expected to be 146 days with a maximum of 1year.
47. Liquidity arrangements have been adequate for the year to date as shown in **Table 8.**

**Table 8**

	<b>Benchmark</b>	<b>Actual June 2019</b>	<b>Actual October 2019</b>	<b>Actual January 2020</b>	<b>Actual March 2020</b>
<b>Weighted Average life</b>	<b>146 days to 1 year</b>	<b>11 days</b>	<b>12 days</b>	<b>8 days</b>	<b>84 days</b>

48. The figures are for the whole portfolio of cash flow investments deposited with Money Market funds on a call basis (i.e. can be drawn on without notice) as well as call accounts that include a certain amount of notice required to recall the funds.
49. Yield - In respect of this area performance indicators relating to interest rates for borrowing and investments were set with reference to comparative interest rates. For borrowing, the indicator is the average rate paid during the year compared with the previous year. Investment rates are compared with a representative set of comparative rates.

**Table 9 – Performance Compared With Indicators**

<b>Borrowing</b>	Average overall rate paid compared to previous years	<b>2018/19 3.22%</b>	<b>2019/20 2.72%</b>
<b>Investments</b>		<b>DBC 2018/19</b>	<b>DBC 2019/20</b>
Short term	Cash flow investment rate returned against comparative average rate	0.68%	<b>0.69%</b>
Long term	Capital investment rate returned against comparative average rates	0.71%	<b>0.72%</b>
<b>Comparative rates used to compare DBC performance: -</b>		<b>Short Term Investments</b>	<b>Long Term Investments</b>
<b>Comparative Rates</b>			
Overnight Bid Rate Overnight		0.54%	-
London Interbank Bid Rate 7 day		0.53%	-
London Interbank Bid Rate 1 month		0.56%	-
London Interbank Bid rate 3 months		0.63%	-
London Interbank Bid rate 6 months		-	0.70%
London Interbank Bid rate 12 months		-	0.80%
<b>Average External Comparators</b>		<b>0.57%</b>	<b>0.75%</b>

50. As can be seen from the table, the actual investment rate achieved for short term investments exceeds the average of comparative rates whilst the longer term rate is roughly comparable with the comparator.

## **Risk**

51. The Council's treasury management activities are regulated by a variety of professional codes, statutes and guidance:-

- (a) The Local Government Act 2003(the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity.
- (b) The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2017/18).
- (c) Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act.
- (d) The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities.
- (e) The SI also requires the Council to operate the overall treasury function with regard to the CIPFA code of Practice for Treasury Management in Public Services.

- (f) Under the Act the Department for Communities and Local Government has issued Investment Guidance to structure and regulate the Council's investment activities.
  - (g) Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8 November 2007.
52. The Council's Treasury Management function has complied with all of the relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.
53. Officers of the Council are aware of the risks of passive management of the treasury portfolio and, with the support of Capita Asset Services, the Council's advisers, have proactively managed the debt and investments over the year.

### Treasury Management Budget

54. There are three main elements within the Treasury Management Budget :-

- (a) Long Term capital investments including Property Funds which earns interest, this comprises of the Council's revenue and capital balances, unused capital receipts, reserves and provisions.
- (b) Cash flow interest earned – since becoming a unitary council in 1997, the authority has consistently had positive cash flow. Unlike long term capital investments it does not represent any particular sum but it is the consequence of many different influences such as receipts of grants, the relationship between debtors and creditors, cashing of cheques and payments to suppliers.
- (c) Debt servicing costs – This is the principal and interest costs on the Council's long term debt to finance the capital programme.

**Table 10** Changes to the Treasury Management Budget 2019/20

	£m	£m
<b>Original Treasury Management Budget</b>		<b>0.425</b>
<b>Debt</b>		
Add increased interest payable on debt	<b>0.083</b>	
Less further savings on MRP	<b>(0.109)</b>	
Less reduced annual premium on rescheduled debt	<b>(0.163)</b>	<b>(0.189)</b>
<b>Investments</b>		
Less increased investment income including property funds etc		<b>(0.092)</b>
<b>Other Costs</b>		
Add increased brokerage charges		<b>0.013</b>
<b>Outturn Treasury Management Budget 2019/20</b>		<b>0.157</b>

55. The majority of the savings relate to a reduction in the annual premium on rescheduled debt some of which has been passported to HRA, although this has been offset by a reduction to the HRA of the interest payable on debt. There has also been an increase in the interest due on investments.

### **Conclusion**

56. The Council's treasury management activity during 2019/20 has been carried out in accordance with Council Policy and within legal limits. Financing costs have been reduced during the year and a saving of £0.268m achieved from the original MTFP.

