

DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 20 September 2023** at **10.00 am**

Present:

Councillor J Nicholson in the Chair

Councillors M Abley, E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, R Bell, C Bihari, G Binney, J Blakey, D Brown, B Coult, R Crute, M Currah, T Duffy, K Earley, J Elmer, K Fantarrow, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, C Hampson, D Haney, A Hanson, P Heaviside, T Henderson, L A Holmes, C Hood, A Hopgood, L Hovvels, J Howey, C Hunt, G Hutchinson, A Jackson, M Johnson, N Jones, P Jopling, C Kay, C Lines, L Maddison, R Manchester, C Marshall, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, D McKenna, M McKeon, I McLean, S McMahan, J Miller, P Molloy, D Mulholland, D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, A Reed, G Richardson, I Roberts, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, J Scurfield, P Sexton, K Shaw, A Shield, J Shuttleworth, A Simpson, G Smith, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, P Taylor, F Tinsley, S Townsend, C Varty, E Waldock, M Walton, A Watson, M Wilkes, M Wilson, S Wilson, D Wood and S Zair

Apologies for absence were received from Councillors A Bell, C Bell, D Boyes, L Brown, J Chaplow, J Charlton, I Cochrane, S Deinali, D Hall, K Hawley, S Henig, J Higgins, D Howarth, B Kellett, M McGaun, D Nicholls, S Quinn, M Simmons and R Yorke

Prior to the commencement of the meeting the Chair announced with great sadness the passing of Councillor Leanne Kennedy. Leanne was one of the Councillors representing the Dawdon Division on the Council and was elected in 2017. She said that it was hard to comprehend that someone so young who carried out so much hard work in her local community was no longer with us. Leanne was a truly dedicated and passionate Councillor for her area and represented her community in the only way she knew. She was bright and bubbly and approached everything with an abundance of enthusiasm of wanting to do her very best for the many people, groups and community organisations she was involved with. Leanne was an inspiration to many and spent countless hours fundraising and supporting local facilities in her area. She was a huge advocate and supporter for children and young people and was integral to delivering and improving youth provision in

Dawdon. Leanne leaves a young family behind which makes this announcement even more tragic. Heartfelt sympathies were sent to Leanne's family, her friends and her colleagues, at this terribly sad time.

Leaders of all of the political groups paid tribute to Leanne and their thoughts were with Leanne's family, friends and colleagues.

The Chair also formally reported the deaths of two former colleagues, David Marshall and Tommy Taylor. David served as a County Councillor from 2001 to 2013 and had also served on the former Chester le Street Urban District Council, Chester le Street District Council and Stanley Town Council. Tommy served as a County Councillor for two terms from 1977 to 1985 and again from 2008-2013. He had also served on Wear Valley District Council between 2003-2009. Both David and Tommy were made Honorary Alderman in 2013.

Councillor Kay paid tribute to Honorary Alderman Tommy Taylor.

The Council then stood for a moments reflection in remembering Leanne, David and Tommy.

1 Minutes

The minutes of the meeting held on 19 July 2023 were confirmed by the Council as a correct record and signed by the Chair.

Councillor Zair asked that his attendance at the last meeting be recorded.

2 Declarations of interest

There were no declarations of interest in relation to any items of business on the agenda.

3 Chair's Announcements

Given the sad circumstances referred to the Chair's announcements would respectfully be deferred to a later date.

4 Leader's Report

The Chair announced that the Leader would also defer her report to a later date.

5 Questions from the Public

There were no questions from the public.

6 Petitions

There were no petitions for consideration.

7 Report from the Cabinet

The Council noted a report from the Cabinet which provided information on issues considered at its meetings held on 12 and 26 July and 29 August 2023 (for copy see file of Minutes).

The Chair informed Council that no questions had been received on the report from Cabinet.

8 Review of Hackney Carriage and Private Licensing Policy

The Council considered a report of the Corporate Director of Neighbourhoods and Climate Change which sought approval of the revised Durham County Council's Hackney Carriage and Private Hire Licensing Policy, referred to as the "taxi policy" (for copy see file of Minutes).

The Corporate Director of Neighbourhoods and Climate Change Extensive informed Council that consultation had taken place in 2020 and again in 2022 and the General Licensing and Registration Committee agreed to recommend the revised taxi policy to Council on 7 December 2022. At full Council the report was deferred, and a motion passed that the Cabinet Portfolio Holder would meet with representatives of Durham Taxi and Private Hire Association (DTPHA). This meeting took place on 5 January 2023. Following the meeting with trade representatives, a further report was presented to GLRC on 6 March 2023 which included the option for Committee to extend the deadline for the licