

**COUNCIL
24 NOVEMBER 2022**

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

**Responsible Cabinet Member -
Councillor Mike Renton, Stronger Communities Portfolio**

**Responsible Director -
Dave Winstanley, Group Director of Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is for Members to authorise amendments to Darlington Borough Council's 'Private Hire and Hackney Carriage Licensing Policy 2021' following approval from the Licensing Committee on 6 September 2022.

Summary

2. This report seeks Members' approval, following public consultation on changes to the Council's Taxi Licensing Policy following the impact covid and the current economic issues has had on the trade. It includes proposals in line with the Department for Transport (DfT) draft 'Taxi and Private Hire Vehicle Best Practice Guidance', which is awaiting publication. These amendments have been supported by the Licensing Committee following a meeting held on 6 September 2022. The Policy was last approved on 26 November 2020 for implementation on 1 January 2021.

Recommendation

3. It is recommended that this revised Taxi Licensing Policy be approved by Council, which will be applied to all licences from the day of decision.

Reason

4. To provide support to the taxi trade in the Borough through these difficult economic times, whilst maintaining safety standards for the travelling public.

**Dave Winstanley
Group Director of 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
- (viii) Department for Transport Taxi and Private Hire Vehicle Best Practice Guidance

Colin Dobson: Extension 5988

S17 Crime and Disorder	This report takes into consideration issues relating to criminal behaviour
Health and Wellbeing	There are no issues relating to health and wellbeing which this report needs to address
Carbon Impact and Climate Change	Carbon emissions are considered within this report
Diversity	Consideration has been given to Equality Act issues within this report
Wards Affected	This will affect all wards
Groups Affected	This report takes into account all groups within the community
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	The report does not represent a key decision
Urgent Decision	This does not require an urgent decision
Council Plan	Adequate taxi provision contributes to a vibrant, safe town centre.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or 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 and The Local Government (Miscellaneous Provisions) Act 1976.

6. Currently, hackney carriages and private hire vehicles and drivers are controlled by a mixture of Council policies, licence conditions and byelaws.
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 2021 following full consultation. The DfT recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise.
9. At the time of writing this report, Darlington Council has 143 licensed Hackney Carriage vehicles and 89 licensed private hire vehicles. Of these 11 are wheelchair accessible, (7 hackney carriages and 4 private hire vehicles). For simplification, both types of vehicles are referred to in this report as "taxis". There are 397 drivers licensed with Darlington, which is 104 less than the month before Covid restrictions were implemented; and 4 private hire operators.

Reasons for interim review

10. Following the removal of Covid restrictions it became apparent that a national shortage of professional drivers for many businesses extended into the taxi trade and it is estimated that we now have between 30% and 40% fewer drivers to service demand. The north-east region has seen the greatest reduction of drivers in the country. Although there were early signs of recovery from this trend, the recent economic situation has seen a slowing of this progress. There are a number of reasons for this decline nationally, however some of those relating specifically to Darlington are that drivers sought new employment opportunities during the Covid regulation period, particularly in home delivery services. Also, following the relaxation of Covid restrictions a number of European drivers returned to their home country and have not returned to the trade. Darlington has a significant eastern European taxi driver demographic. Although some drivers have retained their licence they may not be actively working within the trade.
11. On 28 April 2022 a liaison meeting took place with representatives of the taxi trade and Licensing where proposals were raised that would help them maintain their business through these difficult times. These proposed changes relate to:
 - (a) Vehicle age restrictions
 - (b) Topographical knowledge test
 - (c) Window tint
12. 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**.
13. Stakeholders felt that these proposals will give a significant boost to the trade in the short term, whereupon the new standards can be incorporated in full before the next scheduled policy review is due to take place in 2025.

14. On 6 June 2022 the Licensing Committee granted approval for these changes to be published for public consultation. Cognisance was taken to Members concerns that Wheelchair Accessible Vehicle's (WAV) would be exempt from the Euro 6 engine requirements under these proposals 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.

Consultation

15. The 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**).
16. At the end of the consultation period four 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**.
17. 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 DfT 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, so this is not a consideration.
18. 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.
19. Whilst Environmental Health would like to see all the taxi fleet meet the Euro 6 standards by 1 April 2023, they understand that these are exceptional times and they are happy for the exemption of WAV's 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.
20. 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 in taxis, however this is an emerging national discussion issue that can be debated in more detail during the next scheduled full review.
21. At this meeting, Members approved these proposed amendments to the policy for a final decision to be taken by Full Council.
22. The full policy with proposed amendments (in red) is at **Appendix 7**.

Equalities Impact Assessment

23. The full policy has been subject to an Equalities Impact Assessment and DAD have been closely involved in this consultation process. There is nothing contained within this report that would adversely impact upon that assessment.

Financial Implications

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

Conclusion

25. The proposed changes to policy and conditions will be welcomed by the licensed trade and ensure the licensing regime will continue to protect the travelling public. They are in line with proposals by the DfT in their Best Practice Guidance following consultation, which is currently awaiting publication.