### **Outcome of Consultation**

57. No formal consultation has been undertaken regarding this report.

## APPENDIX 1

## Additional Prudential Indicators not reported in the body of the report

		2018/19 Actual	2019/20 Approved Indicator	2019/20 Outturn
1	Upper limits on fixed interest rates ( <i>against maximum position</i> )	83%	100%	79%
2	Upper limits on variable interest rates ( <i>against maximum position</i> )	17%	40%	21%
3	Maturity structure of fixed rate borrowing ( <i>against maximum position</i> )			
	Under 12 months	17%	30%	19%
	12 months to 2 years	3%	40%	5%
	2 years to 5 years	10%	60%	9%
	5 years to 10 years	5%	80%	8%
	10 years and above	65%	100%	59%
4	Maximum Principal funds invested greater than 364 days	£30m	£50m	£50m

## The Economy and Interest Rates

**UK. Brexit.** The main issue in 2019 was the repeated battles in the House of Commons to agree on one way forward for the UK over the issue of Brexit. This resulted in the resignation of Theresa May as the leader of the Conservative minority Government and the election of Boris Johnson as the new leader, on a platform of taking the UK out of the EU on 31 October 2019. The House of Commons duly frustrated that renewed effort and so a general election in December settled the matter once and for all by a decisive victory for the Conservative Party: that then enabled the UK to leave the EU on 31 January 2020. However, this still leaves much uncertainty as to whether there will be a reasonable trade deal achieved by the target deadline of the end of 2020. It is also unclear as to whether the coronavirus outbreak may yet impact on this deadline; however, the second and third rounds of negotiations have already had to be cancelled due to the virus.

**Economic growth** in 2019 has been very volatile with quarter 1 unexpectedly strong at 0.5%, quarter 2 down at -0.2%, quarter 3 bouncing back up to +0.5% and quarter 4 flat at 0.0%, +1.1% y/y. 2020 started with optimistic business surveys pointing to an upswing in growth after the ending of political uncertainty as a result of the decisive result of the general election in December settled the Brexit issue. However, the three monthly GDP statistics in January were disappointing, being stuck at 0.0% growth. Since then, the whole world has changed as a result of the **coronavirus outbreak**. It now looks likely that the closedown of whole sections of the economy will result in a fall in GDP of at least 15% in quarter two. What is uncertain, however, is the extent of the damage that will be done to businesses by the end of the lock down period, when the end of the lock down will occur, whether there could be a second wave of the outbreak, how soon a vaccine will be created and then how quickly it can be administered to the population. This leaves huge uncertainties as to how quickly the economy will recover.

After the Monetary Policy Committee raised **Bank Rate** from 0.5% to 0.75% in August 2018, Brexit uncertainty caused the MPC to sit on its hands and to do nothing until March 2020; at this point it was abundantly clear that the coronavirus outbreak posed a huge threat to the economy of the UK. Two emergency cuts in Bank Rate from 0.75% occurred in March, first to 0.25% and then to 0.10%. These cuts were accompanied by an increase in **quantitative easing (QE)**, essentially the purchases of gilts (mainly) by the Bank of England of £200bn. The Government and the Bank were also very concerned to stop people losing their jobs during this lock down period. Accordingly, the Government introduced various schemes to subsidise both employed and self-employed jobs for three months while the country is locked down. It also put in place a raft of other measures to help businesses access loans from their banks, (with the Government providing guarantees to the banks against losses), to tide them over the lock down period when some firms may have little or no income. However, at the time of writing, this leaves open a question as to whether some firms will be solvent, even if they take out such loans, and some may also choose to close as there is, and will be, insufficient demand for their services. At the time of writing, this is a rapidly evolving situation so there may be further measures to come from the Bank and the Government in April and beyond. The measures to support jobs and businesses already taken by the Government will result in a huge increase in the annual budget deficit in 2020/21 from 2%, to nearly 11%. The ratio of debt to GDP is also likely to increase from 80% to around 105%. In the Budget in March, the Government also announced a large increase in spending on infrastructure; this will also help the economy to recover once the lock down is ended. Provided the coronavirus outbreak is brought under control relatively swiftly, and the lock down is eased, then it is hoped that there would be a sharp recovery, but one that would take a prolonged time to fully recover previous lost momentum.

**Inflation** has posed little concern for the MPC during the last year, being mainly between 1.5 – 2.0%. It is also not going to be an issue for the near future as the world economy will be heading into a recession which is already causing a glut in the supply of oil which has fallen sharply in price. Other prices will also be under downward pressure while wage inflation has also been on a downward path over the last half year and is likely to continue that trend in the current environment. While inflation could even turn negative in the Eurozone, this is currently not likely in the UK.



**Employment** had been growing healthily through the last year but it is obviously heading for a big hit in March – April 2020. The good news over the last year is that wage inflation has been significantly higher than CPI inflation which means that consumer real spending power had been increasing and so will have provided support to GDP growth. However, while people cannot leave their homes to do non-food shopping, retail sales will also take a big hit.

**USA.** Growth in quarter 1 of 2019 was strong at 3.1% but growth fell back to 2.0% in quarter 2 and 2.1% in quarters 3 and 4. The slowdown in economic growth resulted in the Fed cutting rates from 2.25-2.50% by 0.25% in each of July, September and October. Once coronavirus started to impact the US in a big way, the Fed took decisive action by cutting rates twice by 0.50%, and then 1.00%, in March, all the way down to 0.00 – 0.25%. Near the end of March, Congress agreed a \$2trn stimulus package (worth about 10% of GDP) and new lending facilities announced by the Fed which could channel up to \$6trn in temporary financing to consumers and firms over the coming months. Nearly half of the first figure is made up of permanent fiscal transfers to households and firms, including cash payments of \$1,200 to individuals.

