

Durham County Council

General Licensing and Registration Committee

At the **Special Meeting** of the **General Licensing and Registration Committee** held in the **Council Chamber** at **County Hall, Durham** on **Monday 22 November 2010 at 1.30pm.**

Present:

Councillor C Carr in the Chair

Members of the Committee:

Councillors B Arthur, J Bailey, J Blakey, D Brown, D Bowman, D Boyes, P Gittins, G Huntington, R Liddle, D Marshall, L Marshall, P May, M Plews, O Temple, J Shiell, D Stoker and R Todd.

Apologies for Absence

Councillors J Gray, L Thomson and A Wright

A1 Declarations of Interest

Councillor P May declared a personal interest in the item numbered 2.

A2 Comprehensive Review of the Council's Hackney Carriage and Private Hire Licensing Policy

Consideration was given to the report of the Corporate Director, Neighbourhood Services which sought approval of the revised Hackney Carriage and Private Hire Licensing Policy, a copy of which had been circulated.

Members were advised that between 1 August and 12 September 2010 the draft Hackney Carriage and Private Hire Licensing Policy was the subject of a broad consultation exercise involving the taxi trade, service users, relevant authorities and organisations, Countywide and Area Taxi Working Groups and members of the public. It was also advertised in the local and regional press and published on the Council's website.

Twelve responses had been received and these were set out in Appendix 2 of the report.

Appendix 3 detailed the proposed responses by the Licensing Authority and suggested amendments to the Policy were set out in Appendix 4.

Members considered each of the proposed amendments and made reference to the definition of executive hire and the exemption from displaying licence plates and door stickers. It was noted that the Council would not exercise its

discretion in granting the exemption for regular private hire bookings. Councillor May expressed concern that the Policy stated that transportation to special events, celebrations or nights out was deemed to be regular private hire work and therefore the plates should be displayed. He considered that this was too restrictive and that there should be some discretion granted for executive vehicles to be used for special events etc without having to display plates and door stickers. He asked that the Policy be amended to reflect this.

At this point Councillor May left the meeting.

Members discussed the issue at length and noted that it was for vehicle licence holders to apply to the Council for exemption from displaying plates and stickers on executive vehicles, providing evidence to support the application. They believed that the Policy should be amended to remove the reference within paragraph 3 of Appendix 4 of the Policy to the exemption being limited to those dealing with businesses, with the reference to companies also being removed from paragraph 3(i) of Appendix 4 of the Policy.

Councillor May returned to the meeting.

Reference was made to the time period within which the Council would not normally grant a licence for criminal convictions, as detailed in Appendix 2 of the Policy. Members asked that a full list of motoring offences be included and that a copy be provided to Members at each Area General Licensing and Registration Sub-Committee for reference purposes. It was also noted that the time period should commence from the date of conviction for all offences.

A Member referred to the dress code which drivers must comply with and the requirement to cover offensive tattoos. He stated that it would be difficult to define 'offensive'. Officers agreed that it was difficult because whether or not a tattoo design was considered offensive was subjective. It was hoped that drivers would take a responsible approach and any complaints received would be handled on an individual basis.

Members also referred to the consultation process with Durham Safeguarding Services on hackney carriage/private hire driver applications which were reported to the Area General Licensing and Registration Sub-Committees, and were advised that discussions were ongoing to improve future reporting arrangements.

Resolved:

That

1. The comments and responses as detailed in Appendices 2 and 3 be noted and the suggested revisions to the current Policy be approved.
2. Subject to the additional amendments outlined above, the final version of the revised policy as attached at Appendix 4, be agreed and recommended for adoption by full Council.

Durham County Council

General Licensing and Registration Committee

At the **Special Meeting** of the **General Licensing and Registration Committee** held in **Committee Room 2** at **County Hall, Durham** on **Monday 6 December 2010 at 2.00pm.**

Present:

Councillor C Carr in the Chair

Members of the Committee:

Councillors B Arthur, J Blakey, D Brown, D Bowman, D Boyes, P Gittins, J Gray, L Marshall, P May, M Plews, J Shiell, D Stoker, L Thomson and R Todd.

Apologies:

Apologies were received from Councillors J Bailey, G Huntington, D Marshall, O Temple and A Wright

A1 Declarations of Interest

Councillor P May declared a personal interest in item numbered 2.

A2 The Regulation of Taxis in County Durham (Public Consultation on Zoning, the Control of Hackney Carriage Numbers and Colour Policy)

Consideration was given to the report of the Corporate Director, Neighbourhood Services which advised of the outcome of the consultation exercise with stakeholders relating to the regulation of hackney carriages and private hire vehicles licensed by Durham County Council. The report also sought recommendations to Council in relation to zoning, the regulation of hackney carriage numbers and colour policy. A copy of the report had been circulated.

In addition, since the report had been prepared, correspondence had been received from Mr Biggs, Mr Fets and the National Private Hire Association, and Members were given the opportunity to read through the information prior to consideration of the business.

N Smalley, Public Safety Manager gave a detailed presentation on the outcome of the consultation process (Appendix 2), and the proposed options for the zoning and regulation of hackney carriage and private hire licensing (an options appraisal was attached at Appendix 3). A list of all interested parties were included in Appendix 4, a summary of the responses from the countywide public consultation exercise was attached at Appendix 5 and an analysis of the results of the consultation process were detailed in Appendix 6.

