



# General Licensing Committee Agenda

9.30 am Tuesday, 21 October 2025

Council Chamber, Town Hall, Darlington DL1 5QT

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 9 September 2025 (Pages 3 - 6)
4. REVIEW OF POLICY AND CONDITIONS RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS FOLLOWING CONSULTATION – Report of the Executive Director for Economy and Public Protection. (Pages 7 - 212)
5. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
6. Questions

A handwritten signature in black ink, reading 'A. Wennington', with a horizontal line underneath.

**Amy Wennington**  
**Assistant Director Law and Governance**

**Monday, 13 October 2025**

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

**Membership**

Councillors Ali, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Haszeldine, Kane, Lawley, Lee, Mahmud, K Nicholson, Ray and Toms

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance 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: [james.mcallister@darlington.gov.uk](mailto:james.mcallister@darlington.gov.uk) or telephone 01325 403122

## GENERAL LICENSING COMMITTEE

Tuesday, 9 September 2025

**PRESENT** – Councillors Kane (Chair), Crumbie, Mrs Culley, Dulston, Haszeldine, Lawley, Lee, Mahmud, K Nicholson, Ray and Toms

**APOLOGIES** – Councillors Ali and Donoghue

**ABSENT** – Councillor Curry

**OFFICERS IN ATTENDANCE** – Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Colin Dobson (Licensing Manager), Anthony Hall (Superintendent Registrar), Marc Atkins (Lawyer (Litigation)) and Hannah Miller (Democratic Officer)

### LG7 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### LG8 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 JUNE 2025

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 17 June 2025.

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 17 June 2025 be approved as a correct record.

### LG9 APPLICATION FOR/RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE(S) FOR MARRIAGES AND CIVIL PARTNERSHIPS - BLACKWELL GRANGE HOTEL

The Assistant Director, Law and Governance and Proper Officer for Darlington Registration District submitted a report (previously circulated) to give consideration an application for the renewal of a licence for the Blackwell Grange Hotel, Grange Road, Darlington to be approved as a venue for Civil Marriages and Civil Partnerships in accordance with the provisions of The Marriage Act 1949 (as amended by the Marriage Act 1994); the Civil Partnership Act (2004); the Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and the Marriage (Same Sex Couples) Act (2013).

The submitted report gave a summary of the Blackwell Grange Hotel as an approved venue(s); the designated rooms and maximum capacity for each room for civil marriage and civil partnerships.

**RESOLVED** – That the licence for the Blackwell Grange Hotel as an approved premise for civil marriage and civil partnerships be granted for three years from 22 November 2025 to 22 November 2028 and that the places designated where civil marriage and civil partnerships can take place and the maximum capacity in those designated areas be:

Room	Maximum Capacity
The George Allan Suite	130
The Bruhenny Suite	300
The Havelock Restaurant	150
The Gazebo	6

Notes:

1. Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
2. Outdoor marriages/civil partnerships can take place at any location within the boundary of the venue.
3. Where an outdoor structure has been approved for marriages/civil partnerships the maximum number of persons within the approved structure is the couple being married and their witnesses and excludes registrars, photographers/videographers and venue staff. The number of guests located outside of the structure is unlimited and does not form part of the maximum capacity of the structure.

## LG10 STREET TRADING POLICY REVIEW

The Executive Director, Economy and Public Protection submitted a report (previously circulated) requesting that this Committee approves Darlington's Street Trading Policy (also previously circulated) for public consultation.

The submitted report stated that Darlington's Street Trading Policy was last reviewed in January 2015 and Licensing was seeking views from all stakeholders, including traders and the public to ensure it remained relevant and reflected changes within the town in recent years.

It was reported that Street Trading was governed by the Local Government (Miscellaneous Provisions) Act 1982, enabling Local Authorities to control street trading by designating areas as consent streets, licence streets and prohibited streets; that the current policy was based on decisions made by Members in 1991 and 1993, with the adoption of the provisions of the 1982 Act in relation to street trading, creating consent streets and prohibited streets by the Council's Works and Health Committee in 1991 and the setting of a policy for street trading in June 1993.

It was also reported that the current policy allowed for 12 daytime trading sites and four nighttime sites for stationary trading in the town centre; that there was one nighttime trader within the town centre and no static daytime street traders; that there had been a significant decline in town centre trading in recent years, particularly following the covid pandemic; and that there were 19 mobile street traders within the borough outside the town centre. It was highlighted that the current fixed locations may no longer be appropriate, following developments in recent years.

Reference was made to concerns raised by current retailers in relation to street trading and the consultation process was outlined.



Discussion ensued regarding the process for granting licences to mobile street traders; the impact of street traders on retailers in the town; and following a question regarding requirements for food traders, Members were advised that it was a requirement for food traders to be registered with environmental health in order to trade.

**RESOLVED** – That the commencement of a public consultation process relating to the consideration and adoption of a revising Street Trading Policy be approved by the General Licensing Committee.

## **LG11 QUESTIONS**

Members asked questions regarding dog breeding licenses and the process for annual inspections of businesses.

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LICENSING COMMITTEE  
21 OCTOBER 2025

ITEM NO. ....

## REVIEW OF POLICY AND CONDITIONS RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS FOLLOWING CONSULTATION

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Cabinet Member - Councillor Jim Garner  
Responsible Director - Trevor Watson

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### PURPOSE OF THE REPORT

1. To invite Members to discuss and approve amendments to Darlington's Private Hire and Hackney Carriage Licensing Policy following public consultation, which is in **Appendix 1**.

### SUMMARY

2. Darlington's Private Hire and Hackney Carriage Licensing Policy was last reviewed in January 2021, with amendments made to it in 2022 following an interim review. The Licensing Committee approved the current policy for public consultation, and that consultation period has now ended. Responses have been collated, and a revised policy has been amended to reflect those responses for the Licensing Committee to consider. The committee will make recommendations to Full Council should they wish to make any changes to the policy.

### Human Rights Act

3. When considering matters relating to the grant of a licence and the placing of conditions on licences, the Committee 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.

### Legal Implications

4. There are no issues that the Assistant Director, Law and Governance, considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### Crime and Disorder Act 1998 Section 17

5. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty of 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.

## **RECOMMENDATIONS**

6. It is requested that this Licensing Committee make recommendations to Full Council for amendments to this Policy following public consultation.

## **REASONS**

7. To ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities.

**Trevor Watson**  
**Executive Director, Economy & Public Protection**

Contact officer: Colin Dobson Ext 5988

## **BACKGROUND PAPERS**

The Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Private Hire and Hackney Carriage Policy 2021

<https://www.darlington.gov.uk/media/12723/dbc-private-hire-hackney-carriage-licensing-policy-2021.pdf>

Taxi and Private Hire Vehicle Best Practice Guidance

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england>

Institute of Licensing Suitability Guidance 2024

National Audit on Group-based Child Sexual Exploitation and Abuse 2025

LGA Guidance on developing an approach to mandatory CCTV in taxis and PHVs 2018

[https://www.local.gov.uk/sites/default/files/documents/5.42%20LGA%20Guidance%20developing%20an%20approach%20to%20mandatory%20CCTV%20in%20taxis%20and%20PHVs WEB.pdf](https://www.local.gov.uk/sites/default/files/documents/5.42%20LGA%20Guidance%20developing%20an%20approach%20to%20mandatory%20CCTV%20in%20taxis%20and%20PHVs%20WEB.pdf)

## APPENDICIES

- Appendix 1 – Policy with proposed amendments
- Appendix 2 – Example of points-based system
- Appendix 3 – List of direct consultees
- Appendix 4 – Survey Monkey research
- Appendix 5 – Response from Uber
- Appendix 6 – Response from CCTV manager
- Appendix 7 – Replies to responses from the survey
- Appendix 8 – Example of vehicle checklist

Council Plan	This policy will maintain the legal framework when dealing with taxi and private hire-related activities
Addressing inequalities	The proposals will address assistance issues for the disabled public. Equality Act screening assessment has been carried out
Tackling Climate Change	This report has taken into consideration the impact of licensed vehicles on the Council's carbon impact through vehicle standards.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This policy does not address health concerns
S17 Crime and Disorder	This policy will address issues specifically relating to the prevention of crime and disorder
Wards Affected	Any proposals will affect all areas of the Borough
Groups affected	The policy does not have a direct impact on any particular group
Budget and Policy Framework	This report represents no major change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
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**

- 8.** 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 and the Local Government (Miscellaneous Provisions) Act 1976.
- 9.** Currently, hackney carriages and private hire are controlled by a mixture of Council policies, licence conditions, and byelaws. The 1976 Act permits the Council to attach conditions to the grant of private hire driver and operator licences and private hire and hackney carriage vehicle licences “as it may consider reasonably necessary”. The Town Police Clauses 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 prerequisite to making an application. Please note that conditions cannot be attached to hackney carriage driver licences under the current legislation.
- 10.** The Local Government (Miscellaneous Provisions) Act 1976 also gives a right of appeal to the Magistrates’ Courts to any person who is aggrieved by any of the conditions placed on a licence. Such an appeal must be made within 21 days of receipt of the licence.
- 11.** At the time of writing this report, Darlington Borough Council had 126 licensed hackney carriage vehicles and 136 licensed private hire vehicles. Of these, 11 are wheelchair accessible (6 hackney carriages and 5 private hire vehicles). In addition, there are also 93 hackney carriage drivers, 164 private hire drivers, 103 combined hackney carriage and private hire licensed drivers, and 6 Private hire operators.
- 12.** For simplification, both types of vehicles may be referred to in this report as “taxis”.
- 13.** On 26 November 2020, Full Council approved a new Private Hire and Hackney Carriage Licensing Policy, which was implemented on 1 January 2021. This policy was developed following due process and included, for the first time, statutory standards issued by the Department for Transport (DfT) under the Policing and Crime Act 2017, concerning the protection of children and vulnerable adults. A non-statutory Best Practice Guide, first produced in 2006 and updated in November 2023, complements these statutory standards.
- 14.** Ahead of an updated Best Practice Guide being published and at a time when the taxi trade was struggling to recover from the effects of Covid-19, Darlington Borough Council's Licensing Committee carried out an interim review of the policy and approved changes to assist the trade without compromising public safety.

**15.** In summary, those changes were:

- Remove age restrictions and replace with Euro 6 engine requirement
- Remove the topographical test for a private hire driver's licence
- Rear window tint approval for standard production line vehicles

**16.** These measures, which were approved on 26 November 2022, greatly assisted the trade at the time and are now incorporated into the updated Best Practice Guide.

**17.** This Best Practice Guidance also states that licensing authorities should develop and maintain an Inclusive Service Plan (ISP), either as a standalone document or as an integral element of a wider strategy. Whilst inclusivity has been considered within the revised policy, the team will be working with other council departments to develop council-wide strategies in this area.

**18.** On 12 May 2025, the DfT announced that a consultation would be launched to consider transferring taxi and private hire vehicle licensing responsibility to all Local Transport Authorities. The rationale behind this proposed change is that local oversight would enhance regulatory consistency, enable more effective enforcement, and achieve greater economies of scale, thereby reducing incentives for drivers to obtain licences outside their usual working areas. If introduced, this would require a new Tees Valley-wide policy.

**19.** In preparation for this policy review, Licensing consulted with representatives of the trade to establish what changes they would like to see. Licensing has also taken into consideration the changing dynamics within the taxi trade since the last review and recommendations made in the revised Best Practice Guide, to consider appropriate for inclusion in a new policy. A table of amendments to consider was produced below for consultation; however, this was not an exhaustive list, as issues not readily recognised could be raised during the consultation process.

Subject	For consideration	Rationale
Disability awareness training	Training to become a mandatory requirement for all new applicants and those renewing their licence.	In line with Best Practice Guide to support an inclusive service.
CCTV	If there are local circumstances that would indicate a need for in-vehicle recording to be made a mandatory requirement	Best Practice Guide requires consultation on this matter. Whilst it is clear that CCTV can make the environment safer for passengers and drivers, there will be significant cost implications

		for the trade in difficult financial times, along with additional responsibilities for the Council if introduced.
Payment methods	All drivers to provide customers with the option of payment by card	<p>It has become the norm for people not to carry cash and to make payments for all kinds of services using a card.</p> <p>Taxi queue disturbances are frequently caused by drivers having a cash-only rule, meaning customers who have waited patiently for a taxi but don't have cash are refused a journey. This also places an additional risk to those who are vulnerable and not carrying cash.</p>
Vehicle testing	Remove the requirement for six-monthly vehicle testing and replace it with an annual test for vehicles under 3 years old	Technology and safety have improved significantly over the years, and removing this 6-monthly requirement is in line with the Best Practice Guide. This would not apply to non-structural write-off vehicles and 6-monthly testing can be initiated at the discretion of the Local Authority where safety concerns have been raised
Daily vehicle checks	Mandatory checks of vehicle by driver before the commencement of each working day, which are recorded and retained for inspection	In line with Best Practice Guide to improve vehicle safety
Signage	<p>Private hire vehicles to have decals on front passenger door with wording similar to 'Private Hire Pre-Booked Only' and vehicle number</p> <p>Remove the requirement for front plate of private hire vehicles</p>	Easily identified as private hire vehicle with no requirement to display operator details. It will allow drivers to work for multiple operators if they wish. Prevents confusion from hackney carriages and



		vehicle number clearly displayed to enhance safety.
Points-based system	To consider the introduction of a points-based system, which allows minor breaches of rules to be recorded and considered in context. This is NOT an endorsement points system placed on a motorist's driving licence	Act as a trigger to review the conduct of a licence holder and make better use of a committee's time. Points will be incurred for minor breaches of various rules, and once a maximum is reached, additional sanctions such as training will be considered before a full review. Points will remain on a licence for a minimum of 3 years for greater monitoring. An example of how a points-based system will operate is at <b>Appendix 2</b>
Fire extinguisher	Remove the requirement	Current guidance from the National Fire Chiefs Council is that fire extinguishers should not be required unless drivers are trained in the safe way to tackle a vehicle fire. They advise that everyone get out of the vehicle and call 999 rather than attempting to fight the fire. *Local bylaw will need to be amended before this can happen.

## CONSULTATION

20. On 17 June 2025, following an in-depth discussion with the Licensing Committee, Members authorised a public consultation of the current policy. Consultation is integral to the overall policy review process, and a list of those direct consultees is in **Appendix 3**. In addition, a SurveyMonkey research tool was used to gather responses that are in **Appendix 4**.
21. Darlington's communications team issued regular social media updates throughout the consultation period, and this also received mainstream media coverage through local newspapers and national taxi trade periodicals. The consultation period ended on 10 August 2025, and the survey received 182 responses. Additional responses were also

made directly to licensing from Uber, which is in **Appendix 5**, and from Darlington's CCTV manager, which is in **Appendix 6**.

- 22.** Following this consultation, relevant information, proposals, and recommendations have been used together with information from other relevant sources to draft a revised policy for consideration.

## **SURVEY**

- 23.** Whilst the survey is produced in full in Appendix 4, for ease of reference in this report, each question has been analysed individually, taking into account the numerical data, responses, government guidance, and associated research from other sources before drawing any conclusions for Members to consider. A reply has also been given to each of the responses in numerical order in **Appendix 7**.

### **Mandatory disability awareness training**

- 24.** This was supported by 67.03% of respondents, with 23.63% saying no and 9.34% who did not know. The aim of this training is for drivers and operator staff to understand and assist those with mobility requirements. Whilst there are training providers who can deliver this awareness, they are not local, and there is a cost element for those wishing to complete it.
- 25.** Following discussions with Darlington Association on Disability (DAD), they agreed to assist in the development of a training package to address the local issues faced by those with disabilities in Darlington when accessing taxis. This package will be made available online for ease of access. Validated questions will then be added to the knowledge test for those new drivers to verify that they have completed it. Drivers wishing to renew their licence will be required to provide evidence of completing this training before their licence is renewed.
- 26.** It is anticipated that this will be introduced on a gradual basis and will be at no cost to the driver other than their time required to complete the training.

### **Inward-facing CCTV in taxis**

- 27.** This was supported by 64.29% of respondents. With 29.67% saying no, and 6.04% who don't know. The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence, and reassurance to the public when they are traveling in a hackney carriage or private hire vehicle, as well as to drivers, who can also be victims of violence and abuse. Whilst the argument for the safety of both passengers and drivers is clearly made, some issues would need to be addressed before being made mandatory.
- 28.** CCTV is extremely intrusive, and whilst it is a common feature on other forms of public transport, the intimate nature inside a small vehicle means the 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 a strong justification.

