

**GENERAL LICENSING
COMMITTEE
10 November 2020**

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

**Responsible Cabinet Member - Councillor Jonathan Dulston
Responsible Director - Ian Williams**

SUMMARY REPORT

PURPOSE OF THE REPORT

1. To invite Members to approve the final draft of the Council's revised policy document in respect of Hackney Carriages and Private Hire vehicles, their drivers and Operators, which is due to take effect from 01 January 2021. (**Appendix 1** contains proposed changes following consultation and **Appendix 2** is a draft of the policy)

SUMMARY

2. This report seeks Members approval, following public consultation on the Council's Taxi Licensing Policy, which reflects legislative changes relating to licensing. It also includes the latest government and professional body guidelines along with new statutory standards. The Policy was last approved on 1st January 2016.

RECOMMENDATIONS

3. The Licensing Committee is requested to support this draft of the Taxi Licensing Policy for approval by Full Council, which will be applied to all licences from 01 January 2021.

REASONS

4. To introduce and reinforce measures to ensure the protection of the general public, in particular children and vulnerable adults and to provide an enforcement framework that takes account of legislative changes and amendments whilst providing encouragement and support to the taxi trade in the Borough.

**Ian Williams
Director of Economic Growth**

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BACKGROUND PAPERS

The Equality Act 2010

The Town Police Clauses Acts 1847 & 1889

The Local Government (Miscellaneous Provisions) Act 1976

Darlington Council's Byelaws in respect of Hackney Carriages, 1990

Immigration Act 2016

DEFRA Statutory Taxi and Private Hire Vehicle Standards

The Current Policies and Conditions in respect of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Appendices:

1. Summary of the proposed amendments to the Policy
2. The proposed Policy

S17 Crime and Disorder	This report addresses issues specifically relating to criminal offences
Health and Wellbeing	Covid-19 is an ongoing issue that will need to be considered throughout this policy in line with government guidelines
Efficiency	This report has no impact on the Council's Efficiency Programme.
Diversity	The proposals will increase equality of opportunity for the disabled travelling public
Carbon Impact	Reduced emission and promotion of renewable energy will be addressed in this policy
Wards Affected	The proposals affect all Wards
Groups Affected	The proposals affects all travellers
Budget and Policy Framework	This report represents a change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Delivering Success for Darlington	The proposals contribute to the growth of a sustainable economy whilst protecting the general public
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

MAIN REPORT

BACKGROUND

5. Hackney carriages are public hire vehicles which are permitted to ply for hire in the controlled district of Darlington and also from designated taxi ranks within Darlington. They may also undertake pre booked fares. Private hire vehicles on the other hand are limited to pre booked fares only and such bookings must be made through a licensed private hire operator. The licensing of hackney carriage and private hire vehicles, drivers and private hire operators is regulated by a range of legislation but specifically the Town Police Clauses Act 1847 (the 1847 Act) and The Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).
6. Currently, hackney carriages and private hire are controlled by a mixture of Council policies, licence conditions and byelaws. The 1976 Act permits the Council to attach conditions to the grant of Private Hire Driver and Operator Licences and Private Hire and Hackney Carriage Vehicle Licences “as it may consider reasonably necessary”. The 1847 Act permits the Council to make Byelaws to regulate the conduct of Hackney Carriage Drivers. Policies are the overreaching requirements of licensing by Darlington Borough Council (e.g. age of vehicles, medicals, driver tests etc) and these are usually a pre-requirement to making an application. NB conditions cannot be attached to Hackney Carriage Driver Licences with the current legislation.
7. The 1976 Act also gives right of appeal to the Magistrates’ Courts to any person who is aggrieved by any of the conditions placed on a licence. Such appeal must be made within 21 days of receipt of licence.
8. The policies and conditions relating to the taxi trade were last reviewed and approved by Council for implementation on 1st January 2016 following full consultation.
9. All policies and conditions have been revisited and as a result, some have been reviewed. **Appendix 1** to this report details the proposed amendments to the Policy following consultation. The revised Policy is attached at **Appendix 2**.
10. At the time of writing this report, Darlington Council has 161 licensed Hackney Carriage vehicles and 90 licensed private hire vehicles. Of these 12 are wheelchair accessible, (7 hackney carriages and 5 private hire vehicles). For simplification, both types of vehicles are referred to in this report as “Taxis”. In addition there are also 166 hackney carriage drivers, 163 private hire drivers and 106 combined hackney carriage and private hire licensed drivers. Darlington currently have 3 Private hire operators.
11. Licences are currently granted for up to three years. Changes to current licences can therefore only take effect at the renewal of licence. If Members

are minded to approve the introduction of the new policies and conditions, these will be phased in when a renewal licence is granted. This will mean that the new conditions will apply to the entire current trade within a three year period but will apply to all new applicants with immediate effect from the 1st January 2021.

THE CONSULTATION PROCESS

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

Consultation with Licence Holders

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

Consultation with other Stakeholders

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

Consultation methods

16. Licensing held meetings with representatives of the taxi trade and a representative of disability groups in Darlington, which formulated the basis of the revised draft policy. Once this draft was authorised, consultees were directed to DBC website where there was a link to the revised policy and a document highlighting the proposed changes (**Appendix 3**). To respond to this consultation a 'survey monkey' questionnaire was created, with questions based on the proposed changes, and responses were collated into reports (**Appendix 4: data charts and Appendix 5: written responses**). Consultees were also given the opportunity to respond directly to the Licensing Department and relevant responses have been collated into a document for consideration (**Appendix 6**).

17. It should be noted that immediately prior to the Licensing Department seeking approval to consult on the revised policy, the Department for Environment, Food, and Rural Affairs (DEFRA) produced new Statutory Taxi and Private Hire Standards to protect children and vulnerable adults (**Appendix 7**). This document highlights that a Local Authority would require compelling evidence to deviate from these standards. These standards had been introduced in response to a previous national consultation by a Task and Finish Group for Taxi and Private Hire Licensing, which produced a document titled 'Steps towards a safer and more robust system'. Key elements of this document had already been incorporated into the draft policy that was approved for consultation.

CONSULTATION WITH THE LICENSING COMMITTEE

18. Members are respectfully asked to consider the proposed changes to the policy.

EQUALITIES IMPACT ASSESSMENT

19. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2016 and DAD have been closely involved in the consultation process. There is nothing contained within this report that would adversely impact upon that assessment.

FINANCIAL IMPLICATIONS

20. There are no financial implications arising in respect of this report.

CONCLUSION

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

