

Appendix 1

**APPENDIX 1 - Responses Received on Public Consultation on Proposed
Statement of Private Hire and Hackney Carriage Licensing Policy**

Date of Consultation Response and Respondent	Submissions Received in Response to Public Consultation	Licensing Sections' Response to Received Submissions
01/08/2022 - Individual 1	<p>Whilst always in favour of anything that improves efficiency and safety I am concerned that drivers are required to undertake enhanced medicals and courses that ultimately could result in further expense.</p> <p>Last year it cost in excess of £230 to renew my badges after medicals, DBS etc and additional cost would not be welcomed at a time where petrol costs and other costs are spiralling.</p> <p>Dress code is not an issue to me as we wear a uniform with Station anyway so that is not a problem.</p>	<p>The DfT's Best Practice Guidance issued in 2010 for "Taxi and private hire vehicle licensing" recommends that the DVLA Group 2 Medical Standard should apply. It brings Sunderland into line with all neighbouring authorities. It is the medical standard that is commonly applied nationwide. See : Section D, Paragraph 12.2 at Page 34.</p> <p>There is no set fee for the Group 2 Medical Standard, since this is dependant upon the medical practitioner used. Applicants will, on initial application, be required to submit to a full Group 2 Medical Assessment. However, no further assessment will be required until age 45, whereupon the Medical Assessment must be undertaken every 5 years. At present, a medical examination is required for all Applicants at point of renewal.</p> <p>With the DBS Update Service being used and the lower frequency of Medical Assessments being required, for many Drivers this should reduce the cost. Unfortunately, for Drivers over the age of 65 we do understand that there would be an additional annual cost due to the required annual Medical Assessment.</p> <p>The Driver Improvement Scheme should be seen as a positive development. The rationale for offering a Licensed Driver the opportunity to undertake a driver</p>

		<p>improvement course is to : (a) improve the general standards of driving on the part of Licensed Drivers, thereby promoting safe driving and improved driving standards; and (b) to reduce the number of complaints about poor driving received by the Licensing Section. Hopefully, a drop in the number of driving offences will be seen. The Driver Improvement Scheme should be seen as an education tool, which, where appropriate, gives Licensed Drivers the opportunity to retain their Licences, as opposed to potentially being subject to a suspension, or revocation : Appendix 6, Pages 124 to 128.</p>
<p>01/08/2022 - Individual 2</p>	<p>And who is expected to fund all these improvements? I suspect it will be the individual taxi driver as per normal , at a time when there's a massive shortage of drivers in the industry the council , if they want a reliable 24hour taxi service to operate in the city , as they put it need to find a way to pay for these improvements. Because I for one will be seriously considering leaving the industry after nearly 20 years and I'm sure I won't be the only one</p>	<p>Unfortunately, the Respondent has not identified their specific areas of financial concerns. The Council has invested time and effort in seeking to introduce the intended Final Policy Document. The overall aim of it is to improve standards.</p> <p>The introduction of the intended Dress Code for Licensed Drivers should not lead to increased costs on the part of Licensed Drivers. Costs associated with complying with the requirements of an Application are to be met by the Applicant as part of applying for the respective Licence.</p> <p>As to the cost of introducing the DVLA Group 2 Medical Standard, please see the above response provided in respect of Individual 1.</p>

<p>01/08/2022 - Individual 3</p>	<p>Thanks for the update. I have a separate question if you don't mind, regarding the consultation for the new taxi standards.</p> <p>"does zero emission at source" that is exempt from age limits include hybrid vehicles? As I'm reading it, the new vehicle age limits will be catastrophic for at least myself. I have taken every care to make sure that my car is in as good a mechanical shape as possible for as long as possible. Being forced to buy new vehicles before 2025 when we don't know how long the current economic crisis will last will be a nail in the coffin. I think at the very least the council should delay the proposed 2025 date to the national 2030 ban on new combustion engine vehicle sales.</p> <p>EV is unsuitable for anyone who doesn't have a driveway or live in rented accommodation. Not to mention that the exemption of age limit for EV is redundant because the batteries will have become unusable due to high mileage and a new battery cost pretty much the same as second hand car. It will not last half a million miles like a diesel engine.</p> <p>I'm assuming "zero emission at source" would include hydrogen vehicles, which would work like a normal car and be suitable for every driver but unfortunately requires new infrastructure. However, Sunderland do have a hydrogen tech company, and they have a driveable hydrogen company vehicle (I know this because I sometimes take their staff to hotels). The company is Haskel and they're based on North Hylton Rd next to the DVLA test centre. Surely the council could do something with a locally based company to help taxi drivers whom for many hydrogen would be a much better option than EV.</p>	<p>If a "hybrid vehicle" is "zero emission at source" it would be exempt from the age limit requirements. However, an intended Proprietor should check the position with the manufacturer prior to purchase, or hire.</p> <p>Officers have taken account of the submitted comments and have also considered all other consultation responses received where issues have been raised, including those in relation to the proposed upper age limits for existing Licensed Vehicles. Comparisons have also been made with other neighbouring Councils' policies, (or intended policies), on vehicle age limits / emissions standards.</p> <p>It is now proposed that existing Licensed Vehicles be allowed to continue being licensed for up to 10 years old. For wheelchair accessible vehicles and eight seater minibuses, it is proposed that existing Licensed Vehicles be allowed to continue being licensed until up to 12 years old. See : Section E, Paragraphs 6.9 and 6.10 at Pages 52 to 53.</p> <p>Also, for the avoidance of doubt it is proposed in the Final Draft Document that by 2030 the Council aims to only issue NEW Vehicle Licences in respect of ultra-low, or zero emission vehicles, (Section E, Paragraph 6.6 at Pages 51 to 52). Existing Licensed Vehicles will be allowed to continue being re-licensed beyond 2030 subject compliance with the above age limit criteria.</p> <p>Consumer Reports estimate the average EV battery pack's lifespan to be at around 200,000 miles. The industry is working on technology that would enable electric car batteries to last for as many as one million miles. It is acknowledged that this is some way off.. The information about hydrogen fuelled vehicles is noted. There are many emerging technologies. However,</p>
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		<p>currently Electric Vehicles are the predominant "zero emission" type.</p> <p>Subject to any interim reviews that could result in changes, it is proposed that the Final Draft Document will remain in force until 31st December, 2027. However, the overall Policy, or certain parts of it may be reviewed at any time during that period. Depending on the circumstances, a review may be initiated by Officers. Alternatively, changes could arise from such quarters as representatives of the Private Hire / Hackney Carriage Trade, existing Licensees, or from other stakeholder groups.</p>
01/08/2022 - Paul Tomlin SEND Transport Lead - Together for Children	<p>Given the current lack of capacity for vehicles in the area, especially wheelchair accessible, when arranging SEND Home to School Transport, I can envisage point 6 of the summarised policy changes; A proposal to change the current arrangements regarding vehicle age limits and emissions standards, to have a huge impact on service delivery.</p> <p>I have already been contacted by a number of operators who have indicated that if the age limit is lowered for vehicles, then they will lose most of their larger cabs as drivers are unable to afford replacements, therefore the option would be limited to buying saloon vehicles.</p> <p>A current estimate shows that SEND Transport have 56 wheelchair users being provided transport on a daily basis through our service, using external taxi operators. In addition, when larger vehicles are in operation, we can transport more young people together, travelling to the same school/college, therefore reducing emissions and costs.</p> <p>I would like to request figures as to how many of the current wheelchair accessible vehicles/larger cabs this proposal would effect if it were to commence from now please?</p>	<p>Officers have taken account of the responses received regarding the potential impact of the proposals regarding vehicle age limits. Revised arrangements are now proposed that will allow existing Licensed Vehicles to be allowed to continue operating for up to 10 years old, extended from the eight year old limit as previously proposed. For Wheelchair Accessible Vehicles, it is now proposed that the upper age limit should also be extended by two years, meaning that such "WAV" would be allowed to continue to be licensed for up to 12 years old. It is now proposed that the 12 year upper age limit will also apply to eight seater minibuses too.</p>

	This will hopefully give an indication as to how many drivers this issue may effect across the area and in relation to SEND Transport	
02/08/2022 - Individual 4	I drive a 2015 Peugeot and I believe the 8 year age for cabs should be 12 year. The shortage of drivers through covid up until now is still the same and I think this will be another reason to further push the trade into decline.	Please see the above response provided in respect of Paul Tomlin.
02/08/2022 - Individual 5	<p>Thank you for this info. I'm very pleased you are undertaking this consultation. I am partially disabled and regularly use taxis. Main concerns are;-</p> <ul style="list-style-type: none"> • Cleanliness and general condition of vehicle • Appropriate dress of driver • Appropriate conversation between driver & passenger • ID prominent • Meter and pricing prominent • Automatic offer of receipt • Driver to double check passenger name and destination • Control to confirm booking and advise if cab is delayed and when it has arrived to pick up <p>Hope this is helpful</p>	<p>These submissions are welcomed. The proposed, new Code of Conduct for Licensed Drivers, (including the Dress Code for Licensed Drivers), should address many of the raised concerns : Appendix 4 at Pages 113 to 121. Also, the existing training and regular enforcement activities by Officers from the Licensing Section will hopefully address the raised points.</p>
02/08/2022 - Individual 6	<p>I have looked at all points within this consultation document, whilst I agree all taxi drivers could do with looking a little smarter.</p> <p>Some of the taxis beside Specsavers, could do with been a little less cramped and cleaner inside.</p> <p>Drivers not smoking or driving around corners, to the designated pick-up point, with books in their hands.</p> <p>Back to point 7, an enhanced disclosure should be a bare minimum, for all taxi drivers as not all disabilities are visible. Therefore, not all vulnerabilities can be observed, so to safeguard both passenger and driver and have a head, start on any future legislation changes. Would it not be better for Sunderland Council to be Leaders in these changes, rather than playing catch up in the future?</p>	<p>Submissions noted. Again, the proposed, new Code of Conduct for Licensed Drivers, (including the Dress Code for Licensed Drivers), should address many of the raised concerns.</p> <p>Drivers should not be smoking in their Licensed Vehicles, nor should they be driving whilst holding books in their hands. Such incidents should be reported to the Licensing Section, so that appropriate action can be taken.</p> <p>Enhanced DBS Disclosures are currently required when applying for a Licence to drive Licensed Vehicles.</p>

<p>04/08/2022 - Individual 7</p>	<p>What would be the new dress code practice be and what is the allowed window tinting around all windows on a saloon</p>	<p>The proposed Dress Code is clearly detailed within the Code of Conduct for Licensed Drivers at Paragraphs 17 to 20 : Appendix 4 at Pages 119 to 120.</p> <p>Following consideration of the consultation responses received, and taking account also of other neighbouring Councils' policies on window tints, Officers have reconsidered the proposals contained within the Draft Policy Document. The following is now being proposed : <i>“Beyond the B pillar only vehicle manufactured body tinted glass will be permitted to be used. The tinted glass must be part of the whole vehicle design when produced and pre-registered for that model and specification. In the event that such glass is required to be replaced for any reason, then it must be replaced with glass that is equivalent to the originally fitted vehicle manufactured body tinted glass”</i> : Section E, Paragraphs 16.1 to 16.2 at Page 60. For the avoidance of any doubt, there is no difference in these requirements as to saloon type vehicles and wheelchair accessible vehicles. The requirement for CCTV in respect of tinted windows has been removed.</p>
<p>06/08/2022 - Individual 8</p>	<p>After reading through the draft policy, I came across a number of issues I'd like to look into further.</p> <p>The first was about new vehicle restrictions.</p> <p>I'm led to believe that after 1 April 2025 no vehicle under the age of five years old will be licensed. Considering that after 2025 no new vehicle will be made that aren't electric, then someone purchasing a new vehicle prior to that date would have to have the vehicle removed by 2030 therefore only allowing them 5 years with a new vehicle so an extension from 2030 for all vehicles to be electric would need to be extended to 2033 as in other local authorities.</p> <p>The second is, DBS for booking clerks. If an operator has to prove they are a fit and proper person then they should be trusted to employ staff that they seem fit for purpose.</p> <p>The third is to do with Equality and human rights.</p> <p>It states that I driver should convey a passenger with any mobility aids they need for the</p>	<p>No vehicle over the age of five years will be accepted for initial licensing from 1st April, 2025. This is no different to the existing arrangements for the initial grant of a Vehicle Licence, except that at present the <i>“exceptionally well maintained”</i> criteria applies, meaning that currently vehicles over the age of five years that meet this criteria can be licensed. However, it is intended that the <i>“exceptionally well maintained”</i> be no longer applied after 1st April, 2025.</p> <p>The current cessation date for the production of typical diesel and petrol engine vehicles in the UK is 2030, with hybrid vehicles being sold until 2035. The second hand market for petrol and diesel vehicles will continue and</p>