- 29.** The number of complaints/allegations reported to Licensing is thankfully low, and proprietors are already allowed to install their own CCTV, provided they follow the Information Commissioner's Office (ICO) guidelines. In these situations, the licence holder remains the data controller and processor.
- 30.** If a blanket approach to CCTV is introduced, requiring all taxis and private hire vehicles to install CCTV, the Council would be responsible as the Data Controller for the data in each licensed vehicle and held liable for any breach of data protection by a driver/operator. In these circumstances, the Council would need to specify the CCTV's technical and system requirements to ensure compliance, requiring encrypted and secure data storage. This would inevitably mean increased costs to the Council in administration and monitoring compliance, with increased checks being made to ensure systems are correctly fitted and compliant, as well as increased enforcement activity, ensuring cameras are active and data is stored correctly. Any increased expenditure in administration and enforcement would be passed to the hackney carriage and private hire trade in vehicle and operator licence fees.
- 31.** In addition to increased costs to the Council, there would be increased costs to the trade themselves, as it is estimated that a suitable CCTV system would cost in the region of £500 to £1000 to purchase, and there would also be ongoing maintenance costs whenever a vehicle needs to be updated or faults occur. Any increase in costs incurred by the trade will inevitably be passed on to those using the service.
- 32.** At the moment, no other Local Authorities in the North East region mandate the installation of inward-facing CCTV cameras. If this were made policy, there would be a significant financial incentive for proprietors to license their vehicles elsewhere, thereby reducing effective local control in Darlington.
- 33.** It is also important to note that Recommendation 11 of Baroness Casey's National Audit on Group-based Child Sexual Exploitation, which has been accepted by the government, calls for immediate action to stop 'out-of-area taxis' and tackle inconsistent standards in local authority licensing. In the future, this may include the introduction of a statutory standard for CCTV to be made mandatory in all licensing authorities. Consultation on Recommendation 11 is already in progress.
- 34.** A pragmatic approach would be to continue with our current policy of encouraging the voluntary use of CCTV, with licence holders following national guidance, whilst a longer-term policy decision is made in line with our regional/national colleagues to ensure there is no incentive to be licensed elsewhere.

#### **Option to pay by card**

- 35.** This was supported by 93.96% of respondents, with 5.49% saying no and 0.55% who didn't know. This overwhelming support reflects a national trend of an increasingly cashless

society. Whilst this policy is not removing the ability to pay by cash, it accepts that many people do not carry cash, and indeed debit and credit cards are often now loaded onto smartphones.

- 36.** There are many instances where people who enjoy the nighttime economy may be vulnerable due to intoxication and are unable to get a taxi home, as they do not have the cash. This could then lead to risk-taking behaviour such as walking on unlit roads. There is also documented evidence from taxi marshals who say that a great deal of disturbances at taxi ranks are caused by those people being refused a taxi because they do not have cash to pay for a journey. Those with cash are then able to 'queue-jump', leading to confrontations. Taxi marshals often diffuse these situations; however, it cannot be guaranteed that these marshals will always be present.

### **Vehicles under 3 years old requiring annual mechanical inspection**

- 37.** This was supported by 60.99% of respondents, whilst 31.32% were against and 7.69% didn't know. Technology and safety have improved significantly over the years, and removing this 6-monthly requirement is in line with the Best Practice Guide. Whilst it is acknowledged that these vehicles are often high mileage and used heavily, it would not impact the overall safety of the vehicle. The DfT guidance states, 'more frequent tests may be appropriate for older vehicles, which may be more prone to mechanical defects'.
- 38.** This policy would not apply to non-structural write-off vehicles, and 6-monthly testing can be initiated at the discretion of the Local Authority where safety concerns have been raised

### **Daily recording of inspections**

- 39.** This was supported by 64.29% of respondents. 25.82% said no, and 9.89% didn't know. The driver of a vehicle is always legally responsible for its condition while in use, and the DfT Best Practice Guide is for Licensing authorities to require drivers to conduct a daily walk-around check as part of a driver's core role. This will not be an onerous task for the driver, and a simple date and timed checklist is all that is required. It would be retained for a specified period of time for licensing to monitor the condition of the vehicle. It can also be used to empower drivers to highlight issues for proprietors to rectify.
- 40.** An example of a vehicle condition checklist can be found in **Appendix 7**.

### **Private hire signage**

- 41.** 81.32% of respondents agreed with having 'private hire prebooking only' signage on the front doors to distinguish them from taxis. 16.48% said no, and 2.20% didn't know. Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, the DfT recommends

that licensing authorities should seek to minimise the profile of private hire vehicles, as these can only be legally engaged through a booking with a licensed operator.

- 42. Whilst Uber, in their response, would like to see the removal of all signage, as their app-based technology allows customers to identify their vehicles, having a 'pre-booked only, door sign with private hire licence number will provide reassurance to the public that they are in a licensed vehicle.
- 43. This updated policy requirement will also remove the necessity for the name of the operator to be displayed on the vehicle, as it is accepted that drivers may work for more than one operator, and this would increase flexibility for drivers, thereby increasing the availability of vehicles for the public at times of high demand.

#### **Points-based system for minor breaches of rules**

- 44. This was supported by 60.99% of respondents, whilst 26.37% said no and 12.64% didn't know. To be clear, this is not an endorsement points system placed on a motorist's driving licence; it is a system that allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee. Reaching a points limit is not to initiate an automatic action, but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. This may include volunteering for additional training before referral to the licensing committee.
- 45. If Members are in agreement to proceed with a points-based system, a further report will be made outlining the proposed arrangements for how this will operate, including the nature of breaches and the number of points attributable to each breach, along with the threshold of accumulated points, before a decision to refer to the licensing committee is considered. It must be stressed that this will not remove an Officer's discretion to refer those licensed by this authority to the licensing committee where they feel it is necessary to do so, regardless of points accumulated.

#### **Requirement for fire extinguishers**

- 46. 66.48% agreed that taxis should carry a fire extinguisher. 29.67% said no, and 3.85% didn't know. Whilst the National Fire Chiefs Council states that fire extinguishers should not be required unless drivers are trained in the safe way to tackle a vehicle fire, general responses to this consultation were that a fire extinguisher should still be made available. There is no evidence that a fire extinguisher has been used inappropriately, and this proposal was considered in relation to removing financial burdens on licence holders. In view of the survey response and that a local bylaw would need to be amended before it can be removed, it is proposed that this requirement remain in the policy.

## **RECCOMENDATION**

The Statutory Licensing Committee considers these proposals and makes recommendations to Full Council for a revised policy to be approved



# **Private Hire and Hackney Carriage Licensing Policy 2021**

(Proposed changes have been made in red. Please note that page/appendix numbering and formatting will take place prior to publication.)

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# Chair of Licensing Committee

Chair of Licensing Committee

## **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 21 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:

- (a) To protect the interests of the travelling public, safeguarding children and the vulnerable by;
  - (b) Ensuring that the drivers of such vehicles and private hire operators are “fit and proper” persons.
  - (c) Ensuring that safe, clean, reliable, and accessible hackney carriage and private hire vehicles are available for all who require them.
  - (d) To provide clarity for licensees with regard to the Council’s expectations and the decision-making process.
  - (e) To encourage environmental sustainability.
  - (f) 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 the driver's immigration status, medical health, criminal record, driving ability, knowledge of safeguarding vulnerable/**disabled** 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 alternative communication methods.
  - (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 Guide**

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 2026**. 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 that change the content of this Policy. The changes may either have an 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 107,800 (Census 2021), an increase of 2.1% from the Census in 2011. 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 Durham Tees Valley 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.

26. The Borough's economy has performed strongly over recent years, shifting from its past reliance on manufacturing to one with a wider, more resilient base. Recognised at a national and international level for engineering, manufacturing, and high-quality design capability, Darlington has evolved from its industrial heritage into a location focused on innovation and technology in areas such as Advanced Manufacturing, Digital Technologies, Financial and Professional Services.
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 nighttime 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 makes 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:
  - (a) Local Hackney Carriage and Private Hire Trade;
  - (b) Durham Constabulary;
  - (c) Local Transport Authorities;
  - (d) Planning Authority;
  - (e) Local residents;
  - (f) Disability groups;
  - (g) Tees Valley Combined Authority;
  - (h) North East Strategic Licensing Group (NESLG);
  - (i) Service users;

- (j) Driver and Vehicle Standards Agency (DVSA);
- (k) HM Revenue and Customs;
- (l) Department for Work and Pensions (DWP);
- (m) Home Office Immigration Enforcement;
- (n) 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 driver's expense, from the driver's 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, **Disability Awareness**, criminal records check, NR3(S) check, HMRC 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. This Licensing Authority will follow all requirements as directed by the government in relation to driving licences.
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. **This must be passed before the licence will be issued.**

### **DVLA Driving Licences**

46. 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 online 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 before the grant or renewal of a 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 driver's 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 for 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. As the UK is no longer a member of the EU, this Licensing Authority will follow government directions in relation to applicants from Switzerland or one of the EEA countries' ability to work in the UK, providing they can produce evidence of their right to work in the UK.
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. Licences may be time-limited to coincide with an applicant's limited rights to work in the UK. **Once evidence of the right to work has been received, a licence will be issued after payment of the appropriate fee.**
57. A licence will not be granted until an applicant is able to prove they have a right to work in the UK. Relevant checks will be made at each renewal process. All documentation will be copied and kept in the applicant's 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 interviewed by Licensing Officers and may 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 a new 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. Where no certificate can be made available, this council will follow all government guidance.
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 are 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 is responsible for:
  - (a) processing requests for criminal records checks;
  - (b) deciding whether it is appropriate for a person to be placed on or removed from a barred list;

- (c) 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 not to be 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 is 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 if advised by the DBS service to view the certificate. This must be produced to the Licensing Office.

**Photocopies or partial disclosures will not be accepted.** If the Council receives an email saying 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 can check it. Please note that copies of disclosures are not stored in 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 a 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 records 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 a subscription to the update service will result in the suspension of the driver's licence until a new disclosure is provided. 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.

### **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, Revocations and Suspensions (NR3S), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage driver's licence or Private Hire Vehicle (PHV) driver's licence suspended, 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, suspended, or an application for one is refused, the authority will automatically record this decision on NR3S.

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 NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority that recorded it. Any information received as a result of an NR3S 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 NR3S 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, **equality and diversity, disability awareness**, and awareness of Child Sexual Exploitation/Safeguarding. Tests for hackney carriage drivers include a detailed assessment of local geography, location of hackney carriage stands, and knowledge of tariffs and charges. (A private hire driver will not be required to pass a locality test, but must still pass the remaining modules of the knowledge test. Licensed private drivers who do not take the locality test must demonstrate they have access to a sat nav or similar electronic device.) A driver's 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 driver's 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**. We will require evidence from medical practitioners who are not the applicants GP, that they have had access to the full records before a medical will be accepted.
93. The applicant is responsible for paying the fee for the examination. If necessary, the GP may return the completed form directly 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:
- (a) They have examined the applicant;
  - (b) The applicant is registered with the practice, and/or they have had full and complete access to the applicant's medical records;
  - (c) The medical examination was carried out to the Group II standard;
  - (d) (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 driver's 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 new 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). With the introduction of the online licensing process, applications will no longer be accepted in person or by post. The relevant fee for an application will only be accepted electronically. The following documents with relevant fees are to be submitted for a new application:
  - (a) A completed online application form
  - (b) A Group II Medical Assessment
  - (c) A DBS application online form with appropriate identity documents (or alternative)
  - (d) A CSE Awareness Training Certificate
  - (e) Disability awareness training (subject to approval)
  - (f) Taxi Driver Test "Pass Certificate" and/or the Hackney Wheelchair Enhanced Certificate or Wheelchair Exercise Certificate when applicable.

- (g) A Valid DVLA Driving Licence (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.
  - (h) Right to work
  - (i) DVLA access code to review licence
  - (j) HMRC tax code (or disclaimer signed where relevant)
100. Drivers who hold other European driving licences must apply to the DVLA to exchange their EU driving licence for a UK photo-card licence.
101. 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.
102. The application will not be determined until the knowledge test has been passed and the 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.
103. If the application is withdrawn or refused, a fee may be refunded 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.
104. It is expected that the entire application process shall be fully completed within 3 calendar months from the date of the initial application; however, with the online application system, the normal processing time will generally be much shorter. This will be subject to the production of relevant documentation and the 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.
105. The following documents for a renewal application are to be submitted and will only be accepted via the online process.
- (a) A completed online renewal form.
  - (b) A Group II Medical Assessment (if required) or other specified medical documentation.
  - (c) 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.

- (d) DVLA access code for licence renewal.
  - (e) DBS reference number for the update service.
  - (f) HMRC check code
106. 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)
107. 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.
108. 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.
109. 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 will be taken.
110. 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.
111. 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.
112. 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**

113. New applicants and applicants for renewal of licence should apply for a 3-year licence in those cases where there are no issues concerning the application.
114. 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.

115. 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.
116. 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. A refund may be considered on a case-by-case basis.
117. If there are no further concerns after that time period, the opportunity to apply for a 3-year licence shall be offered.
118. Applicants can choose to apply for a one-year licence

### **Conditions of Licence**

119. The legislation pertinent to licensed drivers is detailed in Appendix 1, and the Council's policies in respect of the licensing of drivers are detailed in 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 in 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 in 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. 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 in 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:
- (a) The BTEC Award – Transporting Passengers by Taxi and Private Hire Trade
  - (b) NVQ Level 2 in Road Passenger Vehicle Driving
124. 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.
125. 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**

126. New applicants and drivers renewing their licence will be required to complete disability awareness training package 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. This package will be made available to all applicants, and questions related to its content will be asked during the knowledge test. Details of this new requirement will be communicated once the package has been developed, and it will also be a requirement for those drivers who renew their licence to demonstrate completion of this package.

### **Child Sexual Exploitation Awareness Training**

127. 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, county lines) 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.
128. Darlington Borough Council Licensing Section and Darlington Safeguarding Partnership are 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.
129. 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**

130. 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.
131. 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.
132. 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 the driver's licence. Questions in relation to this will be included in the Knowledge Test.

#### **Changes to Licence Details**

133. 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**

134. 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 could be 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, the Council may accept the return of the driver's licence.
135. A driver/vehicle licence will comply with all current and any updated taxi policy decisions.

#### **Vehicles – Hackney Carriage and Private Hire**

##### **Specifications**

136. The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible. They are, however, encouraged to make use of the

“type approval” rules within any specifications they determine. This Licensing Authority will comply with any changes to vehicle requirements made by the government.

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

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

138. 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.

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

140. 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

141. 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.

142. 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.

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

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

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

145. 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 no further application to licence the vehicle will be permitted.
146. 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**

147. 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.
148. A hackney carriage can ply for hire and also wait at a hackney carriage stand.
149. 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 to Appendix 14.
150. The Council has imposed conditions relating to the specifications of the vehicle and other matters. These are attached in Appendix 15
151. 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**

152. 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 be 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**

153. It is a requirement for all hackney carriages to be fitted with a meter to calculate the journey fare.
154. 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/supplier 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**

155. 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 hire 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.
156. Before granting a vehicle licence, the Council must be satisfied that the vehicle meets the following criteria:
- (a) Is suitable in type, size, and design for use as a private hire vehicle.
  - (b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
  - (c) Is in a suitable mechanical condition.
  - (d) Is safe.
  - (e) Is comfortable.
157. Conditions may be attached to the grant of a licence as are considered reasonably necessary.

158. 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.
159. In addition, all private hire vehicles must:
- (a) Not be red
  - (b) Not be fitted with a roof sign of any description.
  - (c) If the vehicle is fitted with a meter, it must be properly tested and sealed.
  - (d) Display the Council's licence plates, which must be securely attached to the exterior rear of the vehicle as prescribed by a condition of the Council.
  - (e) Display a 'Private Hire Pre-Booked Only' sign with licence number on the front doors
160. General conditions are attached to private hire vehicle licences relating to the identification of the vehicle and safety issues. These are attached in Appendix 11.