The loans for small businesses, which convert into grants if firms use them to maintain their payroll, will cost \$367bn and 100% of the cost of lost wages for four months will also be covered. In addition there will be \$500bn of funding from the Treasury's Exchange Stabilization Fund which will provide loans for hard-hit industries, including \$50bn for airlines.

However, all this will not stop the US falling into a sharp recession in quarter 2 of 2020; some estimates are that growth could fall by as much as 40%. The first two weeks in March of initial jobless claims have already hit a total of 10 million and look headed for a total of 15 million by the end of March.

**EUROZONE.** The annual rate of GDP growth has been steadily falling, from 1.8% in 2018 to only 0.9% y/y in quarter 4 in 2019. The European Central Bank (ECB) ended its programme of quantitative easing purchases of debt in December 2018, which meant that the central banks in the US, UK and EU had all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in EZ growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. At its March 2019 meeting it announced a third round of TLTROs; this provided banks with cheap two year maturity borrowing every three months from September 2019 until March 2021. However, since then, the downturn in EZ and world growth has gathered momentum so at its meeting in September 2019, it cut its deposit rate further into negative territory, from -0.4% to -0.5% and announced a resumption of quantitative easing purchases of debt to start in November at €20bn per month, a relatively small amount, plus more TLTRO measures. Once coronavirus started having a major impact in Europe, the ECB took action in March 2020 to expand its QE operations and other measures to help promote expansion of credit and economic growth. What is currently missing is a coordinated EU response of fiscal action by all national governments to protect jobs, support businesses directly and promote economic growth by expanding government expenditure on e.g. infrastructure; action is therefore likely to be patchy.

**CHINA.** Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium-term risks have also been increasing. The major feature of 2019 was the trade war with the US. However, this has been eclipsed by being the first country to be hit by the coronavirus outbreak; this resulted in a lock down of the country and a major contraction of economic activity in February-March 2020. While it appears that China has put a lid on the virus by the end of March, these are still early days to be confident and it is clear that the economy is going to take some time to recover its previous rate of growth. Ongoing economic issues remain, in needing to make major progress to eliminate excess industrial capacity and to switch investment from property construction and infrastructure to consumer goods production. It also needs to address the level of non-performing loans in the banking and credit systems.

**JAPAN** has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy. It appears to have missed much of the domestic impact from coronavirus in 2019-20 but the virus is at an early stage there.

**WORLD GROWTH.** The trade war between the US and China on tariffs was a major concern to financial markets and was depressing worldwide growth during 2019, as any downturn in China would spill over into impacting countries supplying raw materials to China. Concerns were particularly focused on the synchronised general weakening of growth in the major economies of the world. These concerns resulted in government bond yields in the developed world falling significantly during 2019. In 2020, coronavirus is the big issue which is going to sweep around the world and have a major impact in causing a world recession in growth in 2020.

## Glossary of Terms

Capital Financing Requirement (CFR)	This is the Councils underlying need to borrow which can be traced back to the Councils Balance Sheet and the value of the Councils assets which have yet to be paid for.
Minimum Revenue Provision (MRP)	Monies set aside from the revenue budget to repay accumulated debt.
Call	Investments that can be returned without a period of notice
Counterparty	Institutions, Banks etc. that with make investments or take out loans with.
Specified Investments	Investments in Banks and Building Societies with a high credit rating for periods of less than 1 year
Non-Specified Investments	Investments in un rated Building Societies and any investments in Banks and Building Societies for more than 1 year.
Operational Liquidity	Working Cash flow
Authorised Limit	Maximum amount of borrowing that could be taken in total.
Operational Boundary	The expected amount of borrowing assumed in total.
PWLB	Public Works Loan Board. The Governments lending body to Local Authorities
Discount	Amount payable by the PWLB when loans are repaid if the current loan rate is less than the rate borne by the original debt
Yield Curve	Is a graph that shows the relationship between the interest rate paid and length of time to repayment of a loan.
Gilts	Government Borrowing Bonds
Spreads	The difference between the highest rate of interest and the lowest rate of interest earned/charged on any one particular maturity period i.e. 1 year, 2 year 5 year etc.
LIBID	London Interbank Bid Rate. The average rate at which a bank is willing to borrow from another bank.
LIBOR	London Interbank Offer Rate. The average rate at which a bank is willing to lend to another bank. LIBOR is always higher than the corresponding bid rate and the difference between the two rates is known as the spread.

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF ADULTS SCRUTINY COMMITTEE**

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1. Since the last meeting of the Council, the following are the main areas of work the Adults Scrutiny Committee has undertaken.

