

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Council Chamber, County Hall, Durham on **Monday 13 September 2021 at 9.30 am**

Present:

Councillor D Stoker (Chair)

Members of the Committee:

Councillors R Adcock-Forster, P Atkinson, A Batey, J Blakey, D Brown, L Brown, B Coult, S Deinali, O Gunn, C Hampson, C Hunt (Vice-Chair), G Hutchinson, L Mavin, I McLean, E Peeke, R Potts, D Sutton-Lloyd and A Watson

1 Apologies for Absence

Apologies for absence were received from Councillors T Duffy, C Fletcher, J Griffiths, M Wilson and E Waldock.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 7 October 2019 were agreed as a correct record and were signed by the Chair.

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

The Committee considered a report of the Licensing Manager which sought Members' comments and approval to a revised Hackney Carriage and Private Hire Licensing Policy (for copy see file of Minutes).

Members were provided with the draft Policy which included revisions identified following the last policy review, and following assessment of the responses received during the consultation process. Details of the consultation were included in the report.

The Licensing Manager reported that the Committee was asked to consider options in relation to a number of specific policy matters, and to assist with this a table highlighting those matters and policy review considerations had been presented to Members.

Before seeking the views of Members on these matters, the Licensing Manager asked Members to consider arrangements for dealing with serious matters that may require the immediate revocation of hackney carriage and private hire driver licences. It was proposed that authority be delegated to Officers to immediately revoke licences with the introduction of a fast-track re-application process for reinstatement where appropriate. Members noted that drivers would have the right of appeal against an immediate revocation by an Officer, and appreciated that delegated authority would enable a rapid response to matters of a serious nature. The Committee agreed with the proposal, subject to the authority being delegated to Senior Officers.

Members then proceeded to discuss the options in respect of the 12 highlighted matters, as follows:

Vehicle Emissions and Manufacture Criteria

Members discussed the proposals to amend vehicle emissions criteria and whether a vehicle age policy should be included. Councillor Watson noted that MOTs included emission standards and therefore questioned whether an age requirement or emissions criteria was needed. The Licensing Manager stated that emissions standards had been included in the policy since 2010. Taxis were generally high mileage and operated in built-up areas where air quality could be poor. An emissions criteria contributed to a reduction in traffic pollution and improved local air quality. As the proposed changes to the policy required vehicles to meet a higher emissions standard this offered a phased removal of older vehicles.

Following discussion Members agreed with the proposed emissions standards for both new vehicle licence applications and renewal applications, as set out in Appendix 2.

Locality Tests

Members noted that currently both hackney carriage and private hire drivers were required to pass a locality test, although the test for private hire drivers was less difficult. Councillor Watson argued that due to the nature of Private Hire a locality test was not necessary.

Councillor Gunn felt it was a matter of balancing the confidence of passengers against the need to ensure drivers were fit and proper, but agreed that a test for private hire drivers was not necessary. Private hire bookings were made in advance and often operated within a defined area, and therefore the locality knowledge was not as important as it was for hackney carriage drivers. Hackney Carriage drivers could operate anywhere in County Durham and currently were expected to have a basic knowledge of the County. Councillor Sutton-Lloyd suggested that the test should be about setting a basic standard for all drivers.

Members agreed that locality testing should continue for Hackney Carriage drivers but should be discontinued for Private Hire Drivers, with both being kept under review.

Fire Extinguishers in Licensed Vehicles

Currently the policy included a requirement to carry a fire extinguisher, and Members considered whether this should be removed from the policy, given more recent advice from the Fire Service. Councillor McLean felt strongly that taxis should be required to carry a fire extinguisher. Fire extinguishers were not difficult to use, were inexpensive, and could be used by the driver or passenger in the event of a fire. He did not consider that there were training implications, and could also be used in other situations such as in a road traffic accident. Councillor Watson agreed with Councillor McLean, although Councillor Liz Brown noted there was a concern that a fire extinguisher could be used as a weapon.

Following discussion Members agreed that the requirement to carry a fire extinguisher should remain in the Policy.

