

**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**  
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## **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