#### **Covid-19 Response**

2. The Committee received a verbal update from the Assistant Director, Commissioning, Performance and Transformation on the ongoing response to the Covid-19 pandemic, specifically in relation to care providers.
3. We heard that there had been five outbreaks of Covid-19 within care home settings since 28<sup>th</sup> September 2020, and that these had been robustly overseen by the Outbreak Control Team. It was reassuring to learn that two of the outbreaks had been closed down, two had been contained, and whilst the fifth care home was closing, this was for safeguarding reasons and not as a result of the Covid-19 outbreak.
4. We also heard that since the 28th September 2020, 82 residents in care home or domiciliary settings had received a positive diagnosis for Covid-19, and that 75 staff had been diagnosed as having contracted the virus, however we were encouraged to learn that the impact, to date, has not been as extreme as during Phase One.
5. Members of the Committee were pleased to learn that the local authority were working with the Clinical Commissioning Group (CCG) to support hospital discharge, with more resources being channelled into domiciliary care and the Rapid Response Team, in order to provide a 'home first' approach. Members also heard that designated beds had been identified in care homes and other settings for patients with a positive Covid-19 diagnosis, who were being discharged from hospital.
6. We also received information in relation to the release of the second phase of Infection Control Funding, and discussed the formal arrangements for our staff and care providers around infection control, and the concerns raised by the Director of Public Health in relation to car-sharing.

#### **Deprivation of Liberty Update**

7. The Committee received a report which provided an update on Deprivation of Liberty Safeguards (DoLS) and Deprivation of Liberty in supported living and home environments, including outcomes for people. The report advised Members on the restrictions faced by DoLS assessors to date through the Covid-19 pandemic, and the changing Department of Health guidance. We heard that it is planned that DoLS will be replaced by Liberty Protection Safeguards (LPS) in April 2022.
8. Discussion ensued on the reason for the high levels of DoLS requests and authorisations in the North East of England, and the reason why some 701 requests in 2019/20 did not proceed to authorisation. Members examined the reasons for the

temporary redeployment of two Best Interest Assessors (BIAs) in 2019/20, the associated costs, and the reduction in training.

9. Members were also keen to ascertain how DoLS assessments were carried out during the period of the Covid-19 pandemic when face-to-face assessments could not be conducted.
10. Further concern was expressed in relation to the impact of the Covid-19 pandemic, the potential effect that this may have on the introduction of Liberty Protection Safeguards, and the impact on the Mental Health of those who are unable to spend time with relatives in receipt of end of life care.

### **Loneliness and Connected Communities Task and Finish Group**

11. The Loneliness and Connected Communities Task and Finish Group met with the Partnership Director on 5 October 2020, to learn more of the work of Darlington Cares, particularly in relation to the 'Good Friends Scheme', and were pleased to hear of the good work being conducted by EE in terms of their 'penpal' scheme.
12. Members are looking forward to hearing more about the Step Forward Tees Valley programme at a meeting of the Task and Finish Group scheduled for Tuesday, 15<sup>th</sup> December 2020, and are in the process of arranging a meeting with Ethne Parker, Wellbeing Service Lead at Primary Healthcare Darlington Ltd.

**Councillor Anne-Marie Curry**  
**Chair of Adults Scrutiny Committee**

## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE**

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1. Since the last meeting of the Council, the following are the main areas of work the Children and Young People Scrutiny Committee has undertaken.

#### **Work Programme**

2. Members gave consideration to the Work Programme items scheduled to be considered by this Scrutiny Committee during 2019/20, and to any additional areas that Members would like to be included.
3. A new item agreed at the meeting was that a half-day virtual evidence gathering event will take place in January 2021 to bring together the lived experiences of children, young people and families to help us better understand the impact Covid-19 is having in Darlington and what future actions may be required. Committee will also hear from agencies, voluntary organisations, educators, businesses, faith groups and others supporting and serving children, young people and families during these unprecedented times. A scrutiny working group meeting was held on 17 November 2020 to develop the Quad of Aims for this piece of work.

#### **Academies**

4. Members welcomed Katherine Cowell, the Regional School's Commissioner to the meeting in November, who gave a presentation on her role in relation to; academies, free schools and place planning; the role of Opportunity North East in supporting Darlington, and information on school improvement.
5. The presentation provided an oversight of the academies in Darlington local authority and highlighted strong trust characteristics to provide positive outcomes for children, support strong financial health and provide expert governance.
6. Opportunity North East, support Darlington with five challenges which include; support for young people to continue to do well in secondary education through transition; the ONE Vision School's Improvement Programme; supporting Math departments in 30 secondary schools through a package of support developed by the regions two Math Hubs, one of which is located at Carmel College; and encouraging young people to find a pathway to a good career via a programme of work, engaging with businesses to identify work/training activities for pupils; and also expanding the FutureMe programme, to encourage young people to progress to higher education.
7. The four One Vision Schools in Darlington are: Haughton Academy, Polam Hall School, St. Aidan's Church of England Academy and Wyvern Academy. These schools are part of the One Vision three year support programme that includes guidance on evidence-based school improvement from the Education Endowment Foundation and support from high-performing schools.