	<p>journey. I feel this should read “where reasonably practicable”</p> <p>As I have experienced customers from the hospital that are to be transported in a wheelchair and they also have luggage, oxygen bottles and a walking frame and when you consider some of the smaller wheelchair accessible vehicles, it becomes a safety issue. The fourth is the driver improvement scheme.</p> <p>It was mentioned in previous meetings that the medical was to come into line with HGV and we should be treat like professional drivers yet we are to be penalised if we get six points and given further costs and time off work to attend a driver evaluation course. This is not the case for HGV. Although I believe that public safety should be paramount it should be the courts to decide if points and a fine should be sufficient. I would also like clarification of, would a speed awareness course, instead of points and then 3 points for speeding in the same 3 year period result in a driver improvement course having to be attended.</p> <p>Also I would appreciate a face to face meeting at the next private hire meeting to discuss any concerns Regards</p>	<p>therefore there is an opportunity to purchase a conventionally fuelled vehicle in 2034 that would satisfy the current requirements of the age policy. However, the ambition of the Council is to only issue new Vehicle Licences to ultra-low, or zero emission vehicles from 2030.</p> <p>The Basic DBS check for Booking and Despatch Clerks does not preclude them from being employed by an Operator. Such requirements seeks to ensure an Operator is aware of any historical criminal offences committed by the individual that are disclosed in issued DBS Certificates. Based on the content of such Certificates Operators will be able to make their own respective employment decisions.</p> <p>To add "<i>where reasonably practicable</i>" would seem contrary to the existing legislation concerning disabled passengers. Consequently, this requested amendment cannot be accepted.</p> <p>If a Licensed Driver accepts a Police approved speed awareness course in lieu of points and they successfully complete the speed awareness course, there is no requirement on the part of the Licensed Driver to advise the Council of the speeding matter, since no points have been endorsed. This does not count toward the accumulation of points.</p> <p>As regards the Driver Improvement Scheme, having had regard to submissions, (especially from the Hackney Carriage and Private Hire Vehicle trade), and following consultations with neighbouring authorities, Officers have decided to propose revised arrangements that would mean that the existing Licensed Drivers who accrue more than 6 penalty points and up to 9 penalty points for Minor Driving Offences within a three-year</p>
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15/08/2022 - Individual 9	<p>Hi, there's a couple of things I'd like to add which I think would benefit taxi drivers. The price of second hand cars are really high atm, & drivers are struggling to find a car at the right price. I think you should be able to put a taxi on the road which is more than 5 years old. It seems crazy that I can put a car on the road which is 4 years & 11 months old with 150,000 miles on the clock, but I can't put a car on the road which is 5 years & 1 month old with 20,000 miles on the clock. I also think you should be able to keep a taxi on the road up until it's 10 years old, cars are built to last longer now, & as long as the body work is in good condition, it should be up to the owner when he upgrades, thank you. I look forward to hearing from you.</p>	<p>Please see the above response provided in respect of Paul Tomlin.</p>
03/09/2022 - Individual 10	<p>Hi in relation to the consultation on taxi provision and drivers in Sunderland could you please consider the following, if it is not already covered:</p> <p>All drivers of vehicles which are able to carry wheelchair users must ensure that the wheelchair is correctly secured and that the wheelchair user feels safe before setting off.</p> <p>That the council ensures that there is sufficient supply of wheelchair accessible taxis to support wheelchair users in the city</p> <p>That all taxi drivers are trained in the needs of wheelchair users and that such training involves the wheelchair user community</p> <p>That wheelchair users are able to book taxis in the same way that other residents of the</p>	<p>The Council is committed to ensuring the provision of excellent Hackney Carriage and Private Hire Vehicle transportation for disabled passengers. Appendix 7 concerning Hackney Carriage and Private Hire Vehicle Specifications contains information about wheelchair accessible vehicles : Pages 129 to 135. Moreover : <i>"If making a new Application for a Hackney Carriage Vehicle Licence, the vehicle must be wheelchair accessible vehicle and must also comply with the requirements of Section D".</i> The Code of Conduct for Licensed Drivers includes provisions regarding disabled passengers : Appendix 4,</p>

