

COUNCIL
26 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
Stronger Communities Portfolio

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

SUMMARY REPORT

Purpose of the Report

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

Summary

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

Recommendation

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

Reason

4. The recommendation is supported by the introduction and reinforcing of these measures ensures the protection of the general public, in particular children and vulnerable adults, and to provide an enforcement framework that takes account of legislative changes and amendments, whilst providing encouragement and support to the taxi trade in the Borough.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

- I. The Equality Act 2010
- II. The Town Police Clauses Acts 1847 & 1889
- III. The Local Government (Miscellaneous Provisions) Act 1976
- IV. Darlington Council's Byelaws in respect of Hackney Carriages, 1990
- V. Immigration Act 2016
- VI. Department for Transport Statutory Taxi and Private Hire Vehicle Standards
- VII. The Current Policies and Conditions in respect of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

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

MAIN REPORT

Background

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

Hire Driver and Operator Licences and Private Hire and Hackney Carriage Vehicle Licences “as it may consider reasonably necessary”. The 1847 Act permits the Council to make Byelaws to regulate the conduct of Hackney Carriage Drivers. Policies are the overarching requirements of licensing by Darlington Borough Council (e.g. age of vehicles, medicals, driver tests etc) and these are usually a pre-requirement to making an application. NB conditions cannot be attached to Hackney Carriage Driver Licences with the current legislation.

7. The 1976 Act also gives right of appeal to the Magistrates’ Courts to any person who is aggrieved by any of the conditions placed on a licence. Such appeal must be made within 21 days of receipt of the licence.
8. The policies and conditions relating to the taxi trade were last reviewed and approved by Council for implementation on 1 January 2016 following full consultation.
9. All policies and conditions have been revisited and as a result, some have been reviewed. Appendix 1 to this report details the proposed amendments to the Policy following consultation. The revised Policy is attached at Appendix 2.
10. At the time of writing this report, Darlington Council has 161 licensed Hackney Carriage vehicles and 90 licensed private hire vehicles. Of these 12 are wheelchair accessible, (7 hackney carriages and 5 private hire vehicles). For simplification, both types of vehicles are referred to in this report as “Taxis”. In addition, there are also 166 hackney carriage drivers, 163 private hire drivers and 106 combined hackney carriage and private hire licensed drivers. Darlington currently have 3 private hire operators.
11. Licences are currently granted for up to three years. Changes to current licences can therefore only take effect at the renewal of licence. If Members are minded to approve the introduction of the new policies and conditions, these will be phased in when a renewal licence is granted. This will mean that the new conditions will apply to the entire current trade within a three-year period but will apply to all new applicants with immediate effect from the 1 January 2021.

The Consultation Process

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

Consultation with Licence Holders

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

Consultation with other Stakeholders

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

Consultation Methods

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

Consultation with the Licensing Committee

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

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

Equalities Impact Assessment

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

Conclusion

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