8. Members discussed with the Regional School's Commissioner the effects of the Covid-19 pandemic in relation to attendance, attainment, safeguarding, digital accessibility, mental health and wellbeing and asked how these issues are being monitored to measure the current and longer-term impact of the pandemic. Katherine confirmed that engagement and support from schools had been excellent during these difficult times.
9. Members were particularly interested to learn about the relationship between the Regional's Commissioner and the Careers Challenge and were advised that the Board oversees the programme, along with the local authority, schools and universities that sit on the Board and can raise any issues with local enterprise organisations.
10. Concerns were also raised about disadvantaged students and members asked for reassurance that the Department for Education were focusing on this particular group of young people. The Regional School's Commissioner confirmed that Opportunity North East support was being offered to schools that may be struggling and daily contact is made with all schools and any feedback is fed into future contingency planning.
11. Following the meeting, at the request of committee, follow-up contact has been made with the Regional Schools Commissioner to reiterate the eagerness of elected members to be positively involved in promoting better outcomes for all children and young people within our borough. Academisation has meant that the formal structures guaranteeing involvement have been severed, but committee have indicated its intention to explore an expanded role for elected members to influence choice, at every level, in order to enhance and improve the life chances of Darlington's children and young people. Committee welcomed the building of a closer relationship with the Regional School Commissioner for the North

### **Adoption Tees Valley Annual Report 2019/20**

12. Vicky Davidson-Boyd, Service Manager for Adoption Tees Valley (ATV) presented the annual report for the period 1 April 2019 to 31 March 2020.
13. Adoption Tees Valley commenced operating as a Regional Adoption Agency (RAA) on the 1 May 2018 bringing together the former Local Authority adoption agency services of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton and the report outlined the embedding of the practice, procedures, and systems for delivery of the adoption service to the Tees Valley Local Authorities and its continued development of adoption in the Tees Valley.
14. Committee were presented with information about how the Coronavirus pandemic had affected the service since March 2020, assured that adoption work was able to continue throughout lockdown and were able to ask questions about what had gone well and hear about some of the key challenges for the service.
15. The service continues to focus on maintaining timescales, and progressing early permanence for children, where this is appropriate for them, and provisional data shows a positive reduction in timescales for children entering care to moving in with adopters.



16. There has been significant improvement in recruitment and availability of adopters for the children referred and there has been strategic work with regional Voluntary Adoption Agencies to encourage them to contribute to sufficiency within this region.
17. Committee Members were particularly interested in the number of children from ethnic minority backgrounds adopted from care and in particular the numbers of families approved from Black, Asian and Minority Ethnic (BAME) heritage and discussed how to promote the needs of Black and Minority Ethnic (BME) children.
18. Assessment timescales are improving, and most adopters are being linked and matched with a child, or children quickly, following approval.
19. The service has placed considerable focus on the adoption support offer to adopters and children, inclusive of those who have previously adopted prior to the establishment of the ATV.
20. Changes to this year's report led members to request further information on governance procedures and financial reporting. A task and finish review on these matters has been added to Committee's work programme.

### **Darlington Safeguarding Partnerships Annual Report 2019/20**

21. Ann Baxter, the Independent Chair/Scrutineer of the Darlington Safeguarding Partnerships attended Scrutiny to present the Partnerships Annual Report for 2019/20.
22. The annual report is a statutory requirement of all Local Safeguarding Partnerships to account for their achievements over the previous year and to determine an assessment as to the effectiveness of multi-agency safeguarding arrangements within the local area.
23. The 2019/20 Annual Report is the first report provided by the Partnership under the new safeguarding arrangements and outlines what the Partnership has done over the period 2019/20, drawing upon a range of data and information to illustrate the effectiveness of safeguarding arrangements.
24. Nick Lindsay, the 11-19 Partnership representative highlighted that although education was not a statutory partner, education in Darlington had been given a voice and acknowledged the support of all education settings in the development of change.
25. The Independent Chair confirmed the strong partnerships with the education settings and also referred to the challenge that the Covid-19 pandemic had on everyone in Darlington towards the end of the reporting period and acknowledged the longer term challenge to see how all partners had worked together to keep people safe during this time.
26. Members raised concerns at the increase in elective home education with regard to the support they receive, in particular; for the Gypsy, Roma and Traveller (GRT) community, which forms the largest single ethnic minority group in County Durham and Darlington. Members agreed to include this on the work programme to examine in more detail.

## **Performance – Quarter 1 2020/21**

27. Children's Services Quarter 1 performance April to June 2020 was presented to the November meeting which highlighted the following positives:

- (a) All children with a Child Protection Plan and those who are in care, had been allocated to a qualified social worker;
- (b) 89.7 per cent of Initial Child Protection Conferences were held within 15 workings, which remains higher than statistical neighbours;
- (c) Children (93.6 per cent) subject to a child protection plan were visited within 10 working days, above the target of 90 per cent;
- (d) Children in care (94.3 per cent) were visited within timescale;
- (e) Children in Care (6.5 per cent) had three or more placements within the previous 12 months which is below the internal target, the national target, statistical neighbour and regional averages;
- (f) Care Leavers (29.6 per cent) were not in employment, education or training (NEET) and all care leavers (100 per cent) were in suitable accommodation.