	city are able to do so. That is, taxi companies are not able to decline bookings because someone is in a wheelchair.	Paragraphs 5(j) to (l) at Page 115. The Council will take extremely seriously any allegations that a Licensed Driver has failed to comply with the respective duties owed to disabled persons.
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<p>09/09/2022 -Individual 11</p>	<p>1. Offering of loans to subsidise new drivers into trade in my view wouldn't work. It may encourage fraud when or if they succeed to get licence The problem is not the money to come into trade but more like the conditions being introduced. Since covid drivers have realised there are better jobs out there rather than tedious stressful taxi driving.</p> <p>2.The 6 or 9 points limit on drivers licence. - The law states 12 points = ban. Enforcement wants to punish drivers with 6 or possibly 9. A driver works more hours on roads driving that other worker do and at higher risk of maybe doing 4-5 miles over limit due to pressures of driving lots of miles. He admits it and if he don't do awareness course it's 3 points and a fine. That's his first punishment then his insurance possibly goes up a little. 2 nd punishment. Now the committee want to give more penalty's. Last meeting there was talk of either a form of advanced driving test for drivers who get to the 6-9 point limit costing the driver to do it. Or maybe the enforcement officers or committee giving him/her a month ban. So all the years in my trade and the work colleges I've made in this trade couldn't manage years ago and it's definitely putting off new drivers. The average taxi driver in his/her 30s married 2 kids. A mortgage or rent to pay and we could be ordered to do driving test or suspend for a month wouldn't work in my view. To suspend would cost a young driver up-to £2000 for a months lost earnings is quite severe in my view he/she would really struggle to pay bills or feed there family. criminals get less sentences. So I would also like to ask if a driver takes the speed awareness course so gets no points would it still be punishable if he/she had say 6 or 9 points plus a speed awareness Course as well. Bus drivers. truck drivers. And refuse collection. And many more essential drivers will these be scrutinised and punished as taxi drivers will be.</p> <p>3. Dress code. Well who would judge a drivers style of clothes. I understand bus drivers are uniformed because they are employed by a company who pays wages and give them paid annual leave. Then we have different cultures in the trade how would this be policed. In my work circle there's no uniforms but clean smart men/women</p> <p>4. Car window tints. I think in the past few years it's been harder to get used cars without factory tinted windows and it will get more difficult in future so the tints need reviewing. If driver has had car from new or nearly new and properly maintained he should be able to apply for extension and on examination proved in good interior condition as well has well serviced. Should be allowed extra year or more. Executive cars never had a age limit when the age policy was introduced does this sill apply.</p>	<p>1. The Draft Policy Document does not include any reference to the offer "<i>of loans to subsidise new drivers into [the] trade</i>". Consequently, the reason why these comments have been made is not known;</p> <p>2. As to the proposed Driver Improvement Scheme, please see the above response provided in respect of Individual 8. Bus, truck and refuse collection drivers are not covered by either the Draft Policy Document, or the Final Policy Document. This is because such vehicles do not fall under the licensing regime that is in issue. However, whilst Licensed Drivers do drive more miles than the "average driver", thereby increasing the chance of speeding offences being committed, it is important to remember that they are professional drivers. They are responsible for the safety of passengers that they transport;</p> <p>3. The proposed Dress Code for Licensed Drivers does not insist upon the wearing of uniforms. It seeks to ensure a minimum standard of dress worn by Licensed Drivers that are licensed by the Council; and</p> <p>4.As to window tints, please see the above response provided in respect of Individual 7.</p>
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<p>15/09/2022 - John Gettins, Chairman - Sunderland Private Hire Association</p>	<p>1. The introduction of a new Code of Conduct for licensed drivers, which includes a dress code; Agree</p> <p>2. The proposed change in the medical requirements for drivers and the adoption of the DVLA Group 2 Medical Standard; Our concern is that older drivers may leave the industry, causing an even greater shortage of drivers in an over stretched industry.</p> <p>3. The introduction of a Driver Improvement Programme for existing licensed drivers; We agree with The introduction of a Driver Improvement Programme for existing licensed drivers, but first we feel that 9 points would be more reasonable than 6 before a driver is offered a driver improvement program. We also feel the issue of a speed awareness course needs addressing. As it stands a driver when asked to name who has committed the offence must also inform licensing. If that driver is then offered a speed awareness course then he is not convicted nor fined. Therefore we would like confirmation that this information would not be retained or used on their records. The last issue is, while waiting to attend a driver improvement programme, would the driver still be able to work.</p> <p>4. A change in the requirements regarding the reporting of matters to the Council on the part of existing licensed drivers, ie. the tightening-up of self-reporting obligations, including a shorter time period and extending the scope of matters to be reported; Agree</p> <p>5. The introduction of a revised convictions policy via the Convictions Policy and Assessment of Previous Convictions document; Agree</p> <p>6. A proposal to change the current arrangements regarding vehicle age limits and emissions standards; Although we agree with the new age limits, we also feel consideration should be given to wheelchair access vehicles, as there is a larger cost to these. We also have concerns that a vehicle bought new in 2025 would not meet the council's criteria in 2030, giving the driver only five years instead of 8</p> <p>7. A proposed new requirement for private hire operators to maintain a register of booking and dispatch staff, including the need to have sight of Basic DBS Certificates for all individuals listed on the register; Agree</p> <p>8. A proposal to change the existing policy on vehicle tints that would allow the licensing of vehicles fitted with glass of a light transmittance lower than the current standard, subject to a requirement that a suitable CCTV system be installed in the vehicle. Agree</p>	<p>Officers are extremely grateful for the time taken to review the Draft Policy Document and for the submissions received.</p> <p>1. Agreement noted on the proposed Code of Conduct for Licensed Drivers;</p> <p>2. As to the proposed changes relating to DVLA Group 2 Medical Standard, please see the above response provided in respect of Individual 1;</p> <p>3. As to the Driver Improvement Scheme, please see the above responses provided in respect of Individual 1 and Individual 8. If a Licensed Driver accepts the offer to attend speed awareness course instead of a fine and 3 penalty points for a speeding offence, then under the proposed self-reporting provisions this is not required to be disclosed to the Council. The fact that a speed awareness course has been undertaken could become an issue in relation to a Licensed Driver. Whether in fact a potential issue would depend upon the individual circumstances of the case. In the event of a Licensed Driver being asked to attend a driver improvement course and they agree to do so, under such circumstances the Driver will normally be allowed to continue driving pending their attendance on the course;</p> <p>4. Agreement noted on the proposed self-reporting obligations for Licensed Drivers;</p> <p>5. Agreement noted on the proposed Convictions Policy and Assessment of Previous Convictions as set out in Appendix 2;</p> <p>6. Position noted as to vehicle age limits and emission standards. Please see the above responses provided in respect of Individual 3 and Paul Tomlin;</p>
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		<p>7. Agreement noted regarding the position of Booking and Dispatch staff; and</p> <p>8. Position noted on window tints. Please see the above response provided in respect of Individual 7. It is no longer proposed that a CCTV system be required.</p>
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<p>23/09/2022 - Trevor Hines on behalf of the Taxi Association</p>	<p>With reference to the draft policies and procedures relating to Hackney Carriage and Private Hire matters within the City, I would first like to make the following observations:</p> <p>-</p> <ul style="list-style-type: none"> • I acknowledge that the Council must have policies and procedures set out following the recommendations made in the DfT Statutory Taxi & PHV Standards document • I further acknowledge that the Dft expects the recommendations within the document to be implemented (unless there is a compelling local reason not to do so), and that the policy must be reviewed every five years • Whilst strongly agreeing that the safety of children and vulnerable adults is of paramount importance, I know that many long-established members of the taxi trade (myself included) are dismayed that in the introduction to the Dft document, Taxis and PHVs are considered to be a high-risk environment • The DfT document goes even further in stating that the abuse and exploitation of children and vulnerable adults has been facilitated, and in some cases perpetrated by members of the taxi trade • In the opinion of all good professional drivers this is a terrible indictment of the taxi trade, and it should therefore be of paramount importance that the suitability of individuals and operators to be licensed is vigorously checked by the Licensing Department. • There are several recommendations in the DfT document that have been requested by the National Taxi Association for many years, including Sharing Information with other Local Authorities; Joint Authorisation of Enforcement Officers; Criminality Checks for Proprietors and Operators; Increased Enforcement including Joint Enforcement Exercises. 	<p>Whilst these “preliminary comments” are noted and respected, Officers are extremely grateful for the time taken to review the Draft Policy Document and for the submissions received.</p>
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<p>23/09/2022 - Trevor Hines on behalf of the Taxi Association</p>	<p>Application Process: The current long wait for a DBS clearance is exacerbating the present shortage of taxi drivers, with many prospective new drivers seeking driving employment elsewhere, as they are not prepared to wait for anything up to fourteen weeks for clearance. Whilst it is certainly not suggested that the requirement for a DBS check is removed, the taxi trade would encourage all Local Authorities to enlist the help of the Local Government Association, or to make a direct approach to Central Government in an effort to speed up the process for DBS clearance.</p> <p>Driving Offences: During the present shortage of drivers, a potential new applicant who has two Minor Driving Offences (six points) would be expected to demonstrate a period of at least six months free from any convictions before the granting of a licence. As this would more than likely result in them taking up driving employment elsewhere, the taxi trade requests that the six months period is removed.</p> <p>The trade is strongly opposed to an existing driver, who may accrue six penalty points for Minor Driving Offences within a three-year period, having to attend a Driver Improvement Course, and feel that the accrual of nine penalty points would be more appropriate (it is quite possible that a driver could receive three points almost three years after receiving their initial three points).</p> <p>Vehicle Age Limits: The taxi trade is in broad agreement that after 1st April 2025 no vehicle will be granted an initial licence unless under five years of age, and no vehicle licence will be renewed unless the vehicle is under eight years of age (ten years for purpose-built vehicles).</p> <p>As it is proposed that “full electric” and “zero emission at source” vehicles will be exempt from all age standards, does this mean that theoretically an electric vehicle could be first licensed at just under five years of age and still be operating as a taxi when fifteen or even twenty years old?</p> <p>Private Hire Operator’s Licence: Concern has been expressed on many occasions about how Uber (and similar companies) are operating within the city since they were granted a Private Hire Operator’s Licence. If they have a licence, is their specified address manned and are Licensing Officers able to undertake site visits to inspect their booking records etc. Are they submitting to the Council every month the required details of all vehicle licence numbers and the names of all proprietors and drivers of such vehicles? Are they sub-contacting to themselves when they use a vehicle and driver licensed by another Local Authority?</p>	<p>Application Process – Unfortunately, the Council does not have any control on the DBS process, or how long checks take to be completed. Officers are aware of the effect that delays on obtaining DBS checks is having on the application process. There are many factors that can influence how long a DBS check takes to complete such as : incorrect information set out on the Application Form; extensive further checks needing to be made; multiple addresses requiring multiple Police Constabularies to be involved in record checking; and in some cases, the DBS Application may be “pulled” through to an audit check. Ensuring existing Licensed Drivers are signed up to the DBS Update Service will hopefully alleviate any delays. However, for new Applicants we do accept that, in some cases, delays are experienced;</p> <p>Driving Offences - As regards new Applicants for a driver's licence, officers consider that it is reasonable and appropriate to require that an applicant whose DVLA Driving Licence is currently endorsed with two, or more Minor Driving Offences should, depending on the circumstances of the case, be expected to demonstrate a period of six months free from conviction before being granted a licence. Such applications will therefore be considered on a case-by-case basis having regard to the length of time lapsed since the date of the last speeding conviction. As to the proposed Driver Improvement Scheme, please see the above responses provided in respect of Individual 1 and Individual 8;</p> <p>Vehicle Age Limits - Position noted as to vehicle age limits and emission standards. Please see the above responses provided in respect of Individual 3 and Paul Tomlin. The proposed policy will not attach an upper age limit to vehicles that are "Zero emission at source";</p>
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	<p>Will the applicant who applies for renewal of their licence be required to provide a new Basic DBS Certificate on an annual basis?</p>	<p>Private Hire Operator's Licence - Officers are satisfied that Uber, (and similar companies), are operating in accordance with their issued Private Hire Operator's Licence. As regards the frequency of DBS checks, as was stated in the Draft Policy Document, unless an Applicant is already a Licensed Driver, such DBS checks are required to be undertaken annually. Subject to any interim reviews that could result in changes, it is proposed that the Final Draft Document will remain in force until 31st December, 2027. However, the overall Policy, or certain parts of it may be reviewed at any time during that period. Depending on the circumstances, a review may be initiated by Officers. Alternatively, changes could arise from such quarters as representatives of the Private Hire / Hackney Carriage Trade, existing Licensees, or from other stakeholder groups;</p>
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	<p>Medicals:</p> <p>It appears that most of the taxi trade has no objection to the introduction of the DVLA Group 2 driver standard for medical fitness and accept that this is now a requirement of almost every Local Authority Licensing Department.</p> <p>The taxi trade is surprised that there is a proposed requirement for all drivers aged 45 years or over having to provide evidence of their medical fitness every five years until the age of 65 years, especially as the existing requirement is for a medical examination every three years (which is undertaken at the time of renewing a three-year driving licence).</p> <p>There doesn't seem to be a logical argument for changing the existing requirement for a medical examination every three years to every five years.</p> <p>There is however concern over the proposal to introduce the requirement for an annual medical examination once a driver has reached 65 years of age. Perhaps at the very least the prevailing retirement age, irrespective of gender, could be considered as a basis for introducing the requirement for an annual medical examination.</p> <p>With reference to the above proposal, does this also mean that when a driver reaches 65 years of age, they will only be issued a one-year licence, and not a three-year licence as at present?</p> <p>Registers:</p> <p>The National Taxi Association strongly advocates that the National Register of Taxi Licence Refusals and Revocations (NR3) is chosen by the Government as the Central Licensing Database at the earliest possible opportunity, especially as development of the database was funded by the Local Government Association (LGA).</p> <p>An example of why a national database of refusals and revocations is essential was demonstrated several years ago when Stockton Borough Council Licensing Department revoked the Hackney Carriage licence of a local taxi proprietor.</p> <p>The proprietor then successfully applied to Berwick Borough Council Licensing Department for a Hackney Carriage licence to operate within its own controlled area. However, the taxi proprietor did not operate in Berwick and continued to operate his Hackney Carriage in Stockton, undertaking telephone bookings for a local Private Hire company that was licensed by Stockton Borough Council (making a mockery of the revocation).</p>	<p>Medicals - As a result of the proposed adoption of the DVLA Group 2 Medical Standard for Drivers it is considered by Officers that the Council's criteria in terms of the frequency of medical assessments required should replicate the standards that apply to HGV and PCV Drivers. A Driver over the age of 65 may still continue to apply for a Driver's Licence on a three yearly basis despite being required to undergo an annual medical assessment;</p> <p>Registers - The comments submitted about the importance of there being a National Register of Taxi Licence Refusals and Revocations is noted. The Council supports the existence and usage of such a National Register;</p>
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	<p>Suspension and Revocation: It is accepted by the taxi trade that due to extenuating circumstances it may be necessary for an Officer to immediately suspend a licence, but there are serious concerns over the possibility of allowing a licence to be revoked by a Licensing Officer. Whilst not questioning the integrity of any individual Officer, the National Taxi Association has always argued strongly that a revocation should only be decided at Committee level and not at Officer level.</p> <p>Animals (Appendix 3): It is proposed in 7 (b) that with the exception of assistance dogs who are not restricted to the rear of the vehicle, that any animal belonging to, or in the care of any passenger, should only be carried in the rear of the licensed vehicle. We were advised many years ago that best practice for a blind person with a guide dog was for the passenger to sit in the front passenger seat of the taxi with the guide dog sitting on the floor between their legs facing towards them. Drivers sometimes use this advice when carrying an able-bodied passenger who may have a large dog to transport and would wish to continue with this practice.</p> <p>Code of Conduct (Appendix 4): With reference to the Responsibility of Licensees Towards Passengers, there have been complaints made by drivers over the past few years about some drivers of wheelchair accessible vehicles who state that because of medical reasons they can't carry a disabled person who is in a wheelchair. There appears to be confusion about the requirement for a driver to have an exemption certificate issued if they are unable to carry a disabled passenger in a wheelchair. There is also some confusion about the requirement for medical evidence to be provided when submitting a request for an exemption certificate and how long it will last. It is therefore suggested that all drivers of Wheelchair Accessible Vehicles (WAV's) should be reminded of their responsibilities. With reference to Dress Code, it is suggested that drivers are allowed to wear sportswear (football tops) on special occasions to support Sunderland AFC or the National team and hopefully celebrate any successes. Station Taxis has had a strict uniform policy for many years but have always allowed this special concession for special occasions.</p> <p>Driver Improvement Scheme (Appendix 6): With reference to a driver being referred to a Driver Improvement Scheme if the Principal Licensing Officer has concerns regarding whether an existing driver is a safe driver with a</p>	<p>Suspension and Revocation - In circumstances where it is necessary for consideration to be given to the immediate suspension, or revocation of a Driver's Licence in accordance with the provisions set out in Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, any such decision is taken by the Executive Director of City Development, not by the Principal Licensing Officer, or any other Licensing Officer. The Licensing and Regulatory Committee also has the ability to make such decisions too;</p> <p>Animals (Appendix 3) – The submissions are noted regarding animals. The proposed approach for only allowing Assistance Dogs to travel in the front of a Licensed Vehicle is adopted by many other councils. Assistance dogs are trained to travel in vehicles and will remain docile. Other animals travelling in the front of vehicles could act as a distraction to a Driver;</p> <p>Code of Conduct (Appendix 4) – The submissions are noted about wheelchair accessible vehicles and exemption issues. Unless granted an exemption certificate under Section 166 of the Equality Act 2010, a Driver of wheelchair accessible vehicle is required to comply with the duties under Section 165 of the Act regarding the carriage of passengers using wheelchairs. If a driver of a wheelchair accessible vehicle wishes to apply for an exemption certificate discharging them from their duties under Section 165, they must provide a letter / evidence from their own GP in support of such request. Following receipt of such request and supporting information a consultation will be arranged with a medical professional from the Council's Occupational Health Unit, (OHU), regarding the request. The Licensing Section will receive a Report from the OHU. An informed decision will then be taken regarding</p>
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	<p>good driving record, the taxi trade would be strongly opposed to any consideration being given to making this a general requirement for all existing licensed drivers.</p>	<p>whether, or not an exemption certificate is issued to the Driver. Section 166 sets out the grounds that need to be satisfied to issue an exemption certificate : on medical grounds; or on the ground that the Licensed Driver’s <i>“physical condition makes it impossible or unreasonably difficult for the person to comply with those duties”</i>. The exemption certificate is valid for the period set out in the certificate. Renewal applications can be made to obtain further exemption certificates;</p> <p>Dress Code – The issues raised about the proposed Dress Code for Licensed Drivers within Appendix 4 and the Code of Conduct for Licensed Drivers have been noted, with appropriate amendments made to the proposed Paragraph 20(d)(ii);</p> <p>Driver Improvement Scheme (Appendix 6) – The comments are noted. Following the receipt of submissions from Respondents proposed amendments have been made to the Driver Improvement Scheme. Reference is made to Criteria 3, including the following : <i>“For the avoidance of any doubt, the Principal Licensing Officer will not unreasonably request a Licensed Driver to undertake a driver improvement course. The Principal Licensing Officer will record the reasons why they believe a driver improvement course should be undertaken”</i>. Please see the above responses provided in respect of Individual 1 and Individual 8</p>
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<p>26/09/2022 - Individual 12</p>	<p>Vehicle tints should be welcomed as the vehicle is "private" hence private hire.</p> <p>Dress code is unnecessary, our customers feel comfortable with normally dressed drivers. Driver improvement program is just stupid, if we could not drive properly then we would hand our badges in.</p> <p>After all the stories, reports and concerns whis is taxi licensing not looking into all the hack drivers who rip off people on a night out and taking advantage of women, this is still a serious issue and will only get worse. I've tried to build awareness on this matter with the majority of customers I have but I can't campaign taxi safety and legislation awareness alone like I have been, something in this area needs to be done</p>	<p>These comments are noted.</p> <p>As to window tints, please see the comments in respect of Individual 7.</p> <p>In terms of the proposed Dress Code for Licensed Drivers, the aim is to introduce a minimum standard of dress worn by Licensed Drivers.</p> <p>Whilst noting the Respondent's comments that the <i>"Driver improvement program is just stupid"</i>, this point is not accepted by Officers. The public consultation exercise has shown that there is support for a Driver Improvement Scheme. Please see the above responses provided in respect of Individual 1 and Individual 8.</p> <p>Where matters are brought to the attention of the Licensing Section, steps are taken to investigate allegations of misconduct on the part of Licensed Drivers. Such investigations have been undertaken in the past and will be undertaken under the intended Final Policy Document.</p>
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<p>26/09/2022 - Individual 13</p>	<p>I have just come out of the trade after 29 years because I just couldn't afford to buy a new cab which was going to be soon due to age of the current vehicle.</p> <p>I suffer from sciatic and had a wheelchair exemption but couldn't downsize from an expensive cab. I was expecting to retire as a taxi driver/owner but because of restrictions with the company I was with I couldn't work dayshift which I feel I needed to switch to after 23 years as a nightshift driver as remaining so was detrimental to my health. I also believe during the consultation time I had with licensing department which was protracted due to lack of competence. I was lied to and shoved to one side for nearly 2 years.</p> <p>I got my Hac plate in 2005 when I was fit so doing wheelchairs was not a problem but as I got older it did become one.</p> <p>The point I'm making is by introducing extra rules are will see more good taxi drivers to leave which has been the case for the past few years.</p> <p>Introducing new rules when existing rules can not be enforced due to lack of enforcement officers especially on a night, where we've experienced PHV, out of town Taxis, Washington plated vehicles ordinary people through social media plying for trade without any interruption.</p> <p>Enforcement is needed but you can't afford it.</p> <p>Next point about introducing dress code,</p> <p>Even with firms that do have a dress code struggle to get drivers to comply,</p> <p>How are you going to enforce not only company drivers but independent drivers. You will also have problem with the growing number of drivers from different cultures who would insist the their dress is for religious reasons. You have to be fair to all.</p> <p>Extra health checks when drivers go to cheap alternatives to medical centres where the are not patients. Until that is stopped you can't introduce new rules.</p> <p>Protecting vulnerable people you need drivers that understand those people and accept them in society if a drivers culture does not understand or accept how can they provide a service to cater for them.</p> <p>Hope there are some improvements to the Sunderland taxi trade particularly in view in keeping experienced drivers who in turn pass on their knowledge to drivers coming into the business.</p>	<p>The Respondent's submissions are noted.</p> <p>It is hoped that the proposals that are included within the Final Policy Document do not cause existing Licensed Drivers to leave the trade. Many of the matters set out in the Policy Document are also operated by other councils too.</p> <p>The issues raised about "night time enforcement" will be considered separately from a service delivery point of view.</p> <p>It is extremely important to ensure that there are Licensed Drivers from different cultural backgrounds, especially when the City of Sunderland is becoming a more diverse city in terms of its residents. Such diversity is positive and is to be welcomed and encouraged.</p> <p>The proposed Dress Code for Licensed Drivers does have due regard to cultural differences and religious beliefs: <i>"With the exception of when a uniform is worn for a special occasion, or something that is worn for a religious purpose, no headwear, or other items that partially, or completely cover the head, face, or which conceals the identity of the Licensed Driver are permitted to be worn. For example, baseball caps and hoodies"</i> : Appendix 4, Paragraph 20(d)(iv) at Page 120.</p> <p>Enforcement of the Dress Code will be reliant on members of the public reporting issues, or Licensing Officers observing issues whilst undertaking routine checks. Should issues about non-compliance with the Dress Code be raised then Officers would speak with the relevant Licensed Driver in the first instance, providing advice and support. A Driver would only be requested to appear before the Licensing and Regulatory Committee as a last resort.</p>
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		As to the proposed changes relating to DVLA Group 2 Medical Standard, please see the above response provided in respect of Individual 1;
26/09/2022 - Individual 14	<p>doesn't really matter what we think or want, yous the council will go ahead with it any way, your ment to encourage drivers not create problems for them, I would love to go green and have an electric vehicle but I don't have £25 to 35,000 and certainly can't afford the repayments on that sort of debt, I am being slowly been pushed out of the taxi trade, as are a lot of lads now</p>	<p>The Respondent's comments are noted. Contrary to what has been stated, Officers have carefully considered all responses received to important public consultation exercise that was undertaken over a ten week period. Having regard to matters raised, a significant number of amendments have been made, culminating in the Final Policy Document. Over time, it is hoped the price of electric vehicles is reduced.</p>