#### **Novelty Vehicles and Stretched Limousines**

161. 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.
162. 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.
163. Most novelty vehicles, in particular stretched limousines, are imported for commercial purposes and are required to have undergone an Individual Type Approval (ITA) test. This ensures that the vehicles meet modern safety and environmental standards before being used on public roads.
164. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.
165. 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.

166. 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.
167. 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**

168. Private hire vehicles used for executive hire, 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.
169. 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) 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.
170. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the Council that:
  - (a) The specification of the vehicle constitutes an executive vehicle and;
  - (b) the overall level of service provision constitutes an executive hire, or;
  - (c) the overall specification of the vehicle constitutes a novelty vehicle.
171. 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.
172. 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.
173. 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.
174. 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.

175. The Exemption Notice, the rear licence plate, and the front sign shall be produced to an authorised officer or police officer when requested.
176. Whilst the vehicle is being used in accordance with the Notice, the driver of the vehicle shall be required to carry their private hire driver badge in the vehicle, but shall be exempt from wearing it.
177. 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.
178. 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.
179. 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.
180. The Policy and Conditions for Novelty Vehicles and Stretched Limousines are attached at Appendix 12 and Exempted Licence Conditions in relation to Executive Vehicles are attached at Appendix 13 to this Policy.
181. 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 Restrictions**

182. The Council has no age restriction, provided all vehicles comply with Euro 6 engine standards. (Wheelchair accessible vehicles will be exempt from this requirement.)

### **Accessibility**

183. 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**

184. A licensing incentive is given to all-purpose built, fully wheelchair accessible vehicles by way of a 25% reduction in the annual licence fee.
185. 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.
186. 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.
187. 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.
188. The use of incentives and percentage reductions will be kept under review by the Licensing Committee, which is responsible for the annual setting of fees.

#### **Limitation of Numbers**

189. 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".
190. Any Local Authority that restricts numbers is required to justify its policy every 3 years, in writing, to the Department for Transport. In addition, this justification must feature in the 5-yearly Local Transport Plan.
191. 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.
192. 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.
193. This issue has been raised by the Trade on many occasions. The Council, in line with the DfT Best Practice Guidance, does not intend to place 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 economies continue to develop within the Borough.



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

## **General Requirements for Vehicles**

### **Insurance**

195. 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.
196. 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.
197. 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.
198. 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.
199. 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.**

200. 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.
201. 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 Advertising Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)
202. No advertising on vehicles shall be allowed or affixed without prior approval of the Council, and specifically shall not:

- (a) Be affixed to any window of the vehicle.
- (b) Be affixed to any door or panel on which the Council-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**

- 203. The proprietor is required by Section 50 (3) of The Local Government (Miscellaneous Provisions) Act 1976 to notify the Council in writing (or electronically) within 72 hours of any accident that results in damage to the vehicle.
- 204. 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.
- 205. 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.
- 206. 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 engineer's report and mechanical examination.

### **Vehicle and Meter Testing**

- 207. All vehicles are required to undergo an inspection conducted by a vehicle examiner prior to being licensed and annually thereafter until the vehicle is three years old (date of first registration), after which inspections will be every six months. Any vehicles failing this test will be required to take a retest, and the licence will be suspended. Licensing officers will retain their discretion to require more frequent testing where safety issues have been identified.

208. Any vehicle that fails to be presented for a pre-arranged inspection at the Council's Testing station will be deemed to have failed the test.
209. 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

212. It shall be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy and maintained to the Council's 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.

#### **Vehicle condition checks**

213. A driver will undertake a walk-around check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.
214. A vehicle condition checklist must be used to aid the check and be retained for a minimum of three months. Evidence of these checks must be produced to an authorised officer on request. An example of a checklist and the minimum expected requirement can be found in **Appendix 24**

#### **Application Procedure**

215. The following original documents, along with the appropriate fee, are to be submitted 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. Only online 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, evidence of public liability insurance, and a 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 licensed driver, a basic DBS check will be required at the time of application.
216. Plates must be collected 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.
217. 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 be produced.
218. 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.
219. The Council has the discretion to attach, amend, or remove a condition of licence.
220. 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**

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

Change of address - the proprietor must advise the Council in writing (or electronically) 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 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 mandatory 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 Commissioner's Office ('notification') and produce documented evidence of that registration to the Council. They must comply with all legislation in relation to the 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) There will be no minimum light transmission requirement for rear windows provided they are the standard manufactured glass for that vehicle, with sufficient light transmission to see passengers in normal daylight conditions. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass. There will be no minimum light transmission in the following criteria:

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 fulfill.

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. **Subject to approval of the Licensing Committee, which is responsible for setting fees, emission-free vehicles may be offered a percentage reduction in licensing fees.**

236. 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 emerges.
237. The Council is committed to improving air quality and to continuing to reduce vehicle emissions within the Borough. This is shown by the commitment to tougher emission standards for all licensed 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**

238. 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.
239. 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.
240. 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
241. The stricter emission standard of Euro VI for new or replacement vehicles came into effect in September 2015.
242. Applications from proprietors of "classic" vehicles will be dealt with on a case-by-case basis, as definitions of these vehicles can vary between agencies.

### **Demand Responsive Transport**

243. 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.

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

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

245. 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)**

246. 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)**

247. 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.

248. 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**

249. 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.

- 250. A private hire vehicle may only be dispatched 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.
- 251. 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.
- 252. A private hire operator must ensure that every private hire vehicle dispatched 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.
- 253. 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.
- 254. 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.
- 255. It is a condition of licence that the applicant operates from premises within the controlled district of the Council.
- 256. The Licensing Office may require sight of a business plan or request additional information for new applications.

### **Operator Legislation Tests**

- 257. 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 or senior official representing the company in Darlington. It may not

be necessary for these people to take the test in Darlington if they can demonstrate passing the test in another local authority with the same or similar course material.

258. 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. 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 can 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.

269. 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.

270. The Licensing Manager and Assistant Licensing Manager have the discretion to refer any new/renewal application to the Licensing Committee.

### **Online Application Procedure**

271. 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) Disability awareness (when introduced)
- (g) Policy on employing ex-offenders
- (h) Pass/completion certificate for Safeguarding Awareness training (unless the applicant is a licensed driver)
- (i) Public liability insurance certificate
- (j) Employer liability insurance certificate (where applicable)
- (k) Licence fee

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

## **Licence Duration**

273. New applicants and applicants for renewal of licence will be offered a 5-year licence in those cases where there are no issues concerning the application.
274. Applicants for grant and renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new DBS certificate annually.
275. Private Hire Operators holding a 5-year licence will be required to attend the Licensing Section annually to provide a DBS and also to confirm 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.
276. Applicants can choose to apply for a one-year licence.

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

277. Upon grant of an operator's licence the Council will specify the address from which the operator may operate.
278. 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.
279. 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.
280. 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 is provided with a consistent standard of service.

## **Record Keeping**

281. 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.

282. When individuals start taking bookings and dispatching vehicles they will be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
283. 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.
284. 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**

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

#### **Change of Home Address**

286. 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**

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

#### **Complaints**

288. 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.
289. 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.
290. 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

291. 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**

292. 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. This includes any change to directors or partners.

### **General**

#### **Fares**

293. 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.

294. The Council will review the table of fares when requested by representatives of the Trade. The trade will be consulted, and if a majority of proprietors agree with the proposal, a formal process will be commenced. 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.

295. 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.

296. 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.
297. 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**

298. 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**

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

### **Overcharging**

300. 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**

301. 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.
302. 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**

303. 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.

304. 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.

305. 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**

306. Licences which commence partway through a month will terminate in the following year on the last day of the preceding month. Payments can be made payable to Darlington Borough Council, and with the online application process, all payments will be made electronically.

### **Payment Credit**

307. 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.

308. 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.

309. Depending on the reason, once surrendered, the vehicle will not be licensed by the Council unless it complies with Euro 6 engine standards (wheelchair accessible vehicles will be exempt).

310. No cash alternative shall be offered at any time

### **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 hold 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 be 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. 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.

## **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. Currently, the Director Service covering Licensing 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.

346. The Licensing Manager or Assistant Manager may suspend a driver's 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.
- (d) Any other reasonable cause

\*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's 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 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 licensed 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.

### **Informal Action**

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

353. 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.

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

355. 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.

356. Existing licensed drivers who attain 9 penalty points on their DVLA driver's 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.

### **Penalty points system**

If Council agrees to a points-based system, this section and associated appendices will be approved by a further report to the Licensing Committee

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

### **Drivers Licences – Section 61**

357. 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.

358. 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.

359. 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**

360. 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.
361. 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.
362. 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**

363. 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.
364. 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**

365. 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.
366. 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**

367. 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).
368. 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.
369. 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.
370. 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 served to the driver and the driver will not be able to continue working pending any appeal.
371. 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.

372. 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**

373. 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**

374. 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 to 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.

375. A caution may be used:

(a) to deal quickly and simply with less serious offences;

to divert less serious offences away from the Courts;

(c) to reduce the chances of repeat offences.

### **Prosecution**

376. 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 a 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.

377. 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)

378. 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)

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

(a) The 1976 Act - Hackney Carriage Provisions

Section	Offence
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

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

ion	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 li cence
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

### **Transport Act 1980 – Private Hire Provisions**

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

382. 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**

383. It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers.
384. Health Act 2006, S.7 – Smoking in vehicle and S.8 – Failing to Prevent Smoking in a Vehicle.

### **Hackney Carriage Byelaws**

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

### **Equality Act 2010**

386. Section 168 – Assistance dogs in taxis
- (a) This section imposes duties on the driver of a taxi which has been hired.
  - (b) By or for a disabled person who is accompanied by an assistance dog, or
  - (c) By another person who wishes to be accompanied by a disabled person with an assistance dog.

The driver must-

- (d) Carry the disabled person's dog and allow it to remain with that person;
- (e) Not make any additional charge for doing so.

### **Section 170 - Assistance dogs in private hire vehicles**

387. The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle 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:

- (a) The reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- (b) The operator commits an offence by making an additional charge.

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

The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

### **Hackney Carriage Stands**

#### **Appointed Stands**

388. 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.

389. 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.



390. 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 is attached at Appendix 19 (Update before publication)

### **Creation of a Stand**

391. 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 landowner and can be for continual or part-time use.
392. 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.
393. New stands will not be sited where they may lead to obstructions.

### **Waiting on Stands**

394. 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.
395. 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.
396. 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.
397. 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**

398. 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.

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

### **Horse Drawn Carriages**

400. 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.
401. 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**

402. The Council is proud of its professional private hire and hackney carriage trade and expects them to uphold high standards at all times.
403. 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 an acknowledgement of their complaint within 72 hours 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.

## Complaints

Please call 01325 406777 or email [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)

## Procedure

<https://www.darlington.gov.uk/media/3520/corporate-complaints-compliments-and-comments-procedure-2024.pdf>

## **Legislation – Drivers**

## **Appendix 1**

409. 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.
410. 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.
411. 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.
412. Parts of the Local Government (Miscellaneous Provisions) Act (LG (MP) Act) 1976 also apply to hackney carriage drivers.
413. Failure to comply with any legislation is an offence.

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

414. 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)**

415. 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)**

#### **Wearing of a Badge**

416. 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.

### **Return of a Badge**

417. Drivers must, upon the expiry, revocation, or suspension of their 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**

418. 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)**

419. 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)**

420. 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.
421. Private hire drivers must NOT offer or accept an offer for the immediate hire of a vehicle while it is being used.
422. Private hire drivers must NOT "rank up" outside of nightclubs, public houses, in laybys, in residential areas or anywhere where they are likely to attract un-booked fares.
423. Private hire drivers must NOT park or wait on any Hackney Carriage Rank

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

424. 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.

<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>

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

425. 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**

426. 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**

427. 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 are required to subscribe to the Update Service.

### **Driving Assessment**

428. All applicants for Driver Licences are required to successfully undertake an approved taxi driving assessment prior to being considered for a licence. Drivers who hold a recognised advanced driving qualification such as IAM RoadSmart or ROSPA can request an exemption to this requirement and it will be considered on a case by case basis.

### **Medicals**

429. 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**

430. 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.

431. The Council will encourage drivers to undertake a recognised disability awareness training course. 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.

432. 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**

433. 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**

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

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

435. Drivers must always:

- (a) Assist passengers with their luggage where requested. 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 at all times.

- (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.

436. 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**

437. 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**

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

**PD6. Deposit of Licence**

439. Drivers must give their private hire driver licence (or copy) 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**

440. 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**

441. 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**

442. 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**

443. 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**

444. 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**

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

#### **PD13. Receipts**

446. The Driver must, if requested, provide the passenger(s) with a receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The Driver

should also be able to provide details of the journey including the date, fare, vehicle, operator and name of driver.

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

447. 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**

##### **Animals**

448. 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).

##### **Change of Address**

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

### **Conduct of Driver**

450. 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.

451. 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).

### **Self-reporting**

452. 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.

453. Although this is the current byelaw, 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

### **Driver's Badge**

454. 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.

### **Insurance**

455. 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.

### **Prompt Attendance**

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

### **Receipts**

457. 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).

### **Passengers**

458. 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) Must comply with legislation and current government guidance when carrying children

### **Taximeter Fares**

459. 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.

### **Taxi Ranks**

460. 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.

### **Horse Drawn Vehicles**

461. 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.

462. 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**

463. 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 Council's Hackney Carriage and Private Hire Licensing Policy.
- (c) Behaving in a professional manner at all times.

**Responsibility to Clients**

464. 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**

465. 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.

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

- (a) Rank in an orderly manner and proceed along the rank in order and promptly.
- (b) **Remain on the rank with the vehicle.**

### **General**

467. 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. (i.e. Loading/disabled bays)
- (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:**

- 468. 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 licensed vehicle.
- 469. 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**

470. 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**

471. 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**

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

### **Unacceptable Standard of Dress**

473. 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.

**Fixed Penalties, Warnings and Complaints**

474. 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.
475. 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.
476. 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.
477. 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.
478. 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.
479. 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.
480. 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.
481. 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.
482. 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-certificateinformation/handling-of-dbs-certificate-information>

483. 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.
484. 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.
485. Where periods free from further convictions is stipulated, Members will treat this as a minimum standard.
486. 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**

487. 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.
488. 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 (NOT EXHAUSTIVE LIST OF CODES)

489. 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

490. 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.
491. 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.
492. 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**

493. 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**

494. 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**

495. 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**

496. 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**

- 497. 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.
- 498. 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.
- 499. 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**

- 500. 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.
- 501. 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.
- 502. Any person on the Sex Offenders Register or DBS Barred List will be refused a licence.

### **Violence**

- 503. 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.
- 504. 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.

505. 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.
506. 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**

507. 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.
508. 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**

509. 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 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.
510. 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.
511. 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**

512. 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.

513. 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**

514. 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**

515. 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.
516. 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.
517. The Council may take into account any diversion scheme offered as an alternative to conviction (i.e. restorative approaches).

### **Fixed Penalties**

518. 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.
519. 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**

520. 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**

521. 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**

522. 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**

523. 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.
524. 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.

525. 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. This Licensing authority will abide by any changes to requirements as a result of leaving the EU.
526. 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.
527. Details of how to obtain such a check from the relevant authorities abroad are available online at: <https://www.gov.uk/government/publications/criminal-recordschecks-for-overseas-applicants>
528. 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>
529. 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)**

530. 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)**

531. 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)**

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

### **Convictions (Sec 50 TPCA 1847)**

533. 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)**

534. 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)**

535. 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)**

536. 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)**

537. 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.
538. 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.
539. 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)**

540. 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**

541. Darlington Borough Council does not place a limit on the age of vehicles that may be licensed provided they comply with Euro 6 engine standards. Wheelchair accessible vehicles are exempt from this requirement, however age and condition will be taken into consideration before they are licensed. The decision to license will be made by a Licensing Officer on a case by case basis.

542. This policy does not apply to limousines and vintage cars

### **Documents**

543. 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) Evidence of Public Liability insurance
- (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

544. All documentation produced must be an original document.

545. Before or on the date of expiry, each certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.

### **Emission Tests**

546. From September 2015 Euro VI became mandatory. By 1st April 2023 all vehicles were required to be Euro VI. Classic vehicles will be considered on a case by case basis and this shall be kept under review.