28. The areas identified for improved focus were:

- (a) Ensuring that referrals are screened in a timely manner and improving the timeliness of children and family assessments;
- (b) the number of children in care has increased to 291, with Darlington continuing to be an outlier for the high number of Children in Care as compared with our statistical neighbours;
- (c) The number of children (69.9 per cent) due a review health assessment needs to improve
- (d) as a result of dental surgery closures during lockdown, 4.3 per cent of children in care that were due a dental check assessment had one completed.

29. It was recognised that the data for the targets above, which showed a decrease in performance, was reflective of Covid-19 restrictions put in place in March 2020. Notwithstanding this, the figures presented to Scrutiny need to better reflect qualitative issues rather than just timescales and targets. Committee requested a narrative as to the issues impacting the indicators be incorporated into future reports and that numbers of children and young people replace percentages to allow members a better insight into the effect missing or meeting targets has on real people.

## **Nitrate Oxide Abuse**

30. A question was raised at Scrutiny in relation to the potential increase in the abuse of nitrous oxide amongst young people in Darlington. Members shared their concerns at the number of silver cartridges that they have seen discarded within their wards and it was felt that this is an issue that needed further investigation.

31. The Assistant Director of Children's Services advised Members that internal investigations within Children's Services, YOS and SWITCH, demonstrated no evidence to suggest referrals were increasing with regard to children and young people using opiates and ecstasy but could not comment on nitrous oxide.
32. As a result of these discussions and at the behest of Committee, an email was sent to Chief Constable Farrell to raise our concerns about the number of silver cartridges appearing around the borough, mainly in areas where young people congregate- Stanhope Road Park, South Park, Green Park and The Denes with a request for an update as to whether the police consider this and other drug use amongst young people to have increased during the current pandemic and if so, what the force and their partners are doing about it.

**Councillor Cyndi Hughes**  
**Chair of Children and Young People Scrutiny Committee**

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF COMMUNITIES AND LOCAL SERVICES SCRUTINY COMMITTEE**

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1. Since the last meeting of the Council, the following are the main areas of work the Communities and Local Services Scrutiny Committee has undertaken.

#### **Darlington Station**

2. Scrutiny welcomed a PowerPoint presentation from the Assistant Director, Transport and Capital Projects, updating Members on the background and progress made to date on the Darlington Station project.
3. The project, which is being funded by the Department for Transport and the Tees Valley Combined Authority aims to transform Darlington Train Station into a modern transport hub, provide more frequent and faster local and national services, futureproof the station for the future needs of the railway and will support and enhance the wider Darlington regeneration initiatives.
4. Scrutiny were provided with details of the proposals for the new configuration for Darlington Station which include the provision for a new south bound platform on the East Coast Main Line and new Tees Valley platforms, and noted the key features for Station East, Darlington Station and the Transport Interchange.
5. Members did raise concern in respect of the target date of December 2024 for the new operational track and station but were assured that robust processes are in place to ensure that the project is completed by the target date, and in time for the 2025 celebrations.
6. We were also pleased to note that measures were being considered as part of the planning process to address nearby residents and businesses concerns that may arise from the project. We were also assured that planning processes are in place to safeguard the historical integrity of the Grade II\* listed Station.

#### **Darlington Railway Heritage Quarter**

7. Scrutiny Committee received a further presentation from the Assistant Director, Community Services, updating Members on the Darlington Rail Heritage Quarter project.
8. Scrutiny were provided with details of the indicative site layout plan and the proposed options for the different elements of the site. We were also provided with details of the work strands for the 2025 celebrations and look forward to seeing how these progress.
9. The project is being funded with £20m from the Tees Valley Combined Authority; £5m allocation from the Towns Fund bid and £100k from Historic England project for conservation work on the Goods Shed. In addition £500k had been set aside

from Futures Fund to facilitate work up to 2025. We also noted that work is due to commence on site in Summer 2021 with a target completion date of early 2024.

10. A discussion took place in respect of attracting visitors to the Rail Heritage Quarter and we were assured that a significantly improved event programme would be in place, providing a different offer to other railway museums. In addition, the play area would be a significant attraction to the local community, whilst a changeable exhibition space would attract revisits. We noted the visitor number target of 250,000.
11. We also discussed the Heritage Action Zone projects, in particular the History and Heritage Festival 2020. Members raised concern in respect of the lack of advertising for this event, and requested improved advertising and comms to Members and the public, particularly in the lead up to 2025.

### **Work Programme 2020/21**

12. We have given consideration to the Work Programme for this Committee for the Municipal Year 2020/21 and possible review topics, the work programme is a rolling work programme and items can be added as necessary.

**Councillor Mike Renton**  
**Chair of Communities and Local Services Scrutiny Committee**

## **COUNCIL 26 November 2020**

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### **OVERVIEW OF ECONOMY AND RESOURCES SCRUTINY COMMITTEE**

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1. Since the last meeting of the Council, the following are the main areas of work the Economy and Resources Scrutiny Committee has undertaken.