First Aid Kits in Licensed Vehicles

Members considered the policy considerations regarding first aid kits in licensed vehicles and whether it should be a requirement. Councillor Batey stated that she appreciated that the requirement for employees and the self-employed was covered by health and safety legislation but a policy should also include good practice, and a kit should be a requirement.

Councillor Coult considered that a first aid kit was an invaluable piece of equipment which could help to save a person's life, and didn't necessarily need to be used by the driver.

Councillor David Sutton-Lloyd made the point that most private vehicles were routinely fitted with a first aid kit, and following a question from the Member the Licensing Manager advised that there was no requirement for a driver to be first aid trained, and that the kit was basic.

Councillor Gunn expressed concern that Officers had been unable to obtain advice from medical professionals when the Council had close links to health and safety services and the medical profession.

Members agreed that the requirement for first aid kits in licensed vehicles should remain in the Policy.

Zero or reduced fee charges for electric vehicles, balanced with higher fees for more polluting vehicles to maintain cost neutrality

Councillor Liz Brown stated that this was an aspiration but did not think there were enough charging points across the County for this to be an incentive for drivers. This was agreed by Councillor Blakey who suggested that the outcome of Darlington Borough Council's scheme be awaited.

Members agreed that consideration of fee/charging arrangements for electric vehicles be deferred.

Adoption of a new Policy on Offences

Members were happy that whilst the proposals did not mirror the Institute of Licensing (IOL) standards in all respects, the proposed policy was in line with the new Statutory Taxi and Private Hire Vehicle Standards. Members agreed that the IOL standards should be included in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification.

Disability Awareness and Refresher Training

Members felt very strongly that disability awareness training should be included as a requirement in the policy for new drivers and that refresher training should be a requirement for existing drivers before their licence was renewed, as outlined in the report.

Refresher Training Safeguarding/Sexual Exploitation including Child Sexual Exploitation

The proposal to include the requirement for refresher awareness training every three years was welcomed by Members.

CCTV in Taxis

Members considered whether taxis should have internal CCTV fitted as standard. The Committee heard that there was no evidence to support that CCTV in vehicles reduced crime and the expense of purchasing, installation and maintenance of systems could place a heavy financial burden on drivers. There were also legal implications for the Council in that the Authority would become the data controller for all vehicles which would be a significant challenge.

Councillor Potts made the point that although there were no statistics relating to offences being committed in taxis, they did occur and CCTV would be a deterrent. Councillor Batey suggested that the wording in the Policy could reflect the advantages of CCTV.

On balance Members agreed that the current position be maintained and drivers and vehicle owners be not mandated to instal CCTV.

Contract Exemption for Displaying Decals etc

The Committee discussed whether the exemption from displaying a licence plate should be reduced from 60 days, following suggestions by respondents that the requirement was too prohibitive.

Members considered a reduction to 30 or 40 days but were of the view that each application should be considered individually. It was therefore agreed that this provision should remain within the policy but the exemption period be agreed in consultation with the Chair and Vice-Chair of the Committee on receipt of an application.

Intelligence Led and Random Drug and Alcohol Testing

The Committee agreed that intelligence led and drug and alcohol testing should be included in the Policy.

Driver Improvement Schemes

Councillor Batey stated that she wholeheartedly agreed with the proposal that an applicant with six points on their driving licence for minor traffic offences should undertake a driver improvement scheme. Councillor Hunt suggested that a locality test be included. The Licensing Manager stated that this could be included where for example a driver had put passengers at risk because they did not know the area.

The Committee agreed to the introduction of driver improvement schemes.

Resolved:

That

- a) The revised Hackney Carriage and Private Hire Licensing Policy, including the agreed policy review considerations outlined above, be approved and recommended to Council for adoption;
- b) Council be recommended to change the Officer scheme of delegation to delegate authority to the Head of Community Protection to deal with serious matters by the immediate revocation of hackney carriage and private hire driver licences; and to sanction the introduction of a fast-track re-application process for re-instatement where appropriate.