### **Engine/Chassis Numbers**

547. 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**

548. 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:

- (a) (S)he must complete an application form for the “new” vehicle.
- (b) (S)he must pay the stated fee for a 12 month period.
- (c) (S)he must surrender the original licence.
- (d) The new vehicle must be presented for test and subsequently pass.
- (e) (S)he must produce evidence of insurance and all other required documentation.

549. 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.

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

551. 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.
552. Once surrendered the vehicle will not again be licensed by the Council unless it complies with Euro 6 engine standards (wheelchair accessible vehicles are exempt from this requirement).
553. No cash alternative shall be offered at any time.

#### **Taximeters**

554. 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**

555. 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.
556. The licence holder must ensure that the Information Commissioner's office has been informed to cover the purpose of its use.
557. 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.
558. The licence holder shall take all reasonable steps to ensure that there is no unauthorised access to data recorded on CCTV.



**PV1. Advertisements**

559. 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**

560. 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. 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

561. 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.

562. 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**

563. 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:
  - (l) The carriage of passengers is not permitted whilst such a tyre is fitted.
  - (m) 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.
  - (n) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.
  - (o) 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.
  - (p) Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use only.
- (q) Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.

- (r) 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. (c) There will be no minimum light transmission requirement for rear windows provided they are the standard manufactured glass for that vehicle, with sufficient light transmission to see passengers in normal daylight conditions. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.
- (s) Not be a convertible
- (t) Not be fitted with a roof sign
- (u) Not be fitted with a roof rack

#### **PV4. Alteration of Vehicle**

564. 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**

565. 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**

566. 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**

567. 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**

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

#### **PV9. Cleanliness**

569. 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**

570. 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.

#### **Deposit of Driver Licence**

571. 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 (or certified copy) 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**

572. 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**

573. 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.

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

574. 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**

575. 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.

576. 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**

577. 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) An in date 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 use this.) The first aid kit should be in date and in a 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

#### **PV17. Signs and Notices**

578. 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.

579. 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 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

580. 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.

581. For the purpose of identification of a Saloon Private Hire Vehicle the proprietor:

- (a) Shall fix to both front 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  
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 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.

- (b) 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.
- (c) NB: magnetic fixing of any signage is not permitted

#### **PV18. Sliding Doors**

582. 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**

583. 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)**

584. 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.

585. 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.





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

**Interpretation**

587. 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.

588. The nature of limousines is such that it is unlikely they will comply with the Council's Euro 6 engine standard policy and will therefore be deemed to be exempt from the policy.

589. Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis.

590. Applications for exemptions from standard conditions will be considered in respect of executive, chauffeur driven vehicles.

**Policy**

**Documentation**

591. 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)**

592. 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.)
- (c) In addition, tyres on the same axle must be of the same nominal size and aspect ratio.
- (d) 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).
- (e) No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
- (f) The interior of the vehicle must be kept wind and watertight.
- (g) The seats in the passenger compartment must be kept properly cushioned and covered.
- (h) The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.
- (i) There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- (j) 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.
- (k) Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.

- (l) 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.
- (m) The exterior of the limousine must be kept in a clean condition especially during inclement weather.
- (n) 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)**

593. 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**

594. 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.

595. 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.

596. 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**

597. 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).

598. The vehicle shall not carry less than two passengers at any one time.

599. 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.

600. All passengers must remain seated at all times when the vehicle is in motion.

601. Passengers will not be carried in the front of the vehicle.

602. 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**

603. 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.
604. 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**

605. 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**

606. 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**

607. 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**

608. 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**

609. 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**

610. 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.

611. 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:

- (a) The carriage of passengers is not permitted whilst such a tyre is fitted.

- (b) 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.
- (c) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.
- (d) 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.
- (e) Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use.
- (f) In addition, tyres on the same axle must be of the same nominal size and aspect ratio.
- (g) Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- (h) 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).
- (i) 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.
- (j) Not be a convertible.
- (k) Not fitted with a roof sign
- (l) Not be fitted with a roof rack.
- (m) Not draw a trailer.

#### **E4. Change of address**

612. 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**

613. 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**

614. 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**

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

#### **E8. Cleanliness**

616. 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**

617. 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 Licence**

618. 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 (or certified copy) 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**

619. 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**



620. 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**

621. 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**

622. 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) An in date 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 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

### **E15. Sliding Doors**

623. 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**

624. 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**

625. 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.
626. Throughout these byelaws “the Council” means the Council of the Borough of Darlington and “the District” means the Borough of Darlington.

### **Identification Plate**

627. 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.
628. 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.
629. A proprietor or driver of a Hackney Carriage shall:
- (a) 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.
  - (b) 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.

### **Maintenance of Vehicle**

630. The proprietor of a Hackney Carriage shall: 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:
- (a) Provide sufficient means by which any person in the carriage may communicate with the driver.
  - (b) Cause the roof or covering to be kept watertight.
  - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side.

- (d) Cause the seats to be properly cushioned or covered.
- (e) Cause the floor to be provided with proper carpet, mat or other suitable covering.
- (f) Provide means for securing baggage if the carriage is so constructed as to carry baggage.
- (g) Provide an approved fire extinguisher, which will be carried in such a position as to be readily available for use.
- (h) Provide efficient interior lighting.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) Make no material alteration to the specification, design, condition or appearance of the Hackney Carriage without the prior approval of the Council.

#### **Driver Licence**

631. 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.

#### **Notifications**

632. 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:

- (a) Change of address
- (b) Criminal conviction
- (c) Road traffic accident involving any motor car whether or not it is a Hackney Carriage.
- (d) 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.

- (e) There will be an expectation that drivers will comply with the Statutory Taxi and Private Hire Standards issued by the DfT.

### **Taximeters**

- 633. 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.
- 634. 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.
- 635. 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).
- 636. 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.

### **External Signs**

- 637. 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.
- 638. 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:
  - (a) is displayed in, on or from the vehicle whilst it is stationary; and

- (b) 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
- (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

### **Taxi Stands**

639. The driver of a Hackney Carriage for which stands are fixed by the Council shall, when plying for hire in any street.
640. Proceed with reasonable speed to one of such stands.
641. If a stand, at the time of arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
642. 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.
643. 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.
644. Not leave a Hackney Carriage unattended on a rank.

### **Importuning (Touting)**

645. 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.

### **Behaviour**

646. 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.

### **Receipt**

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

### **Animals**

648. 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.
649. 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.

### **Attendance**

650. 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.

### **Passengers**

651. 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.

### **Horse Drawn Vehicles**

652. 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.

653. 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.

### **Drivers Badge**

654. 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.

### **Penalties**

655. 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.



## **Interpretation**

656. The Interpretation Act 1978 shall apply to these Byelaws as though they were an Act of Parliament.
657. 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.
658. 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.
659. 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**

660. 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 (Lower half) 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. The following types of advertisement will be excluded:
- (a) Any advertisement that it is felt likely to give rise to public offence will be refused.
  - (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) 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.
  - (d) 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.
  - (e) No illuminated or fluorescent advertisement shall be displayed on the inside the vehicle.

- (f) No advertisement shall be placed on, or above, the roof level.

## **HV2. Alteration of Vehicle**

661. 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**

662. 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.

663. 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:

- (a) 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.
- (b) The space saver is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair.

- (c) 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.
- (d) Where a vehicle is manufactured without a spare wheel, the use of approved pressurised tyre sealants will be permitted for emergency use.

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

665. Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.

666. 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. There will be no minimum light transmission requirement for rear windows provided they are the standard manufactured glass for that vehicle, with sufficient light transmission to see passengers in normal daylight conditions. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass.

667. 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.

668. Not be a convertible.

669. Not be fitted with a roof rack.

670. Not tow a trailer unless approved by prior agreement with Licensing.

671. 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**

672. 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.

673. 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:

- (a) the name and address of the hirer;
- (b) the date, time and pickup point of the booking;
- (c) the destination;
- (d) the number of passengers to be carried;
- (e) when and how the booking was made i.e. telephone, personal call;
- (f) the plate number of the vehicle allocated;
- (g) the name of the driver allocated to the booking and call sign of the vehicle;
- (h) the amount to be charged;
- (i) remarks (including details of any sub-contract).

674. 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**

675. 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**

676. 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**

677. 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**

678. 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.

#### **HV9. Letting/Leasing of Vehicles**

679. 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**

680. 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.

681. 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**

682. 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**

683. 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**

684. 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.

685. An in date 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 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

#### **HV14. Signs and Notices**

686. 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.

687. 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.

#### **HV15. Sliding Doors**

688. 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**

689. 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**

690. 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.

691. 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.
692. Meters must be installed into the vehicle in a suitable and secure manner at all times.

#### **HV18. Charges**

693. 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)**

694. 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.

## **Vehicle Standards Exterior**

## **Appendix 17**

- 695. All bodywork to be clean and sound, free from rust, dents, scrapes significant scratches or loose panels.
- 696. 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.
- 697. All wheel trims to be fitted according to manufacturer’s specification and to match.
- 698. Aerials (where fitted) to be in good condition and free from rust.
- 699. Door or wing mirrors to be in good condition, no broken glass or surrounds.
- 700. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
- 701. Front and rear number plates to be clean, clear and unbroken.
- 702. 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.
- 703. Mud flaps (if fitted) should be maintained.
- 704. Radiator grills should be secure and of original specification.
- 705. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, no rust and properly fitted.
- 706. Door and boot locks should be fitted and in good working order.
- 707. Doors should be easily opened and closed from the outside and inside.
- 708. All door handles should be properly fitted, easily operated and of original colour specification.
- 709. 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.



710. All tyres should conform to legal requirements.

711. All road wheels to be clean and free from rust (where trims are not fitted).

## **Vehicle Standards Interior**

## **Appendix 18**

712. All seats to be manufacturer's original design (unless rotating seat fitted) – should all match, be securely fitted, no dirt, stains, holes or tears.

713. 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.

714. All panels should be clean, properly fitted and match original trim.

715. Carpets should be as manufacturer's original specification, clean with no stains or holes and securely fitted.

716. 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.

717. Accessory covers to be securely fitted and match original trim.

718. All ashtrays to be fitted and match original trim.

719. Headlining to be clean, free from stains, holes and tears and be as originally fitted.

720. 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.

721. All door handles and arm rests to be secure, clean and as originally fitted.

722. Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.

723. The inside of the vehicle should be free from loose or trailing wires.

724. 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.

- 725. In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted.
- 726. 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.
- 727. Gear levers gaiters (where fitted) should be to manufacturer's specification, in good condition and properly fitted.
- 728. A rear view mirror must be properly fitted and in good condition.
- 729. All manufacturers fittings should be as original (i.e. speaker covers etc.).
- 730. All lights should be in proper working order with appropriate covers securely fitted.
- 731. Window locks and handles, where provided by the manufacturer should be in good working order.



## Stands for Hackney Carriage Vehicles (to update on publication)

### Appendix 19

Stand	Location	Maximum Number of Spaces
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	In the lay-by lying approximately 4 to 25 metres south of junction with Tubwell Row	3 vehicles Vehicles to face north
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 <i>Not to encroach into the Loading bay as there is a stretch of No Waiting 7am – 11pm.</i>	5 vehicles Vehicles to face north
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 layby	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 south

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## Horse Drawn Hackney Carriage Policies and Conditions

## Appendix 20

732. 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.
733. 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

734. 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.
735. 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.
736. 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.
737. 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.)
738. 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.

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739. 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.
740. The proprietor/driver shall be limited to routes specified in writing by the Council following appropriate consultation.
741. 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**

742. The proprietor shall produce veterinary certificates as may from time to time be requested by Officers of the Council.
743. Certified horses should be easily identified by means of a microchip or permanent marking.
744. The horse must have a current passport.
745. 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.
746. No horse shall be used for drawing a carriage during the hours of darkness.
747. 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.
748. A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided.
749. The maximum fare to be charged shall be approved in writing by the Council.
750. The vehicle shall be capable of carrying not less than 4 adult passengers.
751. 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.
752. The proprietor must provide clean wholesome drinking water throughout the day for their horse.

- 753. A device must be attached to the horse to prevent its faeces being deposited upon the highway or hackney carriage stand.
- 754. The Proprietor shall make suitable arrangements for the proper disposal of horse faeces.
- 755. The vehicle shall be provided with front and rear position lights that meet the requirements of the Vehicle (Construction and Use) Regulations.
- 756. 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**

- 757. 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).
- 758. 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**

- 759. 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:
  - (a) Complete an application form.
  - (b) Provide evidence that arrangements are in place for the vehicle to be insured for public on the days that it will be operating.
  - (c) Present the vehicle of mechanical inspection by a competent person appointed by the Council.
  - (d) Present the horse, or horses, for inspection by a veterinary officer appointed by the Council.
  - (e) Make the stables available for inspection by any person appointed by the Council.

- (f) 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.
- (g) Pay the licence fee.

### **Drivers – Qualifications**

760. 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**

761. 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.



## **Private Hire Operator Licences Legislation, Conditions**

## **Appendix 21 Policies and**

### **Authorised Officers (Legislation, Section 73 LG(MP)Act 1976)**

766. 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)**

767. 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)**

768. 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)**

769. 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.

770. 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.

771. 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.

772. 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.
773. 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.
774. 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.
775. 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).
776. 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.
777. The new section 55B deals with operator liability in connection with subcontracting. 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).
778. Subsection (2) of new section 55B establishes that an initial operator who subcontracts 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).
779. 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).

780. 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).

781. 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)**

782. 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)**

783. 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.

("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)**

784. 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)**

785. 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.

786. 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.
787. 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.
788. 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**

789. 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**

790. You must notify the Council, in writing (or electronically), within 7 days of any change of your personal address.

## **PO4. Change of Business Address**

791. 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**

792. 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.

793. 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**

794. 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**

795. 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**

796. If you have two-way radios fitted to the vehicles your 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**

797. 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.

798. 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**

799. 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**

800. 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**

801. The fare charged by you shall be agreed with the hirer at the time of booking.

#### **PO13. Parking (needs to be looked at as can park anywhere in D'ton)**

802. 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. All vehicles must be lawfully parked.

#### **PO14. Planning and Permission**

803. 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**

804. 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**

805. 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**

806. 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**

807. 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**

808. 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

809. 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.
810. 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.
811. 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.
812. Only Sub Committee members who have heard the entire application or disciplinary matter are able to take part in the decision-making process.
813. 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.
814. 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**

815. 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.
- (c) 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.

816. 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 the Applicant/Licensee's behaviour, whilst also advising that future conduct could lead to a revocation or refusal to renew a licence.

817. 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).

818. A requirement to attend the Driver Improvement Scheme at the driver's own expense where considered reasonably necessary.

819. A requirement to provide further information e.g. the production of a medical more regularly than the standard requirement for drivers.

820. 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.

821. 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**

822. 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.
823. 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.
824. 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.
825. 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**

826. 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.
827. 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.

828. 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.
829. 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**

830. The Licensing Manager or their representative shall present the report in the presence of the Licensee/Applicant (subsequently referred to as “the Applicant”).
831. The Applicant shall be invited to confirm the accuracy of the report.
832. The Members may ask any questions they have of the Officer.
833. 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.
834. The Applicant or their representative shall present their case and respond to any questions.
835. Where appropriate the Police may be asked to comment.
836. The Applicant will be offered the final opportunity to sum up their case.
837. 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.
838. 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.
839. 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.