<p>27/09/2022 - Individual 15</p>	<p>I have read through the proposed changes the council has put forward, please could you point me to the impact assessment on any of these policies on the drivers ability to make a wage ? have you done any projections on what percentage increase you are going to have to put the metered fair up to cover these extended costs ? To be frank, I can see why you haven't done this. The proposed changes in vehicle age will make the job untenable. 8 years ago the cost of a new Peugeot Partner type wheelchair vehicle was £17.5k, they are now £29k. A 3 year old example is circa £19k, and you want to shorten the time we drivers have to amortise that loan ? To think that it's even possible in a post covid shrinking market and heading into a deep recession shows a lack of knowledge on the health of the trade you oversee. After nearly 20 years in the trade I will not be buying a £70k+ electric taxi in 2030, or at any other time, to make what is on average, a £5-6 day time fare. After speaking to the people I know in the trade, nobody else is planning to do that either. I recommend the council start planning to have almost zero wheelchair cabs in Sunderland, as after reading the information supplied, that is exactly what is going to happen</p>	<p>Officers have taken account of the responses received regarding the potential impact of the proposals regarding vehicle age limits. Please see the above responses provided in respect of Individual 3 and Paul Tomlin.</p>
<p>28/09/2022 - Individual 16</p>	<p>This is just another tick box exercise so that the Council can prove it's met it's legal responsibilities. Like all 'consultations' of this type it is just that. All the decisions and actions are already made. Nothing here will make a jot of difference to easing the burden of the everyday working life of the ordinary taxi driver. In fact, it will just increase that burden.</p> <p>A wasteful paper exercise in my view</p>	<p>The received comments are noted. The need to introduce a Policy Document has arisen from the DfT's "Statutory Taxi and Private Hire Vehicle Standards" document published in July, 2020. The Council has consulted, via the public consultation exercise, on its Draft Policy Document. Having carefully considered the received submissions, a significant number of amendments have been made to prepare the Finalised Policy Document. The branding of this piece of work as a "<i>wasteful paper exercise</i>" is not accepted, nor were the outcomes pre-determined.</p>

<p>04/10/2022 - Individual 17</p>	<p>I may have a vested interest in the proposed window tinted policy but I feel I should share my experience</p> <p>Having bought my car(Kia Niro EV) in August and waiting what seemed a life for DBS check to come through I finally had my taxi licence and all that was missing was the vehicle licence</p> <p>I had my test booked and was confident in passing as it was a brand new car and on Uber's approved list. The car I bought was manufactured with tinted glass and Kia do not advertise what transmittance percentage the windows have. Again never give it much thought due to being on Uber's approved list. So when the inspector told me it had failed for this reason I immediately called the council and was told there's nothing they can do, so I rang Kia who said they can only replace the glass like for like and this is the same message I've got from other companies I've rang. Without a change to the current tint policy, there are going to be fewer new cars/taxis with a Sunderland licence</p>	<p>The provided response is noted. As to window tints, please see the comments in respect of Individual 7. It is proposed that the new provisions regarding window tints be introduced as from and including the 1st December, 2022, as opposed to the 1st January, 2023.</p>
<p>06/10/2022 - Individual 18</p>	<p>I genuinely feel that the vast majority of passengers are happy with what drivers are wearing now. As long as they are clean and tidy, folk are happy. We don't expect suit and tie and in the same way, we don't mind jeans and a tee shirt! Leave folk to get on with their job and stop tying them up with rules and regulations that are unnecessary.</p>	<p>The received comments are noted. The proposed Dress Code for Licensed Drivers <u>does not</u> prevent Drivers from wearing "<i>jeans and a tee shirt</i>". Please see Paragraph 20 of the Code of Conduct for Licensed Drivers.</p>
<p>06/10/2022 - Individual 19</p>	<p>Hi private hire should wear what they won't has long it's cover everything what is wrong doing.</p>	<p>The proposed Dress Code for Licensed Drivers does not insist upon the wearing of uniforms. It seeks to ensure a minimum standard of dress worn by Licensed Drivers that are licensed by the Council. It seeks to promote a positive image of the hackney carriage and private hire trade that operates within the City of Sunderland.</p>
<p>07/10/2022 - Individual 20</p>	<p>iam a Hackney driver what proposal are there going to be put in place to stop other taxi drivers from gateshead durham newcastle from hack8ng in town you propose safety for pu lic yet you do not police your own city centre to stop outsiders from taking trade from l9cal drivers and to propose a standard uniform iam an independant driver who is going to pay for these uniforms when sunderland city centre is a disgrace muggings on park lane no police presence yet safety of public and vunrable people are at risk in this town every day by these beggars drug addicts since you took taxi marshals off in this town its a free for all for out of town taxis too pick up were they want this put public at risk every weekend need to tackle this problem before making changes shame this city used to be full of life</p>	<p>These submitted comments are noted.</p> <p>The Licensing Section takes extremely seriously any allegations made about vehicles licensed in other areas operating unlawfully within the area of the City of Sunderland. Any complaints that are received will be properly investigated. Earlier this year the Council successfully prosecuted a private hire driver licensed by Newcastle City Council who was found illegally plying for hire in Sunderland. As to the proposed Dress Code, no</p>

		<p>uniforms are being proposed. Please see Paragraph 20 of the Code of Conduct for Licensed Drivers.</p> <p>As to the position of Taxi Marshalls, the comments are noted and will be taken forward outside of this piece of work.</p>
<p>10/10/2022 - Individual 3 - providing further comment</p>	<p>I already gave a first impression to licensing back when the draft was first released and they said they forwarded that email on, which was against the expiration of 8 year + vehicles after 2025 and asking about EV / Hydrogen / hybrid where it wasn't clarified whether a hybrid would meet the definition of no emission.</p> <p>This is just to add onto it slightly, more reasons why it's a bad idea. Aside from the fact that EV will never be suitable for some drivers, terraced houses, renting, poor availability of charging, the fact that charging takes hours instead of 5 mins at a garage etc. Forcing all 8+ yr old licensed vehicles off the road when they have been exceptionally well maintained will be passed on the vehicle owners, increasing the cost of business drastically. Some will leave, I plan to go learn to drive a lorry in 2025 if this comes into force or do something else. The rest who stay will have concentrated ownership, leaving those with more money in the first place to buy the more expensive EVs or keep replacing the cars which inevitably get passed down to drivers if rented out. It's a very regressive and anti competitive move that benefits the most people who have multiple hack plates already and lots of capital.</p> <p>basically it should be kicked into the long grass well past 2030 with a possible date of 2035 for implementation once the last new petrol / diesel cars have reached 5 years old, if ever, because even an old car is still safe if exceptionally well maintained.</p> <p>and also about the new proposed driving tests for bad drivers. I would like to voice concerns that vexatious complaints needs to be thoroughly screened with the driver also being able to present their defence or appeal before having to pay money / time automatically following a complaint. with regards to the standards to passing a remedial test, I would like to point out that the minimum requirement to hold a licence with Sunderland city council is having held a driving licence for 1 year, and most people drive less than 10k miles during that time so any passing grades in fairness should not be any higher than that of an average 1 year motorist.</p>	<p>Thank you for your additional comments, which have been noted. The proposed Final Draft Policy will have application for the five year period from 2023 until 2027. However, the overall Policy, or certain parts of it may be reviewed at any time during that period. Depending on the circumstances, a review may be initiated by Officers. Alternatively, changes could arise from such quarters as representatives of the Private Hire / Hackney Carriage Trade, existing Licensees, or from other stakeholder groups.</p> <p>The Council is aware of vexatious complaints and each case will be considered on the basis of its own individual facts.</p>

26-09-2022 - David Wilson - Taxi Cab Services (Sunderland) Ltd trading as Blueline Taxis	Submissions Received in Response to Public Consultation :	Licensing Sections' Response to Received Submissions :
-	According to the version control on pg 7, the version which should have been published for the consultation is v1.1 whereas that which has been published is v1.0. It is assumed that there were no changes, but should there have been any changes, the licensing authority might care to share details of such changes and to provide a further short period of time for comments to be made in relation to such matters.	<p>Firstly, Officers are extremely grateful for the time taken to review the Draft Policy Document and for the submissions received, including the level of detail provided.</p> <p>The Draft Policy Document that was the subject of public consultation was the version that was approved for consultation by the Licensing and Regulatory Committee at its Meeting of 25th July, 2022. At the said Committee Meeting minor amendments were made to the Draft Policy Document, ie. as to the self-reporting provisions the 48 hour period to also include weekends, bank holidays, Christmas and any other public holidays. Given that the version of the Draft Policy Document that was approved by the Committee is the document that was subject to public consultation, there is nothing further to share.</p>
-	It would be easier to identify individual paragraphs, if each were numbered in the Policy Document. For example, if the paragraphs of 1 at pages 9 to 11, were enumerated as C.1.1 to C.1.11, it would be possible to easily identify specific paragraphs, without having to count through the paragraphs or refer to a paragraph by quoting its opening words.	These comments are noted. Remedial action has been taken, with paragraphs having now been individually numbered where deemed appropriate.
-	There are some minor typographical and grammatical errors, such as missing words and missing brackets and full stops.	Position noted and appropriate remedial action taken.
-	For example, in the final paragraph on pg 9, in line 6, the word "to" has been omitted between "relating" and "vehicles".	Position noted and appropriate remedial action taken.

-	The closing bracket is missing on pg 11 in the final paragraph of 2 at line 9, after the word "Scheme".	Position noted and appropriate remedial action taken.
-	The full stop is missing at the end of para 3 of 10 on pg 27.	Position noted and appropriate remedial action taken.
-	The above are merely examples and not intended to be a comprehensive or definitive list of such matters.	Position noted.
A, pg 3, Application	The word "completed" does not appear in the legislation, which merely provides for an application to be made to a licensing authority and for the authority to determine such application, either on the basis of the submitted application or after requesting (and hopefully receiving) additional information, which may be nothing more than information omitted from the original application or may be a request to submit to a further medical examination, despite the applicant submitting a medical certificate.	Relevant amendment made.
A, pg 3, Assistance Dog	As a result of not quoting verbatim the definition of "assistance dog" prescribed by the Equality Act 2010, s 173(1), the reference to "paragraph (c)" in the Policy Document definition does not make sense. This should be corrected by including the identifies of (a), (b), (c), and (d).	Relevant amendments have made.
A, pg 3, Authorised Council Officer	An authorised officer is required to be authorised in writing by virtue of the definition of the phrase in the Local Government (Miscellaneous Provisions) Act 1976, s 80(1) and consequently the words "in writing" should be inserted into the definition.	Relevant amendment made.
A, pg 4, The DVSA	The list would benefit from the removal of the word "The" before DVSA, as well as before Council, DBS, and DVLA.	Relevant amendments made. However, the Council of the City of Sunderland is still referred to as "The Council".
	However, the more significant change would be to amend the definition to make clear that the DVSA is the successor to VOSA (Vehicle and Operator Services Agency) and the DSA (Driving Standards Agency).	Relevant amendments made.
A, pg 5, NESLG	It would be useful if the definition consisted of more than the meaning of the acronym.	Additional information added about the North East Strategic Licensing Group.
A, pg 5, Taximeter	The definition would benefit from adopting that given by The Measuring Instruments (Taximeters) Regulations 2016, r 2(1), which are the successor Regulations to the 2006 Regulations referred to in the final paragraph of 3 at pg 42 of the Policy	Relevant amendments made : Section A, Pages 6 to 7.

	Document. See https://www.legislation.gov.uk/uksi/2016/1153/contents	
A, pg 5, WAV	The definition would benefit from incorporating the designation of such vehicles by the licensing authority and the inclusion of such vehicles in the list the licensing authority publishes in accordance with the Equality Act 2010, s 167.	Relevant amendments made : Section A, Page 7.
B, pg 6, para 1	The Policy Document is wrongly defined as “the Document” rather than the “Policy Document”.	Relevant amendment made : Section B, Page 8
C, pg 9, 1, para 2	The description of a hackney carriage fails to state that a hackney carriage may be pre-booked to undertake a journey and also fails to make clear that a hackney carriage may only stand and ply for hire in the area of the City of Sunderland (as a single controlled district, a subject that I shall address further and in detail in relation to 8 at pgs 46 & 47).	Relevant amendments made : Section C, Paragraph 1.2 at Page 10.
C, pg 13, 4, para (g)	Whilst it is accepted that the list is not intended to be definitive, as the DWP and Home Office Immigration Enforcement are referred to overleaf at 9 on pg 14, it might be beneficial to also include these agencies as (viii) and (ix) respectively.	Relevant amendments made : Section C, Paragraph 4.1(g) at Page 14.
C, pg 13, 5	As the DFT has recently consulted on the draft 2022 Best Practice Guidance (albeit bearing a slightly different title), it would be useful if the licensing authority clearly stated that it has had regard to the 2010 version, as it seems likely that during the period the Policy Document will be valid, the DFT will publish a new version at the weblink provided in the Policy Document, which would give the false and misleading impression that the licensing authority had had regard to that later version, when it has not done so. If the licensing authority has had regard to the draft Best Practice Guidance, it should expressly state so and which parts, if any, it proposes adopting from the draft prior to it being finalised and published by the DFT.	In preparing the Draft Policy Document Officers have had regard to regard to the Dft’s Best Practice Guidance issued in 2010 for “Taxi and private hire vehicle licensing”. Relevant amendments made to reflect this : Section C, Paragraph 5.1 at Page 15.
C, pg 14, 7	In the paragraph in embolden text the licensing authority asserts that licence holders will be required to comply with the requirements of the Policy Document from the date of its adoption. This is not correct. A licensing authority cannot unilaterally amend the conditions attached to extant licences. It can ask licence holders to comply with the requirements and it can say that a failure to do so may result in consideration being given to their fitness and propriety to continue to hold a licence, but it is difficult to see how a	These submissions have been noted. Please see Section C, Paragraph 7.5 at Pages 15 to 17.

	licensing authority could suspend or revoke a licence if a licence holder was abiding by the conditions attached to their licence.	
C, pg 14, 9(b)	Should this not be “The Police, such as Northumbria Police and Durham Constabulary”, as per C, pg 13, 4(g)(ii)	Appropriate amendments made : Section C, Paragraph 9.1(b) at Page 17.
C, pg 16, 11, para 4 and its sub-paras	In line 3 of para 4, reference is made to “disability groups”, which should probably be a reference to “disabled people”, the new and more broad encompassing phrase used by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022.	Appropriate amendments made. : Section C, Paragraph 11.5 at Page 19.
	Sub-para e) appears to be a duplication of sub-para b).	Appropriate amendment made.
C, pg 17, 13	The licensing authority has omitted to comment on the setting of driver licence fees, which is provided for by the Local Government (Miscellaneous Provisions) Act 1976, s 53(2).	Appropriate amendments made. Please see Section C, Paragraph 13 at Page 21.
	The licensing authority should also note in relation to this part of the Policy Document, as well as elsewhere, such as at E, pg 50, 13, para 5, that contrary to its assertion that a licence fee is “non-refundable”, a licence fee is actually only payable on “grant” of a licence. See the express statutory wording at s 53(2) and s 70(1).	Appropriate amendments have been made. It is acknowledged that a Licence Fee is payable upon the grant of a Licence. If an application is not granted, (for example where it is refused, or withdrawn), a refund of the fee will be allowed, minus a reasonable charge to cover administration costs.
	The licensing authority is respectfully referred to the judgments of the High Court and the Court of Appeal in R (on the application of Rehman on behalf of Wakefield Hackney Carriage and Private Hire Association) v Wakefield Council which are reported with the neutral citations [2018] EWHC 3664 (Admin) and [2019] EWCA Civ 2166. As the licensing authority will appreciate, this was a case in which A2Z Licensing assisted the successful claimants. The judgment of the Court of Appeal is the only judgment of that court in relation to taxi licensing fees, but the powerful panel that included the Master of the Rolls also extensively (but not comprehensively) reviewed the fee charging provisions.	The relevance of the highlighted case law is noted.

C, pg 18, 14	Although it is accepted that there is no statutory provision that requires a licensing authority to consult in relation to the setting of driver licence fees, the principles of natural justice and the requirements of the Regulators' Code do require licensing authorities to consult when making changes to policy, procedures, etc. To consult on driver licence fees is, at the very least, best practice, which one would expect the licensing authority to adopt.	Whilst there is no statutory requirement for consultation to be held on proposals to increase Driver's Licence fees, it is accepted that it is best practice to ensure that such fees are consulted upon. Please see Section C, Paragraph 13 at Page 21.
D, pg 21, 1, para starting "When Section 61 of the 1976 Act ..."	<p>Whilst it is agreed that the burden of proof is not on a licence holder to prove that remain a fit and proper person, the position would be more clearly expressed if it was stated that, once a licence has been granted, there is a presumption that they remain a fit and proper person to hold the licence unless and until it is proven to the satisfaction of the licensing authority that they are no longer a fit and proper person to hold the licence.</p> <p>In this regard, the licensing authority is also referred to the judgment in <i>Reigate & Banstead Borough Council v Pawlowski</i> [2017] EWHC 1764 (Admin), which approved the earlier judgment of Singh J (as he was then) in <i>R (on the application of Singh & Ors) v Cardiff City Council</i> [2012] EWHC 1852 (Admin).</p> <p>The court explained that, in the first instance, the licensing authority is required to make a judgment as to whether a licence holder remains a fit and proper person and then, if it is found that they are not, the licensing authority then has a discretion as to whether to suspend or revoke, so it is not necessarily the case that a licence holder's licence will be suspended or revoked if they are found not to be a fit and proper person.</p>	Noted and appropriate amendments made : Section D, Paragraph 1.8 at Page 25.
D, pg 21, 2	The closing reference to EU driving licences should probably also refer to "equivalent driving licences", ie those issued by states such as the USA, Canada, Australia, etc.	Noted and appropriate amendments made : " <i>plus equivalent Driving Licences as issued by other countries</i> " added : Section D, Paragraph 2.1 at Page 26.
D, pg 21, 3	For the avoidance of doubt, it might be worth inserting the word "paper" before "driving licence counterpart".	Appropriate amendment made : " <i>paper</i> " added : Section D, Paragraph 3.1 at Page 26.

D, pg 23, 6	In relation to applications by those from abroad or who have spent time abroad, the licensing authority has arbitrarily determined that a certificate of good conduct should be required when a person has resided abroad for at least 3 months. Unfortunately, not all countries will issue a certificate of good conduct unless a person has resided in such country for at least 6 months. In the circumstances, the licensing authority is asked to amend the time period abroad to require the provision of a certificate of good conduct to 6 months.	Appropriate amendment made by the addition of “ <i>six months</i> ” : Section D, Paragraph 6.2 at Page 28.
D, pg 24, 7, para 1	It would be beneficial to insert the words “and regulators” after “The DBS helps employers”.	Appropriate amendments made, including : “ <i>The DBS helps employers, regulators and other organisations make safer recruitment decisions</i> ” : Section D, Paragraph 7.1 at Page 28.
D, pg 24, 7, para 4	The closing words of “Police Intelligence” might be better replaced with “may include non-convictional information”, which is not necessarily the same as “police intelligence”.	Appropriate amendment made : “ <i>Enhanced DBS Certificates include details of spent and unspent convictions, Police cautions, Police intelligence and non-convictional information</i> ” : Section D, Paragraph 7.3 at Page 29.
D, pg 24, 7, para 5	DBS certificates in respect of which the subject has subscribed to the update service are portable, contrary to what is asserted here, although the position is correctly described at D, pg 25, 8	Appropriate amendment made to show that DBS checks are portable when the Applicant has subscribed to the Update Service : Section D, Paragraph 7.4 at Page 29.
D, pg 25, 7, last para	The licensing authority has failed to set out its approach to filtered convictions and ought to do so, because it would be unfair for the licensing authority to regard the non-disclosure of a filtered conviction to be wrong or dishonest when such matters are not generally disclosable under any circumstances. If the licensing authority considers that it is entitled to require the disclosure of filtered convictions, it should clearly set out the basis for that belief.	Appropriate amendment made by way of adding a new Paragraph at Section D, ie. Paragraph 7.10 at Page 30 : “ <i>For the avoidance of any doubt, when the Council makes licensing decisions the Council will only take into account those convictions and cautions that it is lawfully entitled to take into account</i> ”.
D, pg 25, 8	The licensing authority has failed to make reference to manual certificates or the requirement to apply for further certificates at 6-monthly intervals, because a manual certificate cannot be subscribed to the DBS update service.	Appropriate amendments made, with Paragraphs 8.7 and 8.8 added at Section D at Page 30.
D, pg 26, 8, last para	It is wrong for the licensing authority to assume that, because a person does not renew their driver’s licence, their DBS update service will also have expired. In the	Appropriate amendment made to Paragraph 8.5 at Section D : Page 30.