#### **Business Week 2020**

2. We received an overview of the activities which took place as part of the Council's Business Week 2020 which took place for the first time virtually due to the current pandemic. The programme this year, which was brought together by the Business Investment Team, focussed around supporting businesses to recover from the pandemic and consisted of 17 on-line activities, including the launch of the event by the Mayor of the Tees Valley Combined Authority, information sessions and a series of business development workshops.
3. Business week brings together a number of local companies partners and business support organisations to provide free informative and engaging sessions to help local businesses build resilience, help recovery and learn how to diversify and find new opportunities and more than 250 businesses registered for the week's events, with positive feedback being received..
4. A virtual Jobs Fair was also hosted during the week to promote the wide range of job vacancies which were available at the time and approximately 100 live vacancies were posted during the week to the audience that were in attendance.
5. We noted that the Skills workshop had been cancelled due to lack of interest at this particular time in taking on new recruits due to the current situation, however, it was re-assuring to note that bespoke training was given to those that had registered for that event by the Darlington College and that, going forward, this more bespoke skills training would be more readily available as one-off events outside of Business Week.
6. Next year's Business Week will be held during the week of 4 October and we have requested Officers to keep us updated, following the lessons learnt from this year's events, of the proposed arrangements once next year's planning commences.

#### **Towns Fund – Forward Funding**

7. We have received a presentation on the proposed use of the Towns Fund – Forward Funding, following accelerated funding of £1 million which has been received from the Government to fund capital projects that are in line with the Towns Fund. This money must be spent this financial year with the aim of making an immediate impact to support the growth and recovery of Darlington during the pandemic.
8. The presentation covered the individual projects which were included within the overall project, which included improvements to the historic yards, town centre

enhanced lighting, town centre WIFI and property acquisition in Northgate.

9. We were pleased to note that Town Centre WIFI was included within the plan which will enable businesses to better promote their businesses electronically and with electronic payment systems etc.
10. We also discussed the need for any planting within the Yards to be low maintenance and for businesses to hopefully maintain that planting and build a sense of pride within their community and we asked the Officers to look at the provision of CCTV coverage within the Yards as part of the project to prevent anti-social behaviour and give reassurance to businesses. There is also a need to effectively engage with residents to communicate and consult on any plans.

### **The Process for the Write-off of Irrecoverable Debt**

11. We asked Officers to provide us with information on the statutory processes which were followed for the write-off of irrecoverable Council Tax, Business Rates, former tenant rent arrears and Housing Benefit overpayments.
12. The collection of these rents and taxes is important to provide the Council with resources which it needs to provide essential services to residents and businesses and we felt it was useful to see the processes and how they were implemented, within the statutory framework and how diligent Officers were in following those processes both in terms of collecting the debt and in supporting those people who were not paying due to financial difficulties.
13. The Head of Housing and Revenues reported that the statutory framework did give options and the Council operated within its own recovery strategy based on what it felt worked best in terms of collecting debt, with the debtor always being given the opportunity to contact and engage with the Council before any enforcement action was taken. It was explained that the significant increase in Former Tenant Rent Arrears which were deemed unrecoverable and written-off this year was due to a tidying up exercise after all recovery methods had been exhausted, with £400k of the £607k being before 2019 and some going back to the 1990's.
14. We were advised that, as part of the collection process and the large sums of money involved, £119.2 million last year, it was inevitable that some debts were irrecoverable and had to be written-off, although this was only once all other options had been exhausted. Officers assured us that a lot of resource was focussed on collecting the small percentage of debt which was not being paid and in providing support and signposting to those residents who were unable to pay due to financial difficulty.
15. We were also given a update on the additional work the team had been doing following the Covid-19 outbreak to maintain collection rates and in processing £24 million of business support grants.

### **Project Position Statement and Capital Programme Monitoring – Quarter 2 2020/21**

16. We received the quarter 2 information in relation to the capital resource and commitment position of the Council's capital programme. The Council currently has 39 live projects being managed with an overall projected outturn value of £126



million.

17. Despite the Covid-19 outbreak, the majority of the Councils projects are moving forward and safe systems of work have been put in place to enable that work to continue, however we did ask some questions in relation to some of the projects which had been delayed and whether there were additional costs associated with those projects as a result of that.

### **Revenue Budget Monitoring 2019/20 – Quarter 2**

18. We received the quarter 2 revenue budget outturn report prior to its consideration by Cabinet. The Council's projected revenue reserves at the end of 2020 are £20.506 million, £1,143 million higher than the initial 2020-24 MTFP position and includes a brought forward amount of £0.274 million from 2019-20 and the rebasing exercise of £0.897 million
19. Of the £20.506 million projected reserves, there is a risk reserve balance of £4.350 million and a commitment to use £11.330 million to support years two to four of the current MTFP, leaving a surplus of £4.826 million, subject to no further pressures being identified and no impact of Covid-19 in future years.
20. Specifically in relation to impact of Covid-19 on the Council's finances, it is estimated that the cost to the year-end will be £13.7 million, however the Council has received to date £8.7 million of Government grant and approximately £4 million is anticipated from the sales, fees and charges income recompense scheme which would leave a Covid-19 gap of £875,000. Government is continuing to be lobbied for additional funding.