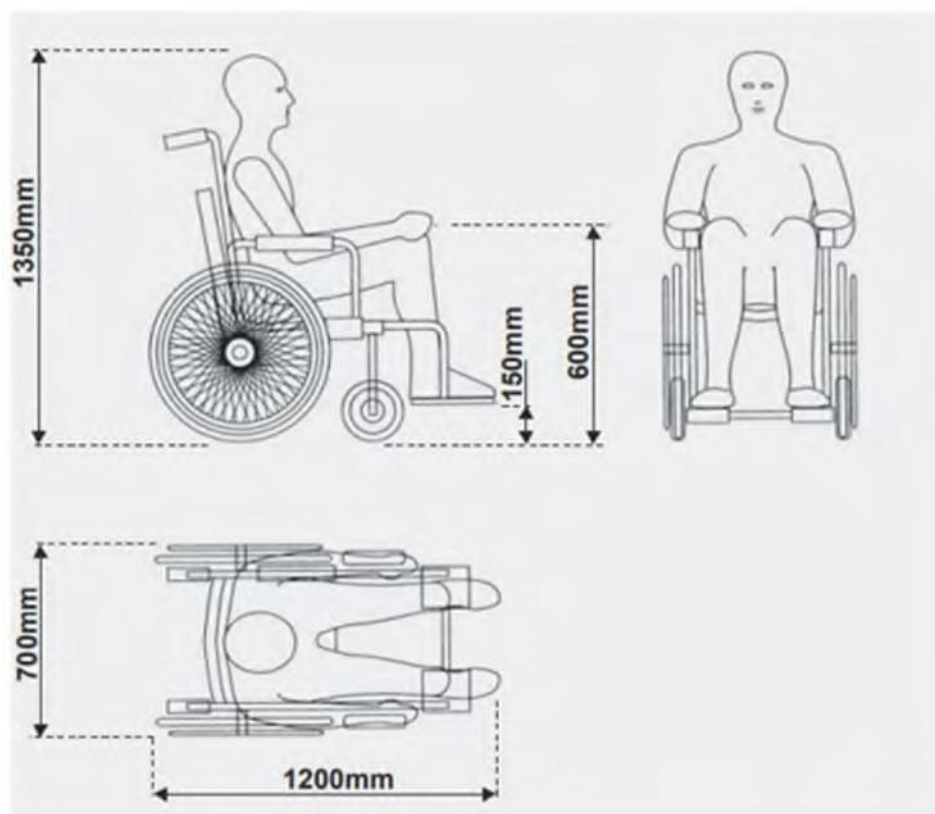
### **Appeal to the Court**

840. 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.
841. An appeal against a refusal to grant a Hackney Carriage vehicle licence is dealt with by the Crown Court.
842. 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.
843. 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.
844. 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.
845. 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.
846. 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.
847. 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.

## Dimensions of a reference wheelchair

## Appendix 23



848. 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.

# Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: \_\_\_\_\_

Vehicle Licence Number: \_\_\_\_\_

Driver Licence Number: \_\_\_\_\_

Vehicle Mileage: \_\_\_\_\_

Area	Requirement	Faulty	Correct
Brakes	Foot/ service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		

Area	Requirement	Faulty	Correct
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	Stop lamps come on when the service brake is applied and go out when released		
	All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure  Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements  Windows operational		
Seats and seat belts	All seats are secure  All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on Wiper blades must clear the windscreen effectively  Washers point at the windscreen and are operational  Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means  Battery is not leaking		



Area	requirement	Faulty	correct
	Battery terminals are secure and free from corrosion		
Fluids, fuel and oil	<p>Brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>Fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p> <p>There must not be any brake fluid, power steering fluid or water leaks</p> <p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>Doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>Body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	Exhaust be secure, free from leaks and must not emit excessive amounts of smoke.		
Tyres and wheels	Check as much of your tyres and wheels as you can see. There must be: a minimum tread depth of 1.6mm across the centre 75% of the tread		

Area	requirement	Faulty	Correct
	<p>Correctly inflated no deep cuts in any tyre sidewall no cord visible anywhere on any tyre no missing or insecure wheel nuts</p> <p>Spacee saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
<p>Licence Plates</p> <p>Discs and other identifiers</p>	<p>Drivers must ensure:</p> <p>All required plates and mandatory signs must be in place on the vehicle before use.</p> <p>When displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>Taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

**WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.**

## **Appendix 24**

### **List of Consultees**

- HC and PH trade
- PH Operators
- Durham Constabulary

- British Transport Police
- Immigration Enforcement
- Durham and Darlington Fire Authority
- Darlington Association on Disability (DAD)
- Highways
- Environmental Health
- Trading Standards
- Planning
- Public Health
- Darlington Safeguarding Partnership
- Citizens Advice Bureau (CAB)
- Parish Councils
- HM Revenue and Customs
- Home to School Transport Section
- Local transport providers
- Tees Valley Local Authorities
- North East Strategic Licensing Group (NESLG)

## Appendix 2

**EXAMPLE OF PENALTY POINT SYSTEM FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLE PROPRIETORS AND OPERATORS**

Where an offence or breach has been witnessed by a Council Officer, Police Officer, or Councillor and/or admitted, then Points will be endorsed against an individual or Operator. When an individual has accrued 12 points within a three-year rolling period, or commits the same offence/breach twice in a 12-month period, then the individual may be referred to the Licensing Sub-Committee.

The Scheme will not bar the Authority from administering a Caution or initiating legal proceedings following an offence or breach of condition or Byelaw. Points may also be issued following a prosecution in appropriate cases. If more than one offence takes place, the points will be added consecutively to the individual's record.

***The Scheme shows the maximum points for an offence. Officers will have discretion to decide on the points given based on circumstances. If more than one offence takes place, the points will be added consecutively to the individual's record.***

<b>Vehicle</b>	<b>Points</b>
Failure to keep the interior and exterior in a clean and tidy condition, free from damage	6
Failure to keep vehicle in roadworthy condition	12
Failure to display internal identification plate and/or securely fix the external identification plate to the rear of the vehicle as instructed by an Authorised Officer, or failure to keep exemption notice in vehicle	6
Failure to carry a fully serviceable fire extinguisher or first aid kit	6
Failure to present vehicle for inspection at time appointed by an Authorised Officer	6
Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence (except dual licensed vehicles)	6
Evidence of smoking in a vehicle ascertained by officers whilst carrying out vehicle checks or smoking in a vehicle	6
Carrying an offensive weapon in the vehicle	12
Carrying more passengers than stated on the Vehicle licence plate	6
<b>Conduct and Demeanour</b>	<b>Points</b>
Failure to be clean and presentable whilst working (clothing to be clean, smart casual and secure footwear suitable for driving must be worn i.e. no vests or flip flops)	6
Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12
Failure to observe rank discipline, queue jumping, not moving down rank	6
Failure to carry an assistance dog without requisite exemption	12
Making false statements or withholding information to obtain a licence	12
Operating a private hire vehicle without a private hire operator's licence	12

Knowingly allowing drivers to operate in breach of penalty points system	6
Plying for hire, unlawful touting or soliciting customers	12
Refusal to take a passenger without good cause	6
Charging more than the metered fare or agreed fare	6
Using an unlicensed or uninsured vehicle for hire or reward	12
Stationary hackney carriage vehicle plying for hire whilst parked other than on a designated rank	6
Failure to reasonably assist passengers without good cause or exemption certificate	6
Driving a licensed vehicle without a valid hackney or private hire driving licence	12
Driver leaving a hackney carriage unattended, or obstructing other hackney carriages	6
Failure to wear drivers badge in prominent position without exemption	6
Admitting to unnecessarily prolonging a journey	6
Failure to attend a time appointed by an Authorised Officer	6
Driving in a careless and inconsiderate manner in accordance with the Road Traffic Act	12
Using threatening or offensive language or behaviour	6
Officer observing a licensed driver sleeping on a taxi rank	6
Using a mobile phone whilst driving or stationery with engine running	6
<b>Administration</b>	<b>Points</b>
Operator failing to keep accurate, current records of bookings, or failure to present records to an Authorised Officer upon request at an appointed time	6
Failure to keep records of private hire vehicles/drivers operated by operator	6
Failure to notify council of convictions within a seven day period	6
Failure to follow Council's conditions on signage	6
Failure to notify change of name, address, telephone number or operator within seven days of change	6
Failure to notify transfer of ownership for private hire or hackney carriage	6
Failure to return private hire driver licence after notice given after revocation or suspension	6
Failure to notify change of name, address, telephone number, operator, medical condition which may impact on driving within seven days of change	6
Failure to produce DVLA drivers licence within seven days on request of the Authority	6
Failure to report an accident to Local Authority	6
Failure to report an accident to Local Authority Operator not attending Private Hire Forum without informing the Local Authority	6
Failure to provide to the authority a DBS renewal certificate within 7 days of receipt.	6

## Appendix 3

### List of Consultees

- HC and PH trade
- PH Operators
- Durham Constabulary
- British Transport Police
- Immigration Enforcement
- Durham and Darlington Fire Authority
- Darlington Association on Disability (DAD)
- Highways
- Environmental Health
- Trading Standards
- Planning
- Public Health

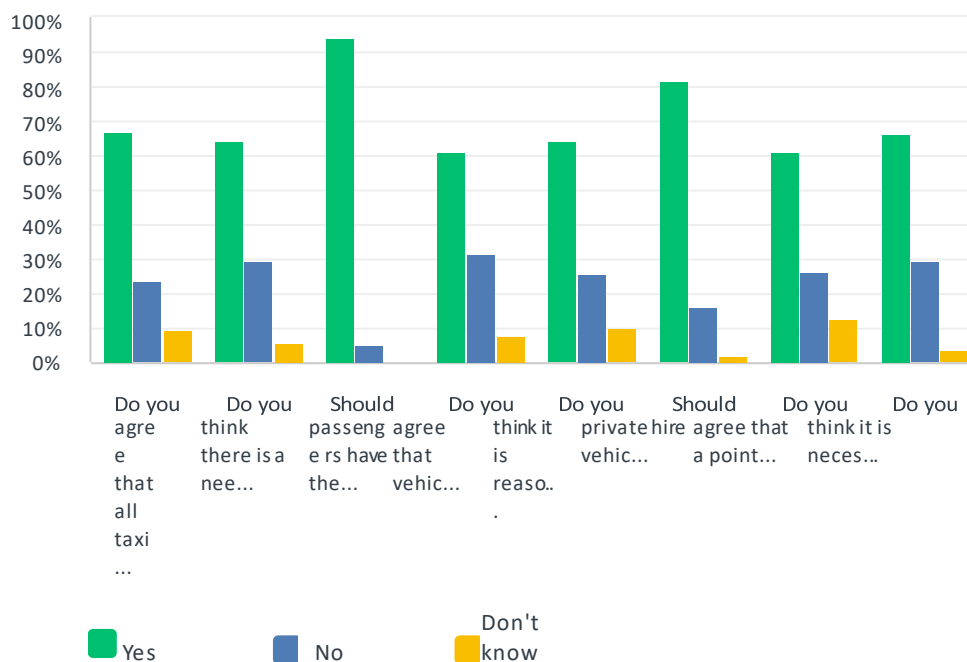
- Darlington Safeguarding Partnership
- Citizens Advice Bureau (CAB)
- Parish Councils
- HM Revenue and Customs
- Home to School Transport Section
- Local transport providers
- Tees Valley Local Authorities
- North East Strategic Licensing Group (NESLG)



## Appendix 4

### \*Q1 We are seeking views on our Hackney Carriage and Private Hire Policy.

Answered: 182 Skipped: 0



	YES	NO	DON'T KNOW	TOTAL	WEIGHTED AVERAGE
Do you agree that all taxi and private hire drivers should have mandatory disability awareness training?	67.03% 12 2	23.63% 4 3	9.34% 1 7	18 2	1.42
Do you think there is a need for in-vehicle CCTV in all Darlington's taxis/private hire vehicles, which will record passengers and the driver? (This is not in relation to a dashcam, which faces out onto the road.)	64.29% 11 7	29.67% 5 4	6.04% 1 1	18 2	1.42
Should passengers have the option to pay by card or cash?	93.96% 17 1	5.49% 1 0	0.55% 1	18 2	1.07
Do you agree that vehicles under 3 years old only need an annual council mechanical inspection rather than every 6 months?	60.99% 11 1	31.32% 5 7	7.69% 1 4	18 2	1.47
Do you think it is reasonable for all drivers to carry out and record inspections before commencing their working day?	64.29% 11 7	25.82% 4 7	9.89% 1 8	18 2	1.46
Should private hire vehicles have markings, such as 'private hire prebookings only' on the front passenger door to distinguish them from hackney carriage taxis?	81.32% 14 8	16.48% 3 0	2.20% 4	18 2	1.21

Do you agree that a points-based system for minor breaches of rules by drivers should be introduced? (This is NOT an endorsement points system placed on a motorist's driving licence.)	60.99%	26.37%	12.64%		
	11	4	2	18	1.52
	1	8	3	2	
Do you think it is necessary for taxis to carry a fire extinguisher?	66.48%	29.67%	3.85%		
	12	5	7	18	1.37
	1	4		2	

## Q2 Is there anything else you would like to see included in a revised policy?

Answered: 79 Skipped: 103

#	RESPONSES	DATE
1	Take training in diversity and equality. I have experienced some horrible views about things from drivers.	8/10/2025 9:25 PM
2	There should be taxis available for disabled customers that are in wheelchairs as there is none	8/10/2025 1:02 PM
3	All taxi drivers need a good grasp of politeness and manners	8/9/2025 9:06 AM
4	Keep uber out Not let taxis who have licenses from other councils operate daily in Darlington Ensure english is spoken by drivers	8/8/2025 9:02 PM
5	Don't let them stop uber. Competition is healthy.	8/8/2025 8:29 PM
6	No	8/8/2025 12:05 AM
7	Cleaner taxi and mini buses	8/7/2025 9:20 PM
8	Any restrictions applicable if possible for drivers touting at the taxi ranks.	8/7/2025 8:42 PM
9	Stop uber and private hire cars from parking in town centre hoping to pick up fares . They should have to leave after they have dropped there passengers off. Bring in a clean air zone in the town centre.	8/5/2025 2:17 AM
10	Thank you	7/31/2025 7:39 PM
11	Some of the new policies will cost drivers more money they struggle as it is	7/30/2025 12:23 AM
12	More transparent pricing	7/29/2025 9:30 PM
13	As well as Disability Training they should undertake Safeguarding Training. This is because on one occasion i was put out of a taxi late at night as i did not have £50 to pay after vomiting. I have mobility issues as well as a Disability and they failed in a duty of care	7/29/2025 5:56 PM
14	Taxi drivers must offer both cash and card	7/20/2025 3:08 PM
15	Drivers tht don't drive at breakneck speeds Plus take guide dogs and support animals Not enough wheelchair vehicles sometimes	7/19/2025 6:21 PM
16	No	7/19/2025 5:25 PM

17	Clear council notice if driver has dog allergies to save them from turning away assistance dogs. All car drivers should be only given licence if they will drive through the 'skinny bridge'. Far too often, from the town, I have had to walk home because the driver announces, at Geneva Crescent, he won't go through. We tell them when we get in so they can choose best route for themselves.	7/18/2025 3:13 PM
18	That all drivers can speak and understand English as that is our first language in Darlington	7/17/2025 11:48 PM
19	Less Newcastle registered taxis working durham darlington area	7/17/2025 1:12 PM
20	I constantly see taxis working whose badges have been obtained in places such as Newcastle, Wolverhampton etc. How can you apply to a council at the other end of the country to work in Darlington? Are there vetting measures less stringent?	7/17/2025 8:09 AM
21	A full DBS enhanced check on all drivers. And have a qualification in speaking English.	7/17/2025 8:01 AM
22	Make the general public aware of difference between taxi and private hire and also Darlington taxis and private hire and that other private hire vehicles are operating in this area and have much more relaxed licensing rules	7/16/2025 6:11 PM
23	More stringent rules for Uber drivers from out of town, I have had to give directions, it has taken twice as long to get to my destination. They should all do the knowledge test before being given access to Darlington.	7/16/2025 8:52 AM
24	Is it legally possible to stop non-Darlington registered Uber drivers picking up fares in Darlington, or at least restrict them to areas that directly border the town i.e. Co Durham, Stockton and North Yorkshire?	7/16/2025 8:04 AM
25	Anaphylaxis kits in every taxi, and severe allergy training for all drivers	7/15/2025 9:47 PM
26	Mandatory driving assessment for all taxi and private hire drivers every year to be able to be licensed.	7/15/2025 8:24 PM
27	All taxis/private hire & Uber should have CCTV	7/15/2025 6:20 PM
28	DBS checks on drivers and safeguarding training	7/15/2025 3:45 PM
29	No	7/15/2025 12:54 PM
30	Think DBS should make it more simple and easy for taxi drivers as I think we need more in the area.	7/15/2025 12:08 PM
31	n/a	7/15/2025 12:08 PM
32	No extra charge for paying by card	7/15/2025 11:50 AM
33	It would be more beneficial dealing with Ubers who don't follow any of these practices and are a treat to young women and local businesses what's the point making darlington taxi drivers carry out mandatory procedures when you can stick an uber sticker on a vehicle and not have to do any of these policy's new or existing	7/15/2025 8:51 AM
34	Drivers to have random drug testing	7/15/2025 8:27 AM
35	Stronger vetting of foreign nationals working as drivers is required.	7/15/2025 6:00 AM
36	Driver betting increased. I am a grown man and would refuse to get into some taxis in Darlington due to the appearance and dress code of some drivers.	7/15/2025 5:22 AM
37	No	7/14/2025 10:31 PM
38	To treat drivers fairly and not eliminate law abiding drivers or penalise them unjustly. We want all passengers to be safe - we do not want our local drivers to be pushed out of business.	7/14/2025 9:44 PM

39	Random drug tests, standard clothing as in trousers / jeans and shirt / T shirt some drivers are really scruffy lately since the policy was relaxed I think shorts is a definite no not professional at all.	7/14/2025 8:50 PM
40	Cross boarding hire, Uber	7/14/2025 5:46 PM
41	Drivers have an English test to be able to show they can understand customers and be able to communicate.	7/14/2025 5:27 PM
42	Meter fares no set prices for certain hrs unfair to people that don't live too far away from town centre	7/14/2025 3:03 PM
43	Better policing of private hire vehicles plying for trade and a better reporting system for a quicker reaction.	7/14/2025 2:42 PM
44	Seat belt checks for both drivers and passengers. In every taxi we've gotten in the last 4 the driver has not been wearing their seatbelt but, instead, has a "thing" stuck into where it should be in order to turn off the alarm. Drivers should also be checking that their passengers are wearing their belts before pulling away.	7/14/2025 2:11 PM
45	the hackneys aren't the problem it's the uber and company's from out of town.	7/14/2025 12:54 PM
46	Taxis should be a taxi, if I want to flag a taxi on the street to pick me up I should be allowed to no matter what type of licence they have.	7/14/2025 12:44 PM
47	Only taxis plated in Darlington to be able to work in Darlington	7/9/2025 9:00 PM
48	I believe all private hire drivers do a knowledge test. The amount of complaints from customers who have been taken on long routes is ridiculous.	7/8/2025 7:29 PM
49	3 year badge should be a bit cheaper than the yearly badge .less work for your office staff	7/8/2025 4:39 PM
50	If the council make CCTV compulsory. 1. Who pays for it? 2. What system are they proposing? 3. If it fails. Who is responsible for repair? 4. When it fails as it invariably will. Does that mean the vehicle will have the license suspended? I personally do not want a system in my taxi.	7/8/2025 4:20 PM
51	Cross border hiring needs to stop, more enforcement to stop private hires picking up from ranks, private hire not allowed to pick up within 100 metres of a rank would simplify this	7/7/2025 10:55 PM
52	The requirement for red Hackney or none red private hire vehicles is no longer relevant, phv's from outside the area are any colour including red so the visual impact of a red Hackney fleet is diluted to the extent that it feels irrelevant , outmoded and outdated	7/7/2025 9:56 PM
53	Yes, stop uber. They are some very shabby uber cars on the road. Lots of non English speaking drivers.	7/7/2025 8:27 PM
54	Clean air zone in Darlington and to include Newcastle and other cars/uber	7/7/2025 5:06 PM
55	N/a	7/7/2025 4:28 PM
56	Make more rank space in the town it's hard to find a taxi in certain areas of the town	7/7/2025 3:56 PM
57	Make sure the uber drivers are having to abide by the same rules as others	7/7/2025 2:53 PM
58	Our cars in Darlington need to have stickers to distinguish who they are or people especially women and kids could be at risk as anyone could say they are a private hire etc	7/7/2025 2:47 PM
59	Colour of hackneys being red. Now we have red Ubers driving about. No need for hackneys to be red to distinguish the difference between hackney and private hire.	7/7/2025 1:09 PM
60	Spot checks on the driver to establish whether he has a UK Driving Licence. I'm not sure all of them have, given the standard of driving.	7/5/2025 11:49 AM
61	Think drivers from LOCAL companies should have knowledge of the town or at least be able to use a sat nav. Also a central area where complaints can be logged as no confidence that local private hire company does anything about complaints	7/4/2025 12:50 PM

62	To keep private hires out the ranks and bus lanes	7/4/2025 10:22 AM
63	Out of area policies tightened Taxi drivers to be given child safeguarding training	7/4/2025 9:15 AM
64	CCTV for inside e.g driver and passengers and dashcam which faces onto the road as well	7/4/2025 6:26 AM
65	Drivers should not be able to driver for delivery apps or pizza, chip shops as well as being a taxi driver.	7/3/2025 7:59 PM
66	Bring in uber our local taxi service is always late	7/3/2025 10:14 AM
67	Too many out of town taxi,s they are everywhere now	7/3/2025 6:25 AM
68	1)Make every taxi driver regardless of age sex gender or religion undergo a Short English and English-speaking course and exam 2)Tighten up the government DBS system and make it airtight. Where a DBS applicant has to have 5 years residency the government set the baseline there is no reason you can't make it tighter 3)Make a rank test and video scenarios of the proper educate to pick up and drop passengers, That picking up on a rank is bad and hanging around ranks also bad.	7/2/2025 9:06 PM
69	Penalty or discount for lateness	7/2/2025 6:51 PM
70	no	7/2/2025 5:42 PM
71	Mandatory display of photo ID and driver number	7/2/2025 5:29 PM
72	All drivers should have enhanced DBS checks if thus isn't already done.	7/2/2025 5:02 PM
73	Out of town Taxis should have to abide by DBC regulations if they are picking up not dropping off passengers. This should also includes Ubers if they are registered in DBC or SBC, DCC Etc	7/2/2025 4:30 PM
74	As uber are now operating in this and many other boroughs I feel the need for a colour policy and outdated. Red uber cars are not Hackney carriages, neither is  it illegal to have a car in any other colour combination. What signifies that a car is a taxi is the sign, plates and door decals.	7/2/2025 4:13 PM for vehicles is unnecessary
75	Drivers not to smoke in the vehicles or vape. Often taxis smell strongly of smoke. Taxis to be removed from licensing when there is safeguarding issues raised with use of Sen transport More regular 'secret shopping' of taxi services to make sure they abide the rules other than when they know they are being assessed	7/2/2025 3:51 PM
76	That they should be held accountable for the safety of a customer, once booking has been made. I once booked a taxi, it did not turn up. Called them and they said one way, then said had been and then said I had been picked up. At this point I was stuck away from home 10pm at night and told I would have to wait 1 hour which was not appropriate. All this from a call centre out of the uk that have started taking bookings for this taxi firm.	7/2/2025 3:28 PM
77	Education for drivers in road courtesy. They seem to think they have priority over ordinary drivers.	7/2/2025 3:15 PM
78	N/a	7/2/2025 2:31 PM
79	No	6/30/2025 9:36 PM

### Q3 If you have any comments about your question choices please add them here.

Answered: 45    Skipped: 137

#	RESPONSES	DATE
1	Price is the most important.	8/8/2025 8:29 PM
2	It's hard enough for taxi drivers to make their money since you let Uber into the town and doing recorded daily checks on their vehicles which a lot do anyway is a waste of time and I would like to know which poor person in the taxi office is going to watch them all	8/8/2025 12:05 AM
3	Some taxi and mini buses what you get you get are not very clean like some of them are really stop less	8/7/2025 9:20 PM
4	As the wife of a hackney taxi driver i am worried about the escalating costs. The council have give uber drivers permission to drive and thats eating into profits and now there is an added expenses which will eat into profits. You are just driving out drivers	8/7/2025 6:48 PM
5	Thank you	7/31/2025 7:39 PM
6	No	7/19/2025 6:21 PM
7	The council need to ban Uber and private firms. We need stricter regulation on drivers and their backgrounds. The prices should be reasonable and fair and published prior to journey.	7/17/2025 8:01 AM
8	I think that having CCTV should only be mandatory if it is a nationwide requirement. It will only encourage more out of area licensed vehicles to operate in Darlington who will have no need to have CCTV installed. In my opinion this really needs to wait until the government have come to a firm decision on cross border hiring. The costs to the trade will be high to install and unfair especially if there is lots of out of area PHV's operating in Darlington. Would this be another cost put on the trade or would DBC contribute ?	7/16/2025 5:21 PM
9	Anaphylaxis kits in every taxi, and severe allergy training for all drivers	7/15/2025 9:47 PM
10	The driving standards of the majority of uber / private hire drivers and some taxi drivers is dangerous. I am a driving instructor and I regularly have to use avoiding actions to prevent my learners from crashing into ubers/private hire who pull out in front of us.	7/15/2025 8:24 PM
11	All taxis should have a DBS including uber	7/15/2025 6:20 PM
12	My wife has had few drivers be Soo. Rude to her when she asked to pay cash	7/15/2025 12:54 PM
13	There is a big lack of Taxi Ranks in this town, every big supermarket such as Asda, Morrisons and especially Memorial Hospital should have each a small Rank where Hackney Carriages should be able to ply for hire. If these places would have at least 2 spaces for Taxis would be a huge help for the community and for the trade as well.	7/15/2025 12:08 PM
14	Cctv is no to me. Spy in the cab	7/15/2025 7:44 AM
15	Uber appear to have very low standards in comparison to Darlington licensed taxis	7/15/2025 5:22 AM
16	None	7/14/2025 10:31 PM
17	If any new rules implemented incur additional cost such as cost of cctv or equipment for taking and storing daily checks, would subsidies be provided for these new rules. If a is not able to take card payment due to technical issues what would be the result of this?	7/14/2025 9:53 PM

18	I think the questions were very front loaded with no context and I'd be interested in adding more input. I have no connection with taxi drivers in our town but I feel they are getting a hard time here and potentially it is unjust whilst Uber continues to undercut prices.	7/14/2025 9:44 PM
19	Unfortunately placing CCTV facing into the cabin would be a gross invasion of privacy and should not be allowed. If it were to go ahead a lot of people would stop using taxis. Further there is no statistically backed evidence that it would make anyone safer. In fact for young ladies travelling home it could be a violation if the taxi driver could replay the video for their personal interest. Rethink this one it's not appropriate.	7/14/2025 7:49 PM
20	Overall I feel safe in a Darlo cab, but I can see that CCTV can work both ways. My last Darlo cab journey I took was soured by racist comments from the driver, which I didn't like or agree with (I'm white British and I think he thought I was just like him...)	7/14/2025 7:01 PM
21	A visual daily inspection should be enough, but any serious issues should be addressed immediately. More support and information for those wanting to offer wheelchair access vehicles WAV	7/14/2025 2:42 PM
22	Why would you want to remove fire extinguishers then and first aid kits should be in any vehicle carrying the public	7/14/2025 12:54 PM
23	From my understanding we made all Darlington taxi change to Euro 6 engines but we have moved all the old buses down and you have out of town taxi driving with Euro 5 engines definitely punished Darlington drivers	7/14/2025 12:45 PM
24	Clean air zone for Darlington	7/9/2025 9:00 PM
25	I would like to mention that in the NVQ that I have done covers dealing with disabled passengers	7/8/2025 7:41 PM
26	Longer term drivers have already done the disability awareness and child abuse courses. It should be mandatory for all drivers !!	7/8/2025 7:29 PM
27	Why ask about fire extinguisher when we already do.	7/8/2025 4:39 PM
28	I think the CCTV is a good idea but how will it work? What about when the driver is not working? I mean should you be able to film the driver going to the supermarket with his wife? Can you make sure they don't get hacked? And what about AI? Soon camera footage will be completely unreliable so it will probably be better to wait a year or two to see what happens	7/8/2025 1:08 PM
29	What would the points system achieve the outcome is not clear	7/7/2025 10:55 PM
30	Disability training and in-car CCTV would, I'd implemented, need to be at the council's expense rather than the license holder. Mandatory card payments are a no-go as we do not have coverage for connections in all areas of the borough or the areas served by our cars, this is notwithstanding the recent outage in the town centre area by EE. Would the licensing authority be prepared to make good any losses caused by lack of signal to take payment?	7/7/2025 9:56 PM
31	Look after our own townsfolk. Why should other towns be allowed to operate and not have the stringent checks that Darlington licensed drivers have to go through. Making Darlington taxis get CCTV is a great idea in principle but those who can't afford it will not be able to operate so then more Uber will frequent the town and they don't have to have CCTV. Very unfair ruling. Make it a driver choice. Then it's up to the customer to ask if a driver has CCTV and their choice if they take the taxi or order a taxi which has CCTV installed	7/7/2025 8:27 PM
32	I got 6 taxis over the last few days 4 that were from different towns and 2 from take me so if CCTV gets approved does that mean only the 2 take me would have CCTV and other 4 wouldn't if so that is pointless because most of the taxi I get are from out of town so use only punishing Darlington taxi	7/7/2025 4:28 PM
33	Change the colour of the taxis that are Hackney from Red to Black	7/7/2025 3:56 PM
34	I do caring so not a bit about disabled people. And I check my taxi every morning before I get in.	7/7/2025 3:00 PM

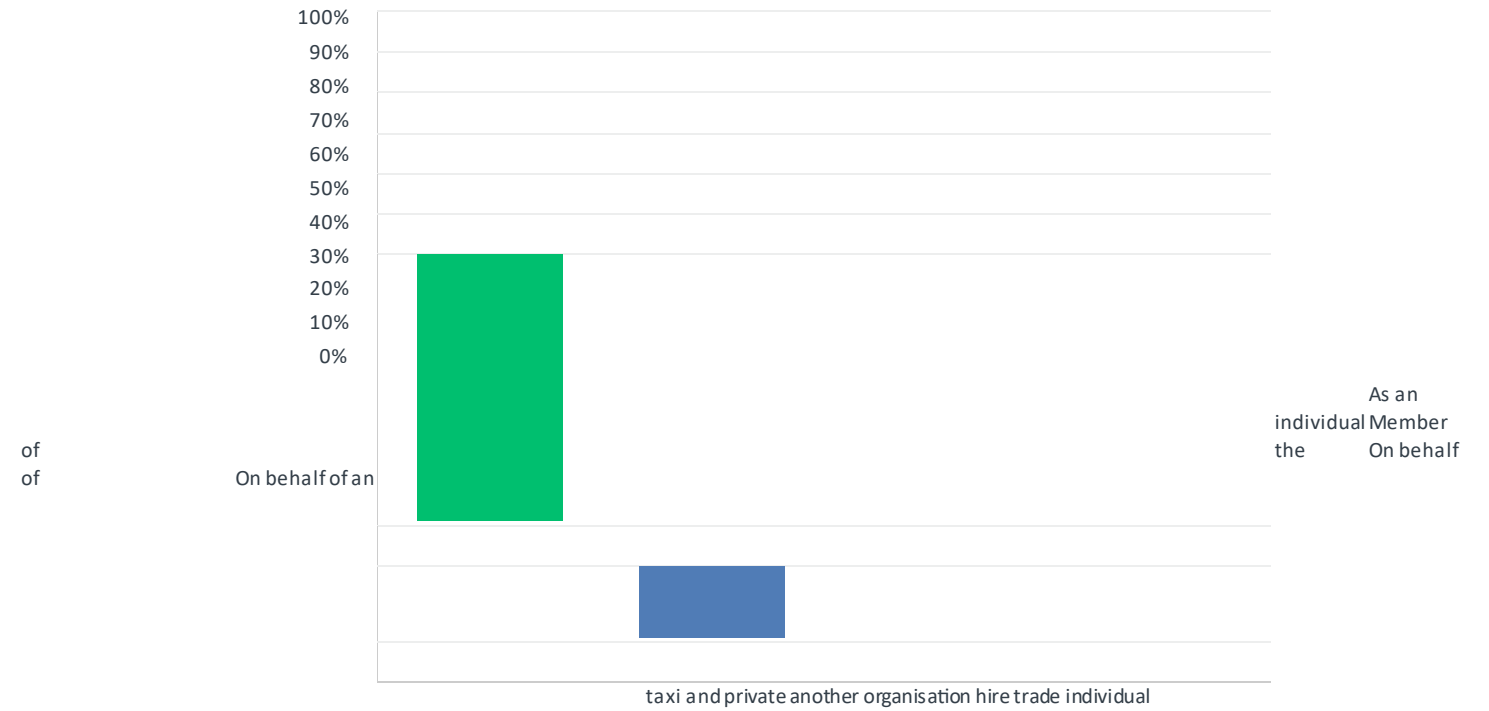
35	Disability awareness course we already do safe guarding I also hold 6 other safeguarding certificates if I get a disabled person I ask them if they need me do I do it Cctv is a nother expense to the drivers the cost of running these hackney's is bad enough Card payments I already take	7/7/2025 2:51 PM
36	Cctv to be placed covering all ranks to help stop private owned vehicles/delivery drivers/private hire vehicles including uber using the ranks as parking spaces when us hackney can't park up to use them for work its becoming a joke	7/4/2025 10:22 AM
37	If the council make it mandatory to have to accept both cash AND card, then they should have the same and accept cash payment for licences etc. Only fair. Will be seeking legal advice about this from a solicitor. In fact, this should be extended to all business that require a council license, so for example No.22 pub apparently only accept card payments, they should be forced to accept cash too. All about customers having choices, isn't it?	7/4/2025 12:37 AM to do
38	Regarding card or cash payments sometimes depending on the area you drop off in there is no signal to take card payments so cash is more desired and the fact that we get fees for using this method of payment, so if the customer wants to pay by card I think they should pay the fee. Regarding inspection checks I know if my vehicle has a problem and I immediately have the problem resolved and would not go out to work as my safety and customers safety is paramount.	7/3/2025 12:50 PM
39	You cannot tell taxi from private hire or uber	7/3/2025 6:25 AM
40	I believe there should be a standard size sign on all cars That show at the very minimum the operator of the vehicle and also 2 plates one front one back and then if you feel fit a front door crest number different to the hackneys but same concept. I believe cars that come from the dealership are not made to the best quality these days and therefore to air on the side of caution we should keep the system the same but seek to roll the mot in with the 2 checks a year. I believe everyone should show and demonstrate they have the ability and prove they do take card transactions as a way to stop drivers jamming up the rank and cherry-picking Job. I believe and have voiced my thoughts on CCTV in the past and was advised that this wasn't going to be a thing. 1: The crimes stats don't justify it. 2: The Dbs is a strong enough check I'm told so why all of a sudden do we need CCTV 3: It would feel like an invasion of privacy and make the already stressful situation of driving a taxi even more stressful. 4: The cost of fitting the regulation that would be made around it is fitting, what if it breaks, what if the man who fits it is on holiday and it sets the wrong tone for the industry and also if we mandated in Darlington all we would do is just leave to Newcastle and get a operators licence or somewhere that doesn't mandate it just like the gents down south did. Many people have unseen disabilities these days and doing the job for many years now we see few people with disabilities and any training would be enert before it was ever used, Not to mention we have been just right thus far and making another entry to requirement will make the trade in Darlington more undesirable. A side line point system would be seen by the trade to be seen as another tool to pressure and potentially harass drivers it wouldn't be enforced right	7/2/2025 9:06 PM
41	Only drivers undertaken County Durham vehicle licencing should be allowed to operate	7/2/2025 5:29 PM
42	I trust the regulations apply to Uber drivers too.	7/2/2025 5:02 PM
43	CCTV is for the safety of both the driver and passenger.	7/2/2025 4:30 PM
44	The stickers are not for public safety but for uber. I believe all taxis should have private hire on them along with the company logo! The only way for a passenger to tell the difference between the companies is this, we already have issues with unmarked Ubers picking up off ranks/doing jobs on the side. These have been reported to the relevant licensing departments but nothing gets done	7/2/2025 2:31 PM