In discussing the proposals with regard to the regulation of taxis, a Member asked how significant the financial implications of undertaking regular assessments of demand would be in order to support the continued regulation of hackney carriage licences. Members were advised that demand surveys were costly and could potentially be in the region of £15-20k each. Such a survey would have to be undertaken every three years.

In response to a further question, it was reported that it would not be possible to introduce deregulation and remove zoning by way of a pilot scheme, nor was it possible to undertake a review after a given period of time following implementation.

At this point Mr Biggs, a member of both the Chester-le-Street Area and the County Trade Working Groups, was given the opportunity to speak. He stressed that as it would not be possible to go back to zoning and regulation if a decision was made otherwise, it was important to ensure that whatever was decided was right for the County. He considered that de-regulation would be catastrophic as there were already too many taxis. He represented Chester-le-Street and all the drivers of the Chester-le-Street Area Working Group who responded to the consultation were in favour of keeping the zones and regulation. 82.5% were in favour of the colour policy which already worked well in Chester-le-Street.

Mr Fets, a member of both the Durham City Area and County Working Groups was also given the opportunity to speak and stated that he was of the view that the results of the survey were flawed as it did not make clear what was meant by deregulation. He referred to the photographs contained in Appendix 3 advising that they were nearly four years old and showed a Saturday night over an Easter weekend. Since the photographs had been taken more licences had been issued, two nightclubs were no longer open on Friday evenings and the area was currently in economic recession. With regard to the colour policy he referred to the successful challenge by the trade when an attempt had been made to introduce such a policy in Durham City previously. Mr Fets also pointed out that local buses and DCC vehicles were not all the same colour.

With regard to the consultation, he stated that no mention had been made of any consultation with Residents Associations or Disabled Groups. He continued that there were only 8 taxi spaces available in the City during the day which he considered to be inadequate, particularly when taxis were an important part of the transport infrastructure of Durham.

To conclude he stated that he had two vehicles which at present were not used Monday to Wednesday because of the lack of business. This he believed added weight to the argument against deregulation.

Sgt Robson was permitted to address the meeting and referred to the photographs, stating that more recent images were available from June/July 2009, which displayed the same problems. The Police did not support zoning and by way of example he advised that the former Sedgefield Borough

Council area had more taxis than Durham City centre and as the City was growing with an increase in housing development, there would continue to be an increase in demand. If zoning was removed the taxis from areas such as Sedgefield would be able to operate in Durham as well, thereby helping to meet the increase in demand. He continued that there were now 5 nightclubs in Durham and in December alone there had been 60 Temporary Event Notices issued. Safety was a primary concern for the Police who had witnessed problems experienced by people trying to get home by taxi late at night. If taxis from other areas were allowed into the City centre the streets would be cleared earlier and people would get home more quickly and safely.

Members discussed the points made and the options outlined in the report. A Member commented that the length of the queues at the Claypath rank in Durham after midnight was an issue that he had witnessed himself, however he also understood the concerns expressed by local residents concerning an increase in vehicles there if zoning was removed. Whatever policy was introduced must be in the public interest.

Sgt Robson responded that there could potentially be a large increase in taxis in the first few weeks but he believed that the numbers would eventually be 'self-levelling' in accordance with demand. His view was that taxi marshals should be used to engage with taxi drivers and the public to maximise the use of vehicles both into and out of the City, thereby getting people home more quickly.

A Member commented that Durham City and Chester-le-Street were considered to be centres of night time economy and he was aware that people did have problems getting taxis from these areas at night. It was also pointed out that booking a taxi at the same time as school runs could be difficult. In terms of public safety a further Member considered that both deregulation and the implementation of a colour policy could be a positive step forward.

In response to a question concerning the reasons for the trade's objections to a colour policy, Mr Fets explained that they were because it was difficult to purchase used white vehicles and that they could not be re-sprayed if bought on hire purchase. In addition there were potential problems when a taxi was damaged and another vehicle was required to be licensed in the interim which may not already be white. R Langdon, Solicitor advised that if Members were minded to, a provision could be built into the policy to accommodate this. In response to concerns expressed by the trade that the proposed timescale for implementation of the colour requirement by April 2016 was too tight, particularly in the current economic climate, R Langdon suggested that this date could be re-examined by Licensing Officers.

Following consideration of the report and views put forward by Members, Mr Biggs, Mr Fets and Sgt Robson it was **Resolved**:

That the following recommendations be made to full Council:-

- (i) Option A be adopted to remove the existing seven zones across the County and deregulation of existing hackney carriage licence limitations
- (ii) A colour requirement be introduced in respect of vehicles submitted for licensing as hackney carriage or private hire vehicles as follows:-
 - All newly licensed hackney carriages to be coloured all white
 - No proposed private hire vehicle to be newly licensed if any part of the exterior is white
 - The period of time within which hackney carriage and private hire vehicles must comply with the colour requirement be re-examined by Licensing Officers to ensure a suitable and economic timescale for implementation
 - This policy apply to all licensed vehicles including purpose built vehicles and minibuses, but not to any special vehicles as defined within the policy which will be exempt from any colour requirement.

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