### **Work Programme**

21. We have considered our current work programme. One area which I will discuss further with Officers and other Scrutiny Chairs is the feasibility of undertaking a shared piece of work around staff well-being and productivity levels across services during this period. In addition, it has also been suggested that an item be included on the work programme in relation to youth unemployment and a quad of aims will be submitted for that work
22. As Chair, I have also had briefings on the process involved in bringing empty properties back into use and the advantages of that both in terms of neighbourhoods and communities and Council Tax income and I will be liaising with Councillor Dulston on how we can extend the Northgate initiative across the town

**Councillor Scott Durham**  
**Chair Economy and Resources Scrutiny Committee**

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## **COUNCIL 26 NOVEMBER 2020**

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### **OVERVIEW OF HEALTH AND HOUSING SCRUTINY COMMITTEE**

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1. Since the last meeting of the Council, the following are the main areas of work the Health and Housing Scrutiny Committee has undertaken.

#### **Darlington Outbreak Control Plan**

2. We received a further verbal update from the Director of Public Health on the Darlington Outbreak Control Plan. We were concerned to note that there had been an increase in the rate of new cases and that working age adults were showing the greatest increase in cases, whilst the younger age groups appeared to be plateauing.
3. Particular discussion ensued on pandemic fatigue and the importance of Members' support to the community, including the involvement of the community and local groups in identifying safe solutions and ways to reduce local risk, which would help raise public interest.
4. The key messages in respect of social distancing, the use of face coverings, regular hand washing, and not socializing with other households indoors were reiterated.

#### **Tenancy Policy 2020-2025**

5. We gave our consideration to the updated Council's Tenancy Policy 2020-2025, which proposed to amend flexible tenancies to apply to properties that have been extensively adapted and properties in areas of regeneration.
6. Members noted that the Tenant's Board have been consulted and supported the proposed changes. Scrutiny Members were in agreement with the proposed amendments to the Tenancy Policy.

#### **Preventing Homelessness and Rough Sleeping Strategy Update**

7. We received an update on progress against the Preventing Homelessness and Rough Sleeping Strategy and were pleased to note that of the 28 actions in the strategy, nine had been completed and 12 were progressing and on track to meet timescales.
8. We did discuss the issue of begging in the town centre and were assured by the multi-agency approach in place to manage begging and homelessness. Members requested contact numbers for the support services available to ensure that Members can respond appropriately to beggars and residents presenting as homeless.

9. Members were also updated on the homeless service provision during the Covid-19 lockdown period, noting the significant increase in demand for homeless and housing options as a result of the pandemic.
10. We were pleased to hear that despite the significant challenges, as part of the Council's 'Everybody In' agreement, everyone that was in need of emergency accommodation had been provided with somewhere to stay.

### **Crisis Service Changes Update**

11. Jennifer Illingworth, Director of Operations, Durham and Darlington, Tees, Esk and Wear Valley NHS Foundation Trust provided an update on the progress in respect of the changes to the crisis service, with Members noting the implementation of a 24/7 telephone response via 111 in September.
12. We were pleased to learn that the crisis service received a non-recurring investment to develop urgent care services and provide support for the wider system, including increased capacity for home based treatments, and that this funding has also enabled mental health support to the North East Ambulance Service.

### **Right Care, Right Place Update**

13. Members also received an update from Jennifer Illingworth, Director of Operations, Durham and Darlington, Tees, Esk and Wear Valley NHS Foundation Trust on the progress of the Right Care Right Place Programme.
14. Members were provided with an updated position of the key priorities and noted that whilst the formal priorities and actions had been paused due to COVID-19, work had been continuing to progress different ways of working.

### **Community Eye Care Service**

15. Michael Houghton, Director of Commissioning, Strategy and Delivery NHS Tees Valley Clinical Commissioning Group provided an update to Scrutiny on the Community Eye Care Service.
16. We were informed that NHS County Durham CCG and NHS Tees Valley CCG (Darlington locality) awarded the contract for Community Eye Care Service to Primary Eye Care Services Ltd to deliver post-op cataract care in the community from autumn 2020.
17. The service will be delivered from high street opticians by qualified clinicians and practitioners. Members were assured that this would improve the patient pathway for those patients receiving cataract surgery as well as relieving pressure on the local hospital eye services, enabling the Ophthalmologist and team to manage those patients with more complex conditions, efficiently and effectively.

### **Work Programme 2020/21**

18. We have given consideration to the Work Programme for this Committee for the Municipal Year 2020/21 and possible review topics. The work programme is a rolling programme and items can be added as necessary.

## **Quality Accounts 2019/20**

19. Scrutiny considered the draft Quality Accounts 2019/20 of County Durham and Darlington NHS Foundation Trust at a special meeting on 7 October 2020 and have provided commentary for inclusion in the final Quality Accounts.

**Councillor Ian Bell**  
**Chair of the Health and Housing Scrutiny Committee**

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# The United Darlington Charter

*Whereas* Darlington is home to people of many origins, beliefs, skills, fortunes, educations, occupations and personal choices...

*Whereas* people may be thought to differ by nationality, ethnicity, ability, gender or any other characteristic...

*Whereas* people may agree, disagree or are ambivalent about politics or religion...

*We declare* that all who live in, work in or visit our town will be afforded equal respect, status, trust, hospitality, friendship and kindness.



Inspired by The United Nations Charter of 1945 and signed in 2020 by



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