45	The private hire sticker should definatley be mandatory uber seem to get away with no stickers which i know alot are newcastle plated cars they shouldnt be able to operate darlington without them. Cctv s should be optional me personally dont want it and would like the option. Disability training aint needed think thats just common sense. With the majority of taxis now bein so new think it should just be weekly checks which we already carry out. Points based disaplinery i think i needed but i do think DBC need to be more strict with driver punishments seems to be alot of drivers get away with to much or no further action	6/30/2025 9:36 PM
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Q4 Are you responding to this consultation .....

Answered: 164      Skipped: 18



ANSWER CHOICES	RESPONSES	
As an individual	78.05%	128
Member of the taxi and private hire trade	21.34%	35
On behalf of a nother i individual	0.61%	1
On behalf of an organisation	0.00%	0
TOTAL		164

Q5 Please enter the organisation name if applicable.

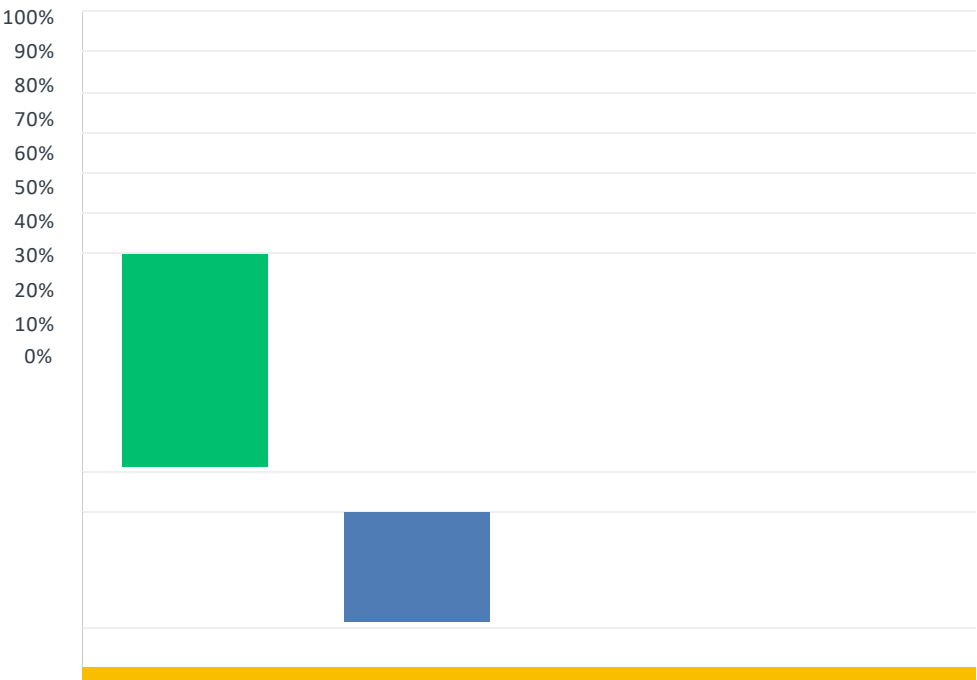
Answered: 13      Skipped: 169

#	RESPONSES	DATE
1	Hackney driver	8/7/2025 6:49 PM
2	N/A	7/29/2025 9:31 PM

3	S & R Cars Ltd	7/16/2025 5:22 PM
4	Takeme	7/15/2025 10:52 AM
5	N/A	7/14/2025 8:51 PM
6	N/A	7/14/2025 2:42 PM
7	Taxi Driver owner	7/8/2025 7:30 PM
8	Rory Stein	7/8/2025 4:42 PM
9	Ian Notman	7/7/2025 10:56 PM
10	My taxi Tracy taxi	7/7/2025 3:01 PM
11	Hackney driver	7/4/2025 10:23 AM
12	Harrys taxi	7/2/2025 9:07 PM
13	Take me	6/30/2025 9:37 PM

Q6 What is your, or the person on whose behalf you are responding, sex?

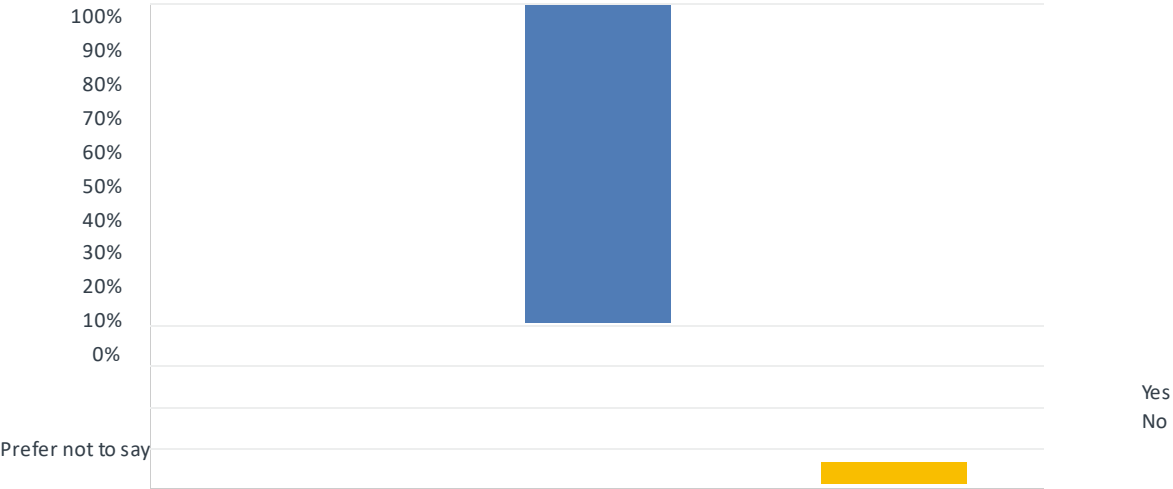
Answered: 163    Skipped: 19



Male		Female		Prefer not to say	Other (please specify)
ANSWER CHOICES			RESPONSES		
Male			61.96%	101	
Female			32.52%	53	
Prefer not to say			4.91%	8	
Other (please specify)			0.61%	1	
TOTAL				163	
#	OTHER (PLEASE SPECIFY)				DATE
1	None of your business				7/30/2025 12:24 AM

Q7 Do you, or the person on whose behalf you are responding, consider yourself to be trans or have a trans history?

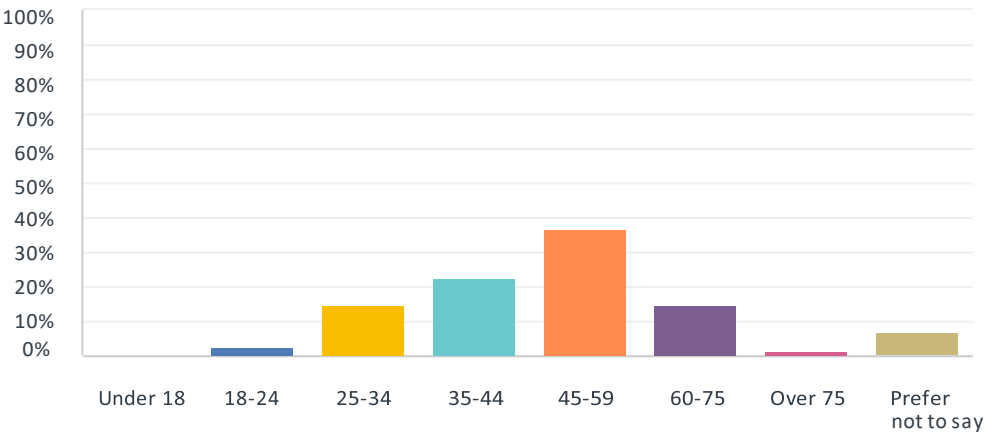
Answered: 161    Skipped: 21



ANSWER CHOICES		RESPONSES	
Yes		0.62%	1
No		92.55%	149
Prefer not to say		6.83%	11
TOTAL			161

Q8 What age group do you, or the person on whose behalf you are responding, fall into?

Answered: 163    Skipped: 19

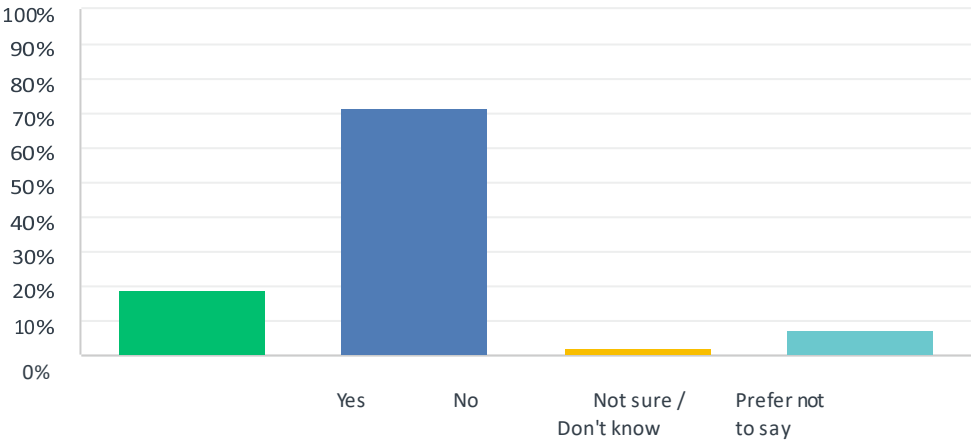


ANSWER CHOICES		RESPONSES	
Under 18		0.00%	0
18-24		2.45%	4
25-34		14.72%	24
35-44		22.70%	37

45-59	36.81%	60
60-75	14.72%	24
Over 75	1.84%	3
Prefer not to say	6.75%	11
TOTAL		163

Q9 Do you, or the person on whose behalf you are responding, consider yourself / themselves to have a disability?

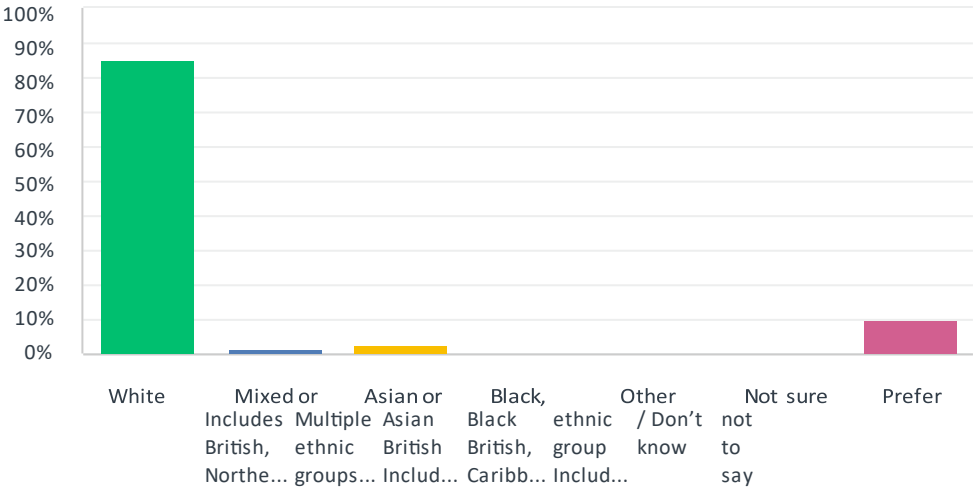
Answered: 162 Skipped: 20



ANSWER CHOICES	RESPONSES
Yes	19.14% 31
No	71.60% 116
Not sure / Don't know	1.85% 3
Prefer not to say	7.41% 12
TOTAL	162

Q10 What is your ethnic group?

Answered: 164 Skipped: 18



ANSWER CHOICES	RESPONSES	
White Includes British, Northern Irish, Irish, Gypsy, Irish Traveller, Roma or any other White background	85.37%	140
Mixed or Multiple ethnic groups Includes White and Black Caribbean, White and Black African, White and Asian or any other Mixed or Multiple background	1.83%	3
Asian or Asian British Includes Indian, Pakistani, Bangladeshi, Chinese or any other Asian background	2.44%	4
Black, Black British, Caribbean of African Includes Black British, Caribbean, African or any other Black background	0.61%	1
Other ethnic group Includes Arab or any other ethnic group	0.00%	0
Not sure / Don't know	0.00%	0
Prefer not to say	9.76%	16
TOTAL		164

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Uber Britannia Ltd  
First Floor  
Aldgate Tower  
2 Leman Street  
London, E1 8FA  
United Kingdom

05 August 2025

## **Response to Hackney and Private Hire Policy 2025**

**Submitted by email to [licensing@darlington.gov.uk](mailto:licensing@darlington.gov.uk)**

Dear Darlington Borough Council Licensing Team

### **CCTV**

Uber is committed to working with local authorities to create a safer environment for everyone using and operating private hire vehicles. We believe that by adopting a forward-thinking, and technologically inclusive approach to CCTV policy, we can collectively achieve significant improvements in safety and accountability across the UK's private hire sector.

