

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 14 January 2016 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors A Batey, D Bell, I Geldard, B Glass, O Gunn, C Hampson, A Hopgood, K Hopper, I Jewell, L Marshall, P May, D Stoker and A Willis

Also Present:

C Rudman – Licensing Manager
H Johnson – Licensing Team Leader
G Key – Licensing Team Leader
G Proud – Solicitor (Litigation)
S Buston – Solicitor (Litigation)
A Deathe – Durham Bid

1 Apologies for Absence

Apologies for absence were received from Councillors E Bell, J Bell, J Blakey, D Boyes, B Graham, J Hart, D Hicks, J Lee, J Maitland, T Nearney and A Surtees.

2 Declarations of Interest

Councillor Carr advised that he was on the Board of Newcastle Airport Consultative Committee. Recommendation 83 in the report referred to airport tariffs by taxis operating from Newcastle airport.

3 Minutes

The Minutes of the meeting held on 15 January 2015 were agreed as a correct record and were signed by the Chairman.

4 Proposal for the Re-Designation of Framwellgate and Elvet Bridges for Street Trading; Post Consultation Report

Consideration was given to the report of the Corporate Director, Neighbourhood Services regarding a proposal for the re-designation of Framwellgate and Elvet Bridges for street trading (for copy see file of Minutes).

C Rudman, Licensing Manager provided background to the proposal by BID to change the designation of Framwellgate and Elvet Bridges in Durham City from 'prohibited' to 'consent' streets. Pre-Consultation had been carried out on the

proposal and copies of the responses from consultees were attached to the report. No objections had been received although the Police and Fire Service had commented on potential safety aspects which were outlined in the report, and the Highways Authority considered that set up and trading should only be granted between the hours of 10am and 6pm. No objections were received from members of the public following a notice placed in the local press.

In determining the proposal Members were asked to give consideration to the comments submitted by the consultees. If Members were minded to support the proposed re-designation formal consultation would commence on the publication of a second notice in the local press.

Councillor Glass stated that he was minded to support the proposal, subject to the conditions specified by the Police in their response, particularly with regard to proposed measures for structures left on the bridge overnight.

This view was shared by Councillor Hopgood who also asked if the Safety Advisory Group should be consulted on each application.

Councillor Stoker made the comment that some cafes and restaurants put tables and chairs outside their premises in the location of the bridges and asked if the areas that would be designated could be clearly defined by way of a map. He also expressed concern about the potential obstruction caused by structures on the bridges for the partially sighted and asked if consideration had been given to this.

The Licensing Manager responded that a map could be produced for each bridge to show where trading was allowed. Applications had to be accompanied by a plan showing where trading would occur, and although the nature of the trading on the bridges was not clear at present, a risk assessment would be carried out for every event that took place to ensure that the bridges could be safely crossed during trading events.

With regard to access by emergency vehicles Councillor Glass asked Officers to liaise with the Fire Service to ensure that the bridges remained accessible to their larger equipment during events.

Members discussed the proposed hours for trading and the comments of the Highways Officer in relation to this. Councillor May felt that 6pm may be too early at certain times of the year such as Christmas and Lumiere when shops opened later.

Members were informed that consideration would be given to applications to trade later but any permission would be in consultation with emergency services. Councillor Glass commented that a common sense approach would be advisable as delivery vehicles and refuse collection vehicles operated in the City after 6pm.

Following a question from Councillor Batey, Mr Deathe of Durham BID explained that the purpose of the proposal was to open up areas of the City that had experienced decline in recent years, and a number of traders in the localities had advised that they would welcome trading activity on the bridges. The aim was to

compliment rather than compete with existing traders, bringing more people into the City, and boosting the local economy.

Following discussion it was **Resolved:**

That

- a) the proposal made by BID for the re-designation of Framwellgate and Elvet Bridges be supported, subject to the comments of consultees and Members being taken on board;
- b) a second notice be published stating the intention to alter the present designation;
- c) a further report be considered by the Committee following the conclusion of the consultation period.

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

Consideration was given to the report of the Head of Environmental Health and Consumer Protection which informed Members of the outcome of the consultation exercise with stakeholders on proposals to revise the existing DCC Hackney Carriage and Private Hire Licensing Policy (for copy see file of Minutes).

Prior to the consideration of the revised Policy, Members were informed of the ruling of Judge Prince following a court case *Bouhdid v Durham County Council*, which included the way in which criminal records checks were carried out by the Licensing Authority. The comments of Judge Prince had been taken on board and incorporated in proposed changes to the Policy.

The revised Policy had been circulated to Members and the Committee was asked to consider each of the proposed changes which were listed in the report.

In discussing the proposal that Private Hire vehicles could continue to use top signs provided that they did not display the word 'taxi', Councillor Glass was of the view that the use of top signs on private hire vehicles should be encouraged. This would make it clear for members of the public that they were using a properly licensed vehicle.

Councillor Hopgood however was of the view that there was a need for a clear distinction between hackney carriage and private hire vehicles, in the interest of public safety.

The Licensing Manager advised that top signs were a means of advertising a taxi company, and Councillor Gunn considered that having the trade name clearly visible on the top of vehicles would be of benefit in terms of protecting the public against unlicensed vehicles/drivers.

At this point Councillor Marshall left the meeting.

Members discussed the proposal to amend the Policy to require drivers to wear appropriate identification and that all passengers travelling in a licensed vehicle must be able to see official identification at all times. In considering the recommendation Members suggested that the policy should state 'photo identification' and that it should be clearly visible to passengers in the rear of the vehicle. Members were informed that Officers were exploring the possibility of hanging a form of document holder over the back seat to include ID and tariff information.

