

## GENERAL LICENSING COMMITTEE

6 September 2022

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

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#### Purpose of the Report

1. The purpose of this report is for Members to consider amendments to Darlington Borough Council's 'Private Hire and Hackney Carriage Licensing Policy 2021' following public consultation, which was authorised on 6 June 2022.

#### Information

2. 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 by 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. A non-statutory best practice guide produced in 2006 and updated periodically complements the statutory standards.
3. It has been recognised that since 2006 there have been many issues that have impacted on the trade and a revised best practice guide to reflect these has recently been consulted upon.
4. Democratic processes mean that it is unlikely this guidance will be formally implemented until 2023, however the problems facing the trade at the moment are acute, and early intervention in relation to some matters may help alleviate those problems without compromising public safety. The DfT recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise.
5. On the 28 April 2022 a liaison meeting took place with representatives of the trade and Licensing where proposals were raised that would help the trade maintain their business through these difficult times.
6. These proposed changes relate to:
  - Vehicle age restrictions
  - Topographical knowledge test
  - Window tint
7. A table of those proposed changes along with a rationale is at **Appendix 1**. Extracts of our current policy is at **Appendix 2** and relevant sections of the Best Practice Guidance document that was consulted upon are produced at **Appendix 3**.

8. On the 6 June 2022 the Licensing Committee granted approval for these changes to be published for public consultation. Cognizance was taken to Members concerns that Wheelchair Accessible Vehicle's (WAV) would be exempt from the Euro 6 requirements and that over time this could lead to increased emissions. It was explained that the number of WAV's is low at the moment and this issue would be subject further consideration at the next full review scheduled for 2024-2025.
9. Consultation was advertised through local media and took place between 13 June and 17 July 2022. It was available to view on Darlington Borough Council's website consultations page with links to relevant documentation (**Appendix 4**). In addition, a list of consultees were contacted directly by Licensing, asking for comment (**Appendix 5**).
10. At the end of the consultation period representations were made; two from members of the public; one from Environmental Health; and one from Darlington Association on Disability (DAD). These have been reproduced in full at **Appendix 6**.
11. In summary, whilst one respondent from the public was in support of removing the locality test, the other felt that by removing this test, it would lead to the removal of the driving test. The draft Taxi and Private Hire Vehicle Best Practice Guidance does not advocate removing the driving test and indeed emphasises the importance of maintaining professional driving standards.
12. The representative from DAD asked that a condition be made for private hire drivers to have a satnav. It should be noted that Personal Digital Assistants used by private hire drivers to take jobs from operators already use satnav technology.
13. Whilst Environmental Health would like to see all the taxi fleet meet the Euro 6 standards by 1<sup>st</sup> April 2023, they understand that these are exceptional times and they are happy for this to be discussed at the next scheduled review. Comments were made about the need for a vehicle to not just be compliant with Euro 6 but also to be presentable. DBC currently have a bi-annual inspection regime with strict standards, which include presentation.
14. Comment was made by DAD regarding concerns that vulnerable people inside the vehicle will not be seen from outside. This is addressed in the Taxi and Private Hire Vehicle Best Practice Guidance in that where there is supporting evidence, CCTV should be used. Darlington have no evidence to support the requirement for CCTV, however this is an emerging national discussion issue that can be debated in more detail during the next review.
15. Stakeholders felt that these proposals will give a significant boost to the trade in the short term, whereupon these elements of the new draft DfT guidance can be incorporated immediately. Further consultation on these amendments can take place as part of the next scheduled policy review and this will also provide an opportunity to assess their effectiveness.

## **Recommendation**

Members to approve the proposal for amendments to the policy for a final decision to be taken by Full Council

**Dave Winstanley**  
**Services Group**

## **Background Papers**

1 Local Government (Miscellaneous Provisions) Act 1976

2 Private Hire and Hackney Carriage Policy 2021

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

3 Taxi and Private Hire Vehicle Best Practice Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf)

## **Appendices**

- 1 Table of all alternative proposals
- 2 Extracts from current private hire and hackney carriage policy
- 3 Extracts from best practice guidance
- 4 Website consultation page
- 5 List of consultees
- 6 Responses from consultation