We understand this is a difficult regulatory area with a range of considerations to balance, including driver and passenger privacy. However, CCTV enables authorities as well as Operators to consider relevant footage and take more evidence-based decisions when investigating complaints. Drivers frequently tell us that they are in favour of CCTV and a 2024 survey by the National Private Hire and Taxi Association found that nearly 90% of drivers believe more should be done to safeguard them from aggressive or violent passengers.

As well as enabling more comprehensive and fairer investigation in response to complaints, CCTV serves as an effective deterrent, promoting good behaviour by all. It is used frequently in nearly all other transport settings including on buses, trains and the road network.

We encourage the Council to consider a strategy to reduce the cost of procuring and installing CCTV systems, which will maximise adoption among drivers. For example, Uber has technology within its App that allows drivers to record trips using the camera on their phone. We use this in many other countries that we operate in globally to good effect. As the driver uses our in-app technology, there is no cost involved to procure additional hardware. The fragmented approach to CCTV regulation in the Private Hire sector in the UK has made it challenging to enable this in our app in the UK.



Apart from video-based CCTV, we would also like to point out that it is worth considering audio recordings. In certain situations, audio recordings provide evidence which can lead to fairer outcomes of investigations than video footage alone. This is particularly true for complaints that relate to discrimination, sexual misconduct and inappropriate conversations.

### **Private Hire Livery**

Uber has long held the view that licensing authorities should not impose any livery requirements on operators and private hire vehicles.

We support the recommendations made in section 8.12 of [DfT Best Practice Guidance](#) for the removal of livery on private hire vehicles.

*Licensing authorities should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi.... Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.*

Modern technology, such as GPS tracking within smartphone apps, such as the Uber App, can often negate the need for livery as passengers can easily locate and identify their private hire vehicle using the information provided within the app (such as a driver's licence plate, vehicle make and licence number). We encourage riders to identify their driver by comparing the licence plate number on the vehicle with the number shown within the Uber app.

Some drivers have provided feedback to us that livery can be a burden for those who also use their vehicle for their own private usage. These drivers would prefer not to have to advertise their vehicle as a private hire vehicle, for example when dropping off or collecting their children from school or shopping at a local supermarket. Furthermore, highly visible signs on private hire vehicles, which identify them as such, may have the unintentional effect of increasing the incidence of plying-for-hire, in that passengers may assume that the trip is legal and legitimate due to the presence of signage.

Many drivers choose to multi-app to boost their earnings every week. Our experience across the UK demonstrates that ensuring drivers can access other work through multiple operators will be positive for drivers. GMB, Uber's recognised union, carries out regular driver engagement from which it is also clear that forcing drivers to work with one operator based on livery requirements limits drivers' earning potential.

### **Fire Extinguishers**

Uber supports the removal of fire extinguishers in Hackney's and Private Hire Vehicles.

We would very much welcome the opportunity to discuss this further with Darlington Borough Council and can make ourselves available at your convenience.



Uber

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'MF' with a long horizontal stroke extending to the right.

**Matthew Freckelton** Head  
of Cities, UK

Uber

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## **Appendix 5**

### **Response from Paul Branch, Darlington Borough Council CCTV & Security Control Centre Manager**

I've attached a document which I believe is a good reference to the requirements for the possible mandating of CCTV in taxis.

Rather than repeat what is in the document in my response - the main points that I believe should be highlighted for consideration are for the governance of the "scheme".

That the Authority will assume the role of the "system operator" and will have to draft and implement clear policies for the use of CCTV. The ICO's position is "that mandating CCTV the Council will usually be responsible for the purpose of the processing and defining how and when systems should be used and how data is processed"

Also special consideration should be made in reference to audio recording as most of this type of equipment is capable of, this requires strong justification due to it being more intrusive. I feel this should be identified in the policy or any supporting policy if CCTV is mandated.

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## Responses to Q2

1. Addressed in the report
2. It is acknowledged that there is a shortage of WAV, and this cannot be addressed by policy alone.
3. Addressed through fit and proper standards
4. Private hire vehicles are lawfully allowed to move between local authorities. Uber is a private hire operator who have a licence in Darlington
5. Uber is fully licensed to lawfully operate in Darlington.
6. No?
7. Addressed through vehicle standards
8. Addressed through current legislation
9. Current practice is lawful, though this issue is subject to national debate on the future of taxis. Clean air zones are not within the scope of this policy, though Darlington complies with a weekly requirement to supply DEFRA with taxi data in relation to Clean Air Zones
10. ?
11. Whilst some policy changes may have financial implications, these will be taken into consideration during the decision-making process
12. HC tariffs are determined by the Licensing Committee and advertised through a formal process. Private hire fares are a contractual arrangement between the company and customers
13. Drivers are already required to complete the preventative Child Sexual Exploitation training, which includes safeguarding issues. There is already a procedure within the policy to deal with complaints
14. Addressed in the report
15. Legislation already in existence for speeding and the use of assistance dogs. Shortage of WAV recognised as in answer 2
16. ?
17. Legislation in existence for the use of assistance dogs. The 'skinny bridge' is not suitable for some vehicles, and it will be at the driver's discretion to use it.
18. English is assessed when determining a licence application
19. Current legislation allows licensed 'out of town' vehicles to work across borders
20. This practice is lawful but subject to national debate at the moment, as it allows for different standards across the country.
21. Darlington has required a full enhanced DBS check on its drivers for many years. There is no legal requirement for an English qualification, but this is assessed during the application process.
22. Darlington's HC (Taxis) are required to be red to differentiate them from private hire vehicles. Proposals for private hire signage are addressed in the report

23. Private hire vehicles from 'out of town' are lawful, and complaints about lack of knowledge of routes should be addressed through the private hire company. Each licensing authority has its own knowledge test, and DBC can not create conditions for outside operators coming into Darlington.
24. Currently, it is not possible to stop or restrict non-Darlington registered private hire vehicles from working in Darlington
25. Whilst this would be aspirational, DBC needs to take a proportionate approach, and where there is an enhanced risk, i.e., school transport, this will form part of the contract, which is out of scope of this policy.
26. DBC already has a mandatory driving assessment on application, and where complaints are made about standards, a referral may be made for an assessment. Mandatory annual driving assessment would go against the Department for Transport's Best Practice Guidance.
27. Addressed through the report
28. CSE (Safeguarding) and an enhanced DBS have been required for all drivers for a number of years
29. ?
30. Processes have been designed for public safety, not to make it easy to obtain a licence. New IT systems have made the processes more efficient, and a balance must be maintained to ensure standards are retained.
31. ?
32. There should be no extra charge for paying by card, and any complaints should be directed to both the operator and Licensing
33. Uber drivers are licensed private hire drivers who are required to follow their licensing authority's policy. All local authorities are required to incorporate statutory standards into their policies. Where policies are not being followed, complaints can be made to licensing authorities, who will investigate those complaints. DBC already has a robust complaints procedure in its policy
34. DBC already has a process for carrying out intelligence-led drug testing\*\*\*
35. DBC follows all national guidelines when processing applications from foreign nationals
36. Standards and the complaints procedure are already addressed within this policy
37. ?
38. The current policy does not discriminate
39. Standards are addressed in this policy and there is a process for carrying out intelligence-led drug testing\*\*\*
40. This practice is lawful for all private hire vehicles, not just Uber
41. Both oral and written English is assessed during the application process.
42. Meter fares have a tariff set by the Licensing Committee and are applicable throughout the borough. These tariffs may change depending on the time of day and for special occasions such as Christmas. Private hire fares are a contractual

- arrangement between the customer and operator, over which the local authority has no control.
43. All complaints made to licensing regarding private hire vehicles plying for trade are investigated and prosecuted where necessary
  44. Drivers are exempt from wearing seat belts when carrying passengers. At all times, they must conform to the Motor Vehicle (Wearing of Seat Belt) Regulations, 1993, and any other legislation regarding the carriage of children
  45. All complaints about out-of-town private hire vehicles acting illegally are investigated
  46. Licensing of taxis and private hire vehicles is in accordance with legislation. To allow private hire vehicles to pick up from the street without prior booking will require a change to the legislation
  47. This will require a change to legislation
  48. All licensed drivers in Darlington are required to pass a knowledge test; however, private hire drivers are excluded from taking the locality part of this test, as they are expected to use a sat nav when unfamiliar with routes. This is in accordance with DfT Best Practice Guidance.
  49. There are requirements for background work to continue so there is very little cost difference in administering these licences, whether for 1 or 3 years
  50. CCTV is addressed in the report
  51. Cross-border hiring is legal, but the subject of a national debate at the moment. Licensing deal with all complaints of unlawful use of taxi ranks.
  52. Whilst it is accepted that there may be PHV from outside the borough that are red, national standards for appropriate signage will hopefully avoid this confusion.
  53. Uber is a licensed private hire operator in Darlington and is required to comply with DBC Licensing Policy
  54. Clean Air Zones are not within the scope of this policy.
  55. ?
  56. Whilst the authorisation of rank space follows due process, the allocation is a highways issue out of scope of this policy
  57. Uber, as a private hire operator, is subject to the same policy as every other private hire operator in Darlington. Where Uber drivers/vehicles are licensed elsewhere, they will be subject to their licensing authorities' policy. Where there are breaches of legislation, action can be taken by DBC.
  58. Darlington will follow the guidance on signage issued by DfT
  59. Whilst it is accepted that there may be PHV from outside the borough that are red, national standards for appropriate signage will hopefully avoid this confusion. Introducing new colour schemes could be very expensive and a disproportionate response
  60. DBC will continue to follow all the regulations and national guidance issued by the government over the acceptance of international driving licences

61. All drivers must pass a knowledge test as part of the application process. Whilst private hire drivers do not need to sit the locality part of this test, they must demonstrate that they will have access to a sat nav. All complaints can be made to licensing through a generic e-mail that is available in the policy and on our website.
62. These are decisions for Highways and are out of scope of this policy
63. If a driver is licensed outside of Darlington, a condition cannot be added. It is now a Statutory standard for all drivers to have safeguarding training, so there are now very few local authorities where this is not a requirement.
64. Outward-facing CCTV is already permissible and encouraged. Inside-facing cameras present different challenges and are detailed within the report
65. These are business decisions and not within the scope of this policy
66. Uber already have an operator's licence in Darlington
67. This is a lawful practice, and legislation does not allow for a limitation of private hire numbers.
68. Written and oral English is assessed during the application process. DBS system is beyond the control of licensing authorities. Etiquette can be examined through the knowledge test
69. This would not be in the scope of this policy
70. ?
71. This is already a requirement\*\*
72. All drivers are required to have an enhanced DBS and sign up to the update service
73. This is legislation and not within the scope of this policy
74. Taxi roof sign is a requirement for HC vehicles. Any colour change to the policy will have significant cost implications to the trade and is not considered a proportionate response when there have been no complaints that the current colour requirements have caused problems.
75. These issues will be addressed during inspections, and 'mystery shopping' is an optional enforcement tool to be used in intelligence-led operations.
76. This is a service complaint that should be dealt with by the operator. There are already powers to review an operator's licence where there are repeated failures.
77. This is with standards of behaviour, and there is a complaints procedure to deal with those failing to abide by the rules.
78. ?
79. ?



### Responses to Q 3

1. ?
2. Daily checks are recommended by the DfT as a simple way of ensuring the vehicle is safe to use on a daily basis, with those checks documented for audit purposes. The check will be conducted by the driver. This is standard practice for many organisations with large fleets of vehicles, for management to monitor
3. Standards are within the current policy
4. These are business decisions and competition is not something we are allowed to take into consideration when granting a licence
5. ?
6. ?
7. This would be acting against the law. Private hire fares should be agreed before the customer accept the taxi. HC fares will be dependent on multiple factors, which is why they have a meter. Meter tariffs are advertised and approved by the Licensing Committee.
8. Response regarding CCTV considered in the main report
9. Refer to Question 2 response 25
10. Current policy able to deal with these issues when complaints are made
11. All taxi and private hire drivers (Uber drivers are private hire) must have an enhanced DBS before they are licensed and to sign up to the update service.
12. This is addressed in the main report.
13. These areas are private land and as such DBC have no powers to create additional rank space. Where there is demand, the trade should seek approval from the land owners
14. This is addressed in the report
15. Uber is licensed in Darlington and, as a private hire operator, is required to have the same standards as all other Darlington licensed vehicles. As some private hire vehicles servicing Darlington are licensed outside of this area, standards may be different.
16. ?
17. CCTV is addressed in the main report. Should card payments be introduced, technical issues will be taken into consideration.
18. The survey allows commenting on any aspect of the current policy. There has been a focus on the survey to take into consideration issues within the revised Best Practice Guide that have not already been addressed in the policy.
19. CCTV is addressed in the main report
20. CCTV is addressed in the main report

21. This is the purpose of daily checks: to ensure safety issues are dealt with immediately by management and hold them to account. Support is available and would be welcomed from Licensing should anyone wish to offer WAV
22. This was to seek views, as some local authorities have removed the requirement
23. Darlington has followed the government's statutory standards and best practice guidelines in relation to engines. Many other local authorities have the same or similar standards and will be moving towards these standards.
24. CAZ for Darlington is not within the scope of this policy.
25. Whilst it is not compulsory to have formal qualifications to carry out the role, drivers are encouraged and applauded for obtaining them, as it is a way of increasing professionalism in the trade
26. There would be a gradual rollout, beginning with new drivers and then making it mandatory for renewal after an agreed date.
27. This was to seek views, as some local authorities have removed the requirement
28. CCTV is addressed in the main report
29. It is a screening process that will hopefully provide a protocol to prevent unnecessary referrals to the Licensing Committee. Only those with serious or persistent complaints will be referred.
30. Disability, CCTV, and card payments are addressed in the main report
31. Out-of-town private hires can operate lawfully; however, this is subject to national debate at the moment, which will require a change to legislation. CCTV is addressed in the main report; however, voluntary use of CCTV in vehicles is allowed, provided the ICO rules are complied with.
32. CCTV is addressed in the main report
33. Colour change has not been raised as an issue in this review, but was considered in the 2021 review, where there was an overwhelming response for hackney carriages to remain red.
34. Acknowledged good practice
35. Disability training, CCTV, and card payments are addressed in the main report.
36. CCTV for the taxi rank and enforcement are dealt with by Community Safety and are not within the scope of this policy; however, complaints are always passed to them for action.
37. This is a taxi licensing policy, not comparable to licensing act policy, and this will address documented vulnerability issues within the nighttime economy.
38. Card payments and vehicle inspections are dealt with in the main report.
39. Signage is addressed within the main report. Uber is a private hire company and is required to be licensed according to the policy of their licensing authority.
40. Signage, CCTV card payments, and disability training are addressed in the main report.
41. Darlington and County Durham have separate policies
42. This will apply to all drivers licensed with DBC

- 43. This is acknowledged in the main report
- 44. Signage is addressed in the main report
- 45. Signage, CCTV, disability training, vehicle checks, and a points-based system are addressed in the main report

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# Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: \_\_\_\_\_

Vehicle Licence Number: \_\_\_\_\_

Driver Licence Number: \_\_\_\_\_

Vehicle Mileage: \_\_\_\_\_

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		

Area	Requirement	Faulty	Correct
	Stop lamps come on when the service brake is applied and go out when released		
	<p>All dashboard warning lamps work correctly, including (if fitted)</p> <p>automatic braking system (ABS)</p> <p>airbags - (SRS)</p> <p>main beam headlamp warning lamp</p> <p>parking brake warning lamp</p>		
Mirrors and glass	<p>All required mirrors are fitted and should be properly aligned and secure</p> <p>Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements</p> <p>All windows operational</p>		
Seats and seat belts	<p>All seats are secure</p> <p>All seat belts must operate correctly and must be free from cuts and any damage</p>		
Washers and wipers	<p>Wipers move as per manufacturer design when switched on</p> <p>Wiper blades must clear the windscreen effectively</p> <p>Washers point at the windscreen and are operational</p> <p>Washer fluid is topped up</p>		
Battery	<p>Battery is held securely in place by the correct means</p> <p>Battery is not leaking</p>		

Area	Requirement	Faulty	Correct
	Battery terminals are secure and free from corrosion		
Fluids, fuel and oil	<p>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p> <p>There must not be any brake fluid, power steering fluid or water leaks</p> <p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	The exhaust be secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p>		

Area	Requirement	Faulty	Correct
	<p>correctly inflated</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>when displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

**WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.**