	circumstances, it should be made clear that a new DBS certificate will only be required if the former driver applicant is no longer subscribed to the DBS update service.	
D, pg 28, 11, para 2	The licensing authority refers to only Northumbria Police when it may be more appropriate to refer to the “police” generally or alternatively to “Northumbria Police or Durham Constabulary”, it being noted that the word “Constabulary” is already within the paragraph.	Appropriate amendment made.
D, pg 29, 12, para 1(a)	A medical certificate is required, not only in respect of physical fitness, but also in relation to mental health, so should refer to being “physically and mentally fit”.	Appropriate amendment made with the addition of “ <i>physically and mentally fit</i> ” : Section D, Paragraph 12.1(a) at Page 34.
D, pg 29, 12, para 2	The paragraph should end by referring to the possibility of a driver having been issued with an exemption certificate, such as “unless the Council has issued the driver with an Exemption Certificate”.	Appropriate amendments made to Section D, Paragraph 12.2 at Page 34 : “ <i>In addition, Licensed Drivers may have to assist disabled passengers and carry luggage, or similar items, unless the Driver has been issued with an Exemption Certificate by the Council exempting them from performing the duties set out in Section 165 of the 2010 Act</i> ”.
D, pg 31, 13, para 8	It is said that, if an application is not determined within 6 months, the applicant “will be required to provide a new Enhanced DBS Certificate” when, of course, that will only be necessary if they were issued with a manual certificate, as otherwise they should have subscribed to the DBS update service.	Appropriate amendment made. See Section D, Paragraph 13.7 at Page 37.
D, pg 32, 14	Whilst it is accepted that a driver’s licence should ordinarily be issued for a period of 3 years, it is noted that the licensing authority will issue licences for 1 year, if a driver is subject to a requirement for an annual medical certificate (so a fee has been set for a 1-year licence), there is no good reason why a licence should not also be issued for only 1 year on request. It may be that new entrants to the trade can only afford the fee for a 1-year licence and / or they may not want to incur the cost of a 3-year licence when they do not know whether they are going to enjoy the job or stay in the trade for 1 year, let alone 3 years.	Appropriate amendment made to acknowledge that an Applicant may apply for a Driver's Licence of less than three year’s duration : Section D, Paragraph 14.1 at Page 38.

D, pg 34, 21	<p>With the greatest of respect, in relation to the issue of voluntary surrender of a driver's licence (or any other type of licence), it is submitted that the licensing authority has approached its consideration of this matter in the wrong way.</p> <p>The licensing authority has asserted that there is no statutory provision to permit surrender by a licence holder, which is right, but it is the licensing authority, as a creature of statute, which is restricted as to what it can do, not a licence holder.</p> <p>A licensing authority can only do that which it is permitted to do by statute. The absence of any statutory provision serves to prevent a licensing authority from refusing to accept the surrender of a licence and does not prevent a licence holder from tendering the surrender of a licence.</p> <p>The licensing authority may care to note that there is also no statutory provision to permit a person from surrendering their driving licence to the DVLA, but in recognition of an individual's inherent right to do so, the DVLA has developed a surrender process.</p> <p>The highest profile case concerning the surrender of a driving licence to the DVLA is probably that of the now late Duke of Edinburgh who surrendered his driving licence following a road traffic accident, ie when he might have faced prosecution.</p> <p>A licensing authority, not even those in the region that have decided otherwise, can legally refuse to accept the surrender of a licence and to then purport to review and surrender or revoke a previously surrendered licence.</p>	The submissions are noted. Appropriate amendments made : Section D, Paragraphs 21.1 to 21.3 at Page 39.
D, pg 39, 23	The licensing authority is asked to make clear that, in relation to an individual applicant or a partnership, a tax check is required in respect of the individual or each of the individuals as partners in the firm; and in relation to a company, the tax check relates to the company's corporation tax status.	Appropriate amendment made : Section D, Paragraph 23.9 at Page 45.
D, pg 39, 24	Although not legally binding, in <i>Cartledge v Gedling Borough Council</i> , heard at Nottingham Crown Court in June 2021, it was successfully argued that, if an application for renewal were not determined by expiry of the previous licence, the nondetermination was to be deemed to be a refusal to renew, triggering the right to continue to work provided by the Local Government (Miscellaneous Provisions) Act 1976, s 77. The case was argued by Gerald Gouriet QC (KC following the death of Queen Elizabeth II) on behalf of the successful appellant and the	Appropriate amendment made : Section D, Paragraph 24.3 at Page 45.

	<p>decision has received wide support by legal / licensing commentators. The case, and a link to an article published by Gerald Gouriet QC is available online at https://licensinglawyer.co.uk/taxi-drivers-licences/ although it was more widely reproduced. In the circumstances, the licensing authority is invited to review and reconsider its position in this regard.</p> <p>The licensing authority is asked to also acknowledge that a licence may be renewed after its expiry, as per the judgment of the High Court in Exeter City Council v Sandle [2011] EWHC 1403 (Admin). The time period suggested by the court in that case is widely misinterpreted and misapplied. The court did not say that in exceptional circumstances a licence may be renewed if application is made 2 or 3 days after expiry. The court actually said that a council should allow 2 or 3 days before granting the licence to someone else, because in the case in question, the court was concerned with a hackney carriage vehicle licence issued by a council that applied quotative controls (as it is acknowledged Sunderland City Council purports to, even though it has not carried out an unmet demand survey for approximately 5 years). In relation to a driver's licence, a licensing authority is not having to balance the competing interests of the previous licence holder who may have a good reason for not applying to renew before expiry and those waiting for the grant of a licence. In the circumstances, it is submitted that the period in which a driver's licence may be renewed after expiry is of longer duration.</p>	
	<p>The licensing authority is asked to also acknowledge that a licence may be renewed after its expiry, as per the judgment of the High Court in Exeter City Council v Sandle [2011] EWHC 1403 (Admin). The time period suggested by the court in that case is widely misinterpreted and misapplied. The court did not say that in exceptional circumstances a licence may be renewed if application is made 2 or 3 days after expiry. The court actually said that a council should allow 2 or 3 days before granting the licence to someone else, because in the case in question, the court was concerned with a hackney carriage vehicle licence issued by a council that applied quotative controls (as it is acknowledged Sunderland City Council purports to, even though it has not carried out an unmet demand survey for approximately 5 years). In relation to a driver's licence, a licensing authority is not having to balance the competing interests of the previous licence holder who may have a good reason for not applying to renew before expiry and those waiting for the</p>	<p>Appropriate amendment made : Section D, Paragraph 24.3 at Page 45.</p>

	grant of a licence. In the circumstances, it is submitted that the period in which a driver's licence may be renewed after expiry is of longer duration.	
E, pg 41, 1, last para	As vehicles classified as Category A must be scrapped and the bodyshell of vehicles classified as Category B must be scrapped, such vehicles should never be capable of being repaired and presented to the licensing authority to be licensed. In the circumstances, the words "other than in exceptional circumstances" should be deleted at the end of the first sentence.	Noted and amendment made : Section E, Paragraph 1.8 at Page 48.
E, pg 44, 5, paras 4 & 5	Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, to which the licensing authority refers, does not restrict the issue of an exemption notice to only when the vehicles is used exclusively for a chauffeur style executive service. In recent years pre and post-pandemic, there has been an increase in demand for executive hire services, but the demand is not such as to enable a vehicle to be used exclusively for such services, meaning vehicles must remain licensed as standard private hire vehicles. Such services are always required pursuant to a written contract and are often provided for crew transportation by airlines or for conveying passengers to and from ports going on cruises. Because licensing authorities insist upon only allowing an exemption when a vehicle is used exclusively for such purposes, drivers, vehicle owners and operators instead have to avail themselves of s 75(1)(d)(ii), over which a licensing authority has no control, when a contract is for at least 24 hours. The licensing authority is respectfully asked to issue exemption notices that permit vehicles to be used for specific types of contracts, meaning the vehicles can still be used at other times for standard private hire work. Drivers, vehicle owners and operators appreciate this would be at the licensing authority's discretion and know that, if they abused the rights granted by the issue of an exemption notice, it would be immediately withdrawn, potentially resulting in all such notices being withdrawn. The trade would have too much to lose from abusing this that the trade who would benefit from exemption notices will not abuse the trust put in them, if notices were issued for specific types of written contracts.	Officers have discussed these submissions. At this time it is believed that the current practice of "exclusivity" on an executive vehicle exemption notice is appropriate. Further discussions can be had on this issue in due course. "Exclusivity of the executive vehicle" has been a common issue as to those vehicles that have been recently licensed : Section E, Paragraph 5.8 at Page 50.

E, pg 46, 6, para 3	<p>The licensing authority's approach to reducing vehicle emissions in the taxi and private hire trade is broadly welcomed, but there is one issue that it is respectfully asked to reconsider. The licensing authority proposes to use a vehicle's age as the determining factor as to when it should cease to be capable of being re-licensed, which approach is inconsistent with the DFT Best Practice Guidance 2010, para 32 which advocates increasing the number of vehicle tests and inspections for old vehicles. The 2022 draft Best Practice Guidance, which has not been finalised and published, more clearly stated that vehicle age limits should not be used and that, instead, emission standards should be used to meet a licensing authority's objectives. See paras 8.28 & 8.29 of the 2022 draft Best Practice Guidance. In the circumstances, the licensing authority is asked to remove its proposed vehicle age limits and to impose a minimum emissions standard, such as Euro 6. It is noted that, in the last para, the licensing authority has expressly adopted the no age limit approach in relation to full electric and zero emission at source vehicles.</p>	Please see the above responses provided in respect of Individual 3 and Paul Tomlin.
E, pgs 46 & 47, 8	<p>The licensing authority's current purported cap on the numbers of vehicles it will license as hackney carriages is unsustainable for two reasons.</p> <p>(1) The last unmet demand survey was undertaken in 2017, which is more than the 3-years required by the DFT, as set out in its letter to licensing authorities of 16 June 2002. Although the letter does not seem to have been reproduced in either Button on Taxis or Paterson's Licensing Acts, the letter is referenced at paragraph 51 of the DFT Best Practice 2010.</p> <p>(2) Of greater significance is the fact that the licensing authority does not have and could never legally have just two hackney carriage zones. Sunderland City Council (as it is now) was created by the Local Government Act 1972, s 1 and Sch 1. It consisted of the areas or parts of the areas of: (i) the county borough of Sunderland; (ii) the urban district of Hetton; (iii) the urban district of Houghton-le-Spring; the urban district of Washington; (iv) parts of the rural district of Chester-le-Street; and (v) parts of the rural district of Easington. In the circumstances, the council was created with 4 hackney carriage zones, as hackney carriage licensing was not previously capable of being adopted by rural districts. The Council could have passed a resolution to extend hackney carriage licensing to the whole of the newly created area in accordance with the Local Government Act 1972, s 180 and Sch 14, para 25(3) and the Public Health Act 1875, s 171(4). See Button on Taxis (Fourth Edition) at paras 8.69 to 8.75. The Transport Act 1985, s 15 subsequently extended hackney carriage licensing to all areas, as newly created hackney carriage zones, so it seems likely that, if this were to have had effect in Sunderland, it would have created</p>	<p>It is acknowledged that according the DfT's Best Practice Guidance issued in 2010 for "Taxi and private hire vehicle licensing" unmet demand surveys should be undertaken every three years. As the last survey was undertaken in 2017 the next survey should have been due to be undertaken 2020. However, due the Coronavirus Pandemic and the then ongoing restrictions affecting the normal operation of hackney carriage services within the City it was not considered to be an appropriate time to conduct a survey.</p> <p>At its meeting held on 28th September, 2020 the Licensing and Regulatory Committee approved that a survey be undertaken when deemed to be appropriate by the Principal Licensing Officer.</p> <p>Amendments have been made to expressly state that four zones exist within the City of Sunderland, albeit these have been split into two zones for administrative purposes : <i>"The City of Sunderland is split into four zones where hackney carriages can ply for hire. These are, :-</i></p> <p>(a) <i>The Sunderland Zone : Yellow, Orange, or Red plates;</i></p>

	<p>a fifth hackney carriage zone. Alternatively, the Council could have passed a resolution to merge all hackney carriage zones into the single controlled district. In any event, the Council should be one controlled district with no zones or have five zones. It cannot legally have two hackney carriage zones! If the Council should believe, as I believe it believes, that having extended hackney carriage licensing to the whole district, it could then divide its area into such zones as it wished, initially three and now two, it is wrong about that too. There is case law, the details of which the author cannot currently recall or identify, it generally having now become moot, which held that a controlled district cannot be split into hackney carriage zones. If the Council does not accept this, the author would be pleased to undertake further research to identify the case law, as the Council's position is wholly unlawful.</p> <p>Artificially splitting the controlled district into zones will, of course, have impacted on the validity and accuracy of the 2017 unmet demand survey, as it was undertaken when the hackney carriage trade was being unlawfully restricted from operating as it should have been allowed to. That is to say the hackney carriages unlawfully restricted to the Hetton, Houghton and Washington zone should always have been able to stand and ply in the Sunderland zone.</p>	<p>(b) <i>The Hetton-le-Hole Zone : Green plates;</i> (c) <i>The Houghton-le-Spring Zone : Green plates; and</i> (d) <i>The Washington Zone : Green plates.</i></p> <p><i>For administrative purposes, these four zones are counted as two areas, which comprise the Sunderland Zone as one zone. The second zone comprises Hetton-le-Hole, Houghton-le-Spring and Washington". See : Section E, Paragraphs 8.1 to 8.7 at Pages 54 to 55.</i></p> <p>It is not accepted that the Council has unlawfully restricted the hackney carriage trade, as has been alleged.</p>
<p>E, pg 48, 9, para 2</p>	<p>Whilst is accepted that the licensing authority will not want owner-drivers of private hire vehicles to insure vehicles for public hire / standing and plying for hire, because to do so might encourage such owner-drivers to illegally ply for hire as they may be insured or, at least, believe they are so insured, even if they were not by virtue of an limitations attached to the insurance policy, it is submitted that the situation is different in relation to vehicle fleet owners.</p> <p>Licensed vehicles are valuable assets of vehicle fleet owners, irrespective of whether the fleet is small or large and whether the fleet owner is just concerned in the supply of licensed vehicles or whether they are primarily a private hire operator.</p> <p>In any event, as owners, they want to ensure their vehicles are insured against all foreseeable risks, even those that would arise from a driver acting illegally, such as plying for hire, because if a driver illegally plies for hire and in the course of carrying that illegal fare damages or writes off the vehicle, it is only the owner who will suffer financially, unless the vehicle is also insured for public hire.</p> <p>Claims by the passenger(s) and any other third party will fall to be dealt with by the fleet owner's insurance company, as the compulsory third party insurer. The insurer will be</p>	<p>Appropriate amendments have been made. See Section E, Paragraphs 9.2 and 9.3 at Page 55.</p>

	<p>able to pursue a claim, if they think it is worth it, against the driver, but the insurer would, in any event, have picked up the bill, if the vehicle had been driven in accordance with the terms of the insurance contract.</p> <p>The vehicle owner, however, will be liable to pay for the costs of repair and / or to suffer the total loss of their vehicle, as well as being liable for any recovery and storage costs incurred before it became apparent that the driver had not been using the vehicle in accordance with the terms of the insurance contract.</p> <p>By restricting the insurance cover that fleet owners choose to take out to protect their assets against any loss, the licensing authority is unnecessarily and unreasonably restricting their ability to trade as they would otherwise wish to.</p> <p>The licensing authority is respectfully asked, in relation to fleet owners, to recognise the different position they are in to owner-drivers and to permit them to insure private hire vehicles for public hire.</p>	
E, pg 48, 10	<p>The licensing authority is asked to include a further section dealing with operator signage on private hire vehicles, distinct to advertising, which seems to relate to the promotion of goods or services of a third-party business, although it might also relate to promoting a charity or the like.</p> <p>The licensing authority is also asked to require operator door signs to be permanently fixed or, at least, semi-permanently fixed, so that, together with other proportionate restrictions, a driver is prevented from working for multiple operators.</p> <p>Drivers working for multiple operators accept bookings from Operator A and then cancel or report the completion of the journey, even though they never picked up the passenger, so that they can undertake a booking from Operator B, etc, etc. This places the customer of Operator A in a vulnerable position, because Operator A will not be immediately aware of what the driver has done and may not even become aware until the customer complains. Drivers are required by their conditions of licence to promptly attend a booking, but despite this, many fail to do so. Drivers working simultaneously for multiple operators results in all operators not knowing how many drivers they actually have available for work, which means they cannot accurately assess the volume of bookings they are able to fulfil. It is for this reason that service levels have dropped. As some drivers do not comply with the existing conditions of their licence, the licensing authority is asked to impose more restrictive conditions, whilst still allowing drivers to</p>	<p>The submissions are noted.</p> <p>In terms of Operator signage, it is believed that provisions are already set out regarding this. See : Paragraph 10 of Section E at Page 56.</p> <p>It is believed that “permanently fixed or, at least, semi-permanently fixed” door signs, may be disadvantageous to some Private Hire Drivers who work for more than one Operator. A situation such as working for a school contract in the morning and afternoon and then for an Operator that predominantly handles evening and weekend work. As such, it is not proposed to make any amendments as to the matters raised.</p>

	<p>move quickly and easily from one operator to another, because they are self-employed. Like Newcastle City Council, Sunderland City Council should look to implement necessary and proportionate restrictions to ensure the licensing authority fulfils its statutory duty under the 1976 and 1847 Acts, but also in relation to section 17 of the Crime and Disorder Act 1998 (as referred to at C, pg 17, 12 of the Policy Document).</p>	
E, pg 50, 13, para 5	See previous comments above in relation to the mistaken assertion that licence fees are non-refundable, etc at C, pg 17, 13 of the Policy Document.	Relevant amendment made : Section E, Paragraph 13.5 at Page 58.
E, pg 51, 14, last para	The words “the following document to the Council” are superfluous and could be deleted.	Relevant amendment made : Section E, Paragraph 14.3 at Page 59.
E, pg 52, 15, last para	<p>Dash-cam systems, like in-car CCTV systems, in work vehicles, such as hackney carriages and private hire vehicles, are required to be notified to the ICO (Information Commissioner’s Office) by the data controller, as they are the data controller of personal data. See guidance on the ICO website at https://ico.org.uk/fororganisations/sme-web-hub/whats-new/blogs/dashcams-and-ukgdpr-what-small-businesses-need-to-know/</p>	Relevant amendment made : Section E, Paragraph 15.7 at Page 59.
E, pg 52, 16	<p>The licensing authority is respectfully asked to modify its position generally in relation to tinted glass, as it is commonly known, although it is anti-glare glass and installed in vehicle by manufacturers as part of their efforts to reduce vehicle emissions. 12 years ago, I undertook research with every police force in the country to establish whether there was any evidence that the presence of tinted glass played any part in the commission of any offence committed in a licensed vehicle by driver or passenger. The result was that there was none. That was not surprising, as anyone intend upon committing a crime, particularly a serious crime, such as assaulting r sexually assaulting another, chooses not to do it where they may be seen or heard and instead go to quiet remote locations where the presence of tinted glass makes no difference to the chances of detection, as there is no-one in the vicinity of the vehicle.</p> <p>Since I undertook that research and published, several licensing authorities have, of their own volition, adopted my research and arguments</p> <p>No-one has subsequently presented evidence to undermine the reliability of my research, despite the fact that over the past 12 years, the presence of tinted glass in licensed vehicles has increased exponentially.</p>	The extensive submissions are noted. As to window tints, please see the comments in respect of Individual 7.

	<p>The licensing authority licenses drivers on the basis they are fit and proper people to be licensed and, in almost all cases, that is the case. But prohibiting or restricting the licensing of vehicles with tinted glass would not deter or prevent wrongdoing by that very small minority. Neither would the installation of a CCTV system, which the driver could disable, whether they are supposed to be able to do so or not!</p> <p>The licensing authority is asked to adopt the more common approach now adopted by most of the NESLG licensing authorities and to permit manufacturer fitted tinted glass.</p> <p>After all, electric vehicles are as likely, if not more likely, to be fitted with tinted glass, as they need to keep the passenger compartment as cool as possible, without having to use electric to power air-conditioning or opening windows, which increases drag, as both impact significantly on the range of an electric vehicle between charge. If the licensing authority is serious about encouraging the trade to invest in electric vehicles, such as Tesla, the licensing authority needs to remove unnecessary regulatory burdens, as stated in the Regulators' Code.</p>	
E, pg 54, 20, para 4	<p>Although section 66 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a journey ending outside the district may be charged for at a higher rate than that prescribed by the tariff prescribed by the licensing authority, the Act is silent on the position in relation to journeys starting outside the district. It is respectfully submitted that is because a journey that starts outside the district could never result from standing or plying for hire, as the hackney carriage would be outside its controlled district. In the circumstances, the hire must always be a pre-booking and the hirer and driver are free to agree a fare in exactly the same way the hirer and a private hire operator can, without legislative interference in the freedom to contract. A hirer, in these circumstances, does not need the additional consumer protections provided by the aforementioned section 66.</p>	<p>Reference is made to Section E, Paragraph 20.4 at Page 62. It is acknowledged that where a Hackney Carriage Vehicle is prebooked for a hiring commencing outside of its controlled district the Hirer and Driver are free to agree a fare for the journey.</p>
E, pg 54, 20, para 7	<p>The licensing authority is respectfully referred to the High Court judgment in R v Liverpool City Council ex parte Curzon Ltd (unreported 12 November 1993), but referred to extensively in Button on Taxis (Fourth Edition) at 9.29 – 9.31, 13.79 and 19.50, which provides that a taximeter may be calibrated to a scale of fares that is not that prescribed by the licensing authority, so long as it is lower, and that a table of fares relating to the tariff to which the meter operates should be provided in the vehicle for the benefit of the customer to know what rate of fares they are to be charged, as opposed to the rate of fares they could have been charged.</p>	<p>Relevant amendment made : Section E, Paragraph 20.8 at Page 62.</p>

E, pg 55, 21, sub-para 4	See comments above in relation to D, pg 39, 24 of the Policy Document.	Appropriate amendment made : Section E, Paragraph 21.5 at Page 63.
F, pg 57, 1, para 2	The ability for an operator to sub-contract introduced by the Deregulation Act 2015 does not extend to Plymouth, which still regulates the private hire industry pursuant to a Private Act enacted before the 1976 Act.	The “Plymouth anomaly” is noted and relevant amendment made : Section F, Paragraph 1.2 at Page 65.
F, pg 57, 1, para 6	Contrary to the assertion made that an operator must have a landline telephone number for bookings at the licensed premises, the licensing authority has not previously attached a condition to an operator’s licence to that effect and neither has the licensing authority asked applicants to provide a landline telephone number as part of the application process. Ride-hailing apps providers and a number of traditional private hire operators, including my client, currently operate unstaffed offices that only accept and process bookings electronically subcontracted from another of the operator’s associated offices that are staffed. As this is not something the licensing authority has previously required and requiring it would serve no useful purpose, the licensing authority is respectfully asked to withdraw this proposal.	Submission noted and point withdrawn, ie. requirement that a Private Hire Operator is required to have a fixed landline telephone has been withdrawn.
F, pg 63, 18, last para	See comments above in relation to D, pg 39, 24 of the Policy Document.	Relevant amendment made : Section F, Paragraph 18.4 at Page 71.
G, pg 65, 2	In addition to the listed enforcement and disciplinary options, the licensing authority could on renewal and otherwise by agreement with the licence holder attach additional conditions to a licence or amend existing conditions. For authority to amend conditions of a licence by agreement, see R (on the application of Dean) v Secretary of State for Business, Energy and Industrial Strategy & Ors [2017] EWHC 1998 (Admin)	Relevant amendment made : Section G, Paragraph 2.1(k) at Page 73.
G, pg 66, 2, para starting “Where a driver’s licence may be suspended”	The statutory time limit in which to commence an appeal is not “21 days of the decision”, but “21 days from receipt of the written notice of the decision”, which also includes notice of the right to appeal. See section 300(2) of the Public Health Act 1936 which is incorporated into the Local Government (Miscellaneous Provisions) Act 1976 by virtue of section 77(1) and note additionally the provisions of section 78 that apply also to sections 283(1) and 304 of the 1936 Act.	Relevant amendment made : Section G, Paragraph 2.4 at Page 74.