With regard to the provision of CCTV in vehicles the Chairman stated that the mandatory requirement to have CCTV in taxis was a recommendation of Northumbria Police, however the cost and quality of systems varied greatly and for legal reasons it was not possible to carry out audio recording. There was also little evidence at present which suggested that CCTV as a mandatory requirement would be necessary and proportionate.

In agreeing with the recommendation Members considered that even without audio, CCTV would protect both the public and taxi drivers, and any system should meet minimum requirements specified by the Police.

Members were informed of proposals to increase the frequency of criminal record checks, which would require a driver/applicant to subscribe to the Update Service. In response to questions, H Johnson, Licensing Team Leader advised that this system would allow the Authority to carry out an annual check of drivers, and also allow Officers to carry out routine checks every 3-4 months. Members were assured that whilst it would create additional work, this would not be overly onerous and would be offset by the benefits of having a system where regular checks could be made. It was also less costly for the taxi drivers than the current arrangements. As a result of the ruling by Judge Prince, communications with the Criminal Records Office, regional colleagues and Legal Services had led Officers to recommend this more robust stance.

Councillor Gunn supported this proposal which would help to protect vulnerable people and Councillor Hopgood suggested that the system be rolled out across the Authority, including schools.

The Policy also included an amendment to require all drivers and applicants to undergo CSE awareness training. G Keay, Licensing Team Leader advised that around a third of all taxi drivers had received the training which was voluntary at present, all of whom had considered it to be worthwhile.

Councillor Gunn supported this proposed amendment as taxi drivers were in a position to be able to protect vulnerable people, and the training would help drivers identify any potential exploitation. Members discussed the timeframe for completion of the training which was available from a number of providers. Following discussion, the Committee considered that all drivers should be required to complete CSE awareness training by no later than 1 September 2016. It was also suggested that publicity be given to this which would acknowledge the Council's appreciation of the help given by taxi drivers and raise public awareness.

Members then discussed the proposed amendment to include basic arithmetic questions in the knowledge tests. Members were advised that the questions would be based on the type of common transactions that drivers would undertake and would not be a separate test.

An amendment was proposed in relation to the age policy for vehicles and engine emission standards and it was recommended that from the date of the adoption of the new Policy, all newly licensed vehicles should meet Euro Tech 5 standards. Councillor Glass suggested that vehicles should meet a minimum of these standards to take into account any changes to regulations. The Member was informed that any changes could be incorporated in the Policy with the agreement of the Committee, without the need for a full review.

To avoid the postponement of agreed vehicle test dates by drivers it was proposed that vehicles be immediately suspended when not presented for testing at the allotted time, unless the appointment had been rescheduled for an earlier date and time. Evidence existed that suggested that many of the requests to delay testing may be due to vehicles being mechanically unfit. Where a vehicle was suspended the plate had to be returned within 7 days. Following a question from Councillor May, the Committee was advised that garages were not authorised to remove the plate at the time of testing, however Enforcement Officers would be aware when a vehicle had failed a test and would take action if it became apparent that the vehicle had not subsequently been taken off the road.

The remaining recommendations at 82-84 in the report were suggestions from consultees. One of the suggestions received was for a policy which would prevent the duplication of trading names. However it was considered that this was already dealt with by other legislation and was not a matter for the Council, and should not be included in the Licensing Policy.

Resolved:

That having considered the consultation responses and the other policy review proposals outlined in the report, the following revisions to the draft Hackney Carriage and Private Hire Licensing Policy be agreed and recommended for adoption by the Council:-

a) **Vehicle top sign specification**

The policy be amended to include the provision for specifying a specification for top signs. However at this stage specification to be limited to a top sign to include the word "taxi" and must be capable of illumination.

b) **Use of vehicle top sign by private hire vehicles**

Existing Private Hire vehicles be allowed to continue to use top signs providing they do not have the word "taxi" on them.

c) **Identification of licensed drivers**

The policy be amended to require drivers to wear appropriate photo identification and that all passengers travelling in a licensed vehicle must be able to see official photo identification at all times.

- d) **CCTV compulsory in all licensed vehicles**
The use of CCTV in all licensed vehicles be strongly encouraged. Whilst at this stage the provision is not recommended as a mandatory requirement, the necessity to have such a condition in the policy to be regularly reviewed and considered by Members.
- e) **Increasing the frequency of criminal record check.**
Following the required current DBS check, a driver/applicant be required to subscribe to the Update Service within a specified period. Failure to subscribe to the Update service will result in the suspension of their licence.
- f) **CSE awareness training for taxi drivers**
The policy be amended to require that all drivers and applicants must undergo CSE awareness training by no later than 1 September 2016. The knowledge and locality tests be amended to include some questions around CSE awareness.
- g) **Literacy and numeracy testing for new drivers**
The current knowledge tests for new applicants include a few basic arithmetic questions based on the kinds of common transactions drivers will undertake.
- h) **Age policy for vehicles and engine emission standards**
From the date of the adoption of the new policy, all newly licensed vehicles should meet Euro Tech 5 standards. Licensed vehicles over ten years old should be subject to three tests a year.
- i) **Suspension of licensed vehicles**
Vehicles to be immediately suspended when not presented for testing at the allotted time unless the appointment has been rescheduled for an earlier date and time.
- j) **Policy preventing the duplication of trading names**
This issue be not included in the Policy.
- k) **Airport taxis and the use of metered fares higher than the maximum tariff set by the Council.**
All licensed Durham County Council vehicles must work form the current tariffs.
- l) **Continuation of locality tests for private hire vehicle drivers.**
Applicants for a Private Hire Drivers Licence continue to have some form of locality testing prior to being licensed.