G, pg 66, para starting with "If the Executive Director"	Brackets are missing from around the 2B, as in "Section 61(2B)".	Noted and corrected.
G, pg 66, last para	In relation to the terminal age for vehicle to be licensed, please see earlier comments in relation to E, pg 46, 6, para 3 of the Policy Document.	Noted.
G, pg 68, 5	Although the statutory provisions entitle a licensing authority to request the return of a driver's licence following suspension, revocation or a refusal to renew the licence, save when suspension or revocation is made with immediate effect, the driver has a right to appeal and the right to continue as if licensed, as provided for by section 77 of the Local Government (Miscellaneous Provisions) Act 1976. In the circumstances, the licensing authority is asked to vary its processes, so that a request for the return of a driver's licence and badge specifies that it should be returned at the end of the 21 day period the driver has in which to lodge an appeal and, if they so appeal, to make clear that they need not return their licence and badge until the conclusion of the appeal process and only then if their appeal is unsuccessful.	Appropriate amendment made : Section G, Paragraphs 4.4 to 4.8 at Page 76.
G, pg 69, 6, 8.d	Applying the principles held to apply by the High Court in Reigate & Banstead Borough Council v Pawlowski [2017] EWHC 1764 (Admin), the licensing authority has to make provision to afford a licence holder the opportunity to comment on the situation, irrespective of whether the police or any other agency consents to information being provided to the licence holder or not.	Appropriate amendment made : <i>"Having due regard to what information the Police are content to be disclosed to the Licensed Driver, the Licensed Driver is given the opportunity to state their case in relation to the concerns"</i> : Section G, Paragraph 5.7(d) at Page 78.
G, pg 72, 9, penultimate para	The long-held position in relation to costs orders against licensing authorities following the judgment in Bradford v Booth has been clarified by the Supreme Court in Competition and Markets Authority v Flynn Pharma Ltd and Competition and markets Authority v Pfizer Inc & another [2022] UKSC 14, which has held that regulators do not have the protection they were previously thought to have, although their role as a regulator is a relevant consideration, it is not an overriding one.	Relevant amendment made : Section G, Paragraph 9.3 at Page 81.
Appendix 2, pg 80, 3(f)	The licensing authority should also have regard to the High Court judgment in Pinnington v Transport for London [2013] EWHC 3656 (Admin), which stated that a conviction should only be the starting point of a decision-makers considerations, not the end point, so	Noted and appropriate amendments made : Appendix 2 , Paragraphs 3(f) and 3(g) at Page 89.

	whilst not going behind a conviction, the background and circumstances can be considered.	
Appendix 2, pg 81, 4	Although this section is concerned with “serious injury” as well as offences resulting in death, it fails to define what is meant by “serious injury” or to differentiate such matters from 8 to 10 which is concerned with “offences involving violence against the person”. To further complicate matters, the term “serious injury” is not one known to the criminal law in relation to offences against the person. In the circumstances, to avoid the risk of offences falling into two categories of offences without any rational way of determining whether an offence should fall into one category or the other, the licensing authority is asked to simplify this section by removing the reference to “serious injury” so that this section is concerned only with “crimes resulting in death”, as per the section heading.	Submissions noted. It is proposed to follow what is set out in the DfT’s “Statutory Taxi and Private Hire Vehicle Standards” document in the Annex at Page 35, ie. whilst headlining this as " <i>Crimes resulting in death</i> ", it goes on to state " <i>was intended to cause the death or serious injury of another person</i> ". Those dealing with the application of Appendix 2 and the Convictions Policy and Assessment of Previous Convictions document will hopefully do so in a rational manner. Consequently, the requested amendments are not supported at Officer level : Appendix 2 , Paragraph 4 at Pages 90 to 91.
Appendix 2, pgs 81 & 82, 8 - 10	<p>Offences involving violence against the person covers a very wide range of actions and offences. At the lowest end of the range, there is common assault which does not actually require there to be actual violence, so someone throwing a punch and missing is guilty of common assault, as is someone spitting at another, again irrespective of whether the spit makes contact with the intended victim. At the other end of the range there are offences of intentionally causing grievous bodily harm (“GBH”) and attempted murder. See the CPS Guidance at: https://www.cps.gov.uk/legal-guidance/offences-against-personincorporating-charging-standard .</p> <p>With the greatest of respect to the Department for Transport that has promulgated these standards, it is preposterous to suggest that offences at both ends of the spectrum should be treated the same. Ten years is grossly excessive for a common assault and may be grossly inadequate for someone convicted of GBH or attempted murder. The licensing authority is asked to reconsider this provision and to apply its own common-sense approach.</p>	Submissions noted and it is proposed that Appendix 2 , Paragraph 3(g) at Page 89 be amended : “ <i>When cases are considered, it is important to consider the individual circumstances of each case, including : the background to the case; any extenuating circumstances; whether any issues arise regarding alleged spiking; the number, nature and seriousness of the offences in issue; the appropriateness, or otherwise of any criminal sentence; whether, or not guilt was admitted, or whether a criminal trial was held; aggravating and mitigating factors that are identified; whether an Applicant, or existing Licensee has previously appeared before the former Regulatory Committee and / or the Licensing and Regulatory Committee; an Applicant, or existing Licensee’s demeanour, attitude and level of co-operation when discussing their case with Officers from the Licensing Section; and the reporting requirements that apply</i> ”.

Appendix 2, pg 82, 11 & 12	The same sentiment as expressed above in relation offences of violence applies equally to possession of weapons. At the lower end of the range there is the person, who fearing they are about to be attacked by a rowdy group of youths, picks up a tree branch from the ground in order to defend themselves, should it become necessary to do so. At the other end of the scale, there is the person who is armed with an illegally possessed gun. The licensing authority is asked to reconsider this provision and to apply its own common-sense approach.	Submissions noted. Please see the comments made immediately above.
Appendix 2, pg 83, 18 - 20	Again, the same sentiment as expressed above in relation offences of violence applies equally to offences of dishonesty. At the lower end of the range there is the homeless person who steals food because they are hungry. And at the top end of the range there are the likes of the Brink's Mat robbers who stole £26,000,000 of gold in 1983. The licensing authority is asked to reconsider this provision and to apply its own common-sense approach.	Again, submissions noted. Please see comments made immediately above, but one.
Appendix 2, pgs 84 – 88, 33 - 50	<p>The licensing authority's approach to driving offences is welcomed, particularly in relation to the introduction of a driver improvement course, but it is hoped the following might persuade the licensing authority to adopt a more proportionate and reasonable approach that that currently proposed.</p> <p>A licensed hackney carriage or private hire vehicle driver probably drives 4-6 times the annual mileage of the average motorist in a year.</p> <p>That is relevant when considering the frequency and pattern of offending, because a licensed driver who commits two speeding offences 12 months apart will have driven the same distance that an average motorist would drive in 4-6 years. In the circumstances, if these speeding offences had been committed by an average motorist with the same mileage driven between them, the penalty points imposed for the first offence would have been long since expired and removed from the average motorists driving record.</p> <p>To describe speeding and other minor road traffic offences as an occupational hazard would, of course, be to downplay the potential seriousness of such offences, but if a driver does commit three such offences to accrue 7 or more live penalty points, maybe, rather than to punish the driver, driver might need to undertake the driver improvement course again, because some people do find it harder than others to learn new skills and to fully implement new skills and techniques. This would hopefully help the driver to break</p>	The submissions are noted as the proposed Drive Improvement Scheme and the driver improvement course. Please see the above responses provided in respect of Individual 1 and Individual 8.

	the pattern of offending and become a safer and better driver, which would be a benefit to all road users, not just the driver and his passengers.	
Appendix 2, pg 88, 53 - 55	Although drink or drug driving is not to be encouraged or condoned, as has been made clear in the national media, there is currently a wave of drug spiking taking place across the country, although drink spiking has been commonplace for decades, generally being intended as a joke amongst a group of friends. In any event, however spiking may arise, a person spiked who drives is still guilty of an offence, even though they were unaware they had been spiked and were incapable of driving. This is because these offences are what are known as “absolute offences”, which simply means a person is guilty of the offence if they did the act alleged, even if they were unaware of this and lacked mens rea, the criminal intent to commit the offence. As extensively addressed in the accompanying letter, the policy proceeds on the basis that every situation is black and white and that guilty is guilty, and that the consequences should always be the same. Hopefully, the examples set out here and above serve to illustrate the need for the licensing authority to make some changes and to apply its own common-sense to these matters and the wider policy generally.	These submissions are noted. As mentioned above it is proposed that Appendix 2 , Paragraph 3(g) at Page 89 be amended as follows : <i>“When cases are considered, it is important to consider the individual circumstances of each case, including : the background to the case; any extenuating circumstances; whether any issues arise regarding alleged spiking; the number, nature and seriousness of the offences in issue; the appropriateness, or otherwise of any criminal sentence; whether, or not guilt was admitted, or whether a criminal trial was held; aggravating and mitigating factors that are identified; whether an Applicant, or existing Licensee has previously appeared before the former Regulatory Committee and / or the Licensing and Regulatory Committee; an Applicant, or existing Licensee’s demeanour, attitude and level of co-operation when discussing their case with Officers from the Licensing Section; and the reporting requirements that apply”.</i>
Appendix 3, pg 99, 8	The licensing authority is asked to reconsider this condition relating to lost and found property because the police will not usually now accept lost and found property.	The amended proposals regarding misplaced, or lost property is set out at Pages 109 to 110, Page 118, Pages 138 to 139 and Page 145.

Appendix 7, pg 117	In the event that the Policy Document is changed in relation to tinted glass, the specification will need to be updated accordingly.	Appropriate amendments made : Appendix 7 , Section A, Paragraph 1 at Pages 130 to 131.
Appendix 9, pg 127 & 128, c) iii)	The licensing authority is asked to prohibit the use of magnetic operator door signs.	Submissions noted, but it is proposed that the requested changes not be made. The use of “magnetic Operator signage” allows Drivers to complete a school contract and then work for another Operator in the evening. If Operators have an issue with Drivers failing to attend to an allocated passenger due to the Driver switching to work for another Operator, (such as because the other fare is potentially greater), then that is an issue for the Operator to address.
Appendix 9, pg 129, 8 – 9	These conditions are driver conditions and should not be included in private hire vehicle conditions.	Submissions noted. Licensed Drivers must perform a check on “their” Licensed Vehicle for lost property. However, it is still appropriate for a Proprietor to have responsibility to check their Licensed Vehicles regularly for misplaced, or lost property when “[u]pon the vehicle being returned to the possession, control, or custody of the Proprietor” : Appendix 8 , Paragraph 13 at Page 139.
Appendix 9, pgs 129 & 130, 14	This is a licensing pre-requisite, so inclusion as a condition of licence serves no useful purpose.	Submission noted, agreed and removed.
Appendix 9, pg 130, 15	The licensing authority might like to amend the wording of the condition so as to prohibit any material change to a vehicle once licensed, not just in relation to seat type and layout.	Noted. Appendix 8 , (Hackney Carriage Vehicles), Paragraph 17 at Page 141. A similar amendment has also been proposed at Appendix 9 , (Private Hire Vehicle Licences), Paragraph 14 at Page 147 has been amended.
Appendix 9, pg 130, 16	This is a licensing pre-requisite, so inclusion as a condition of licence serves no useful purpose.	Noted and agreed. Provision removed from the list of Private Hire Vehicle Licence Conditions.
Appendix 10, pg 134, 2	This is a licensing pre-requisite, so inclusion as a condition of licence serves no useful purpose.	Submission noted. However, the removal of this is not agreed, since the carriage of the notice in the vehicle is a Condition of the Licence.

Appendix 11,
pg 138, 11

This is a guidance note, so inclusion as a condition of licence serves no useful purpose,
but it could be clearly identified as a guidance note for the benefit of the operator.

Submission noted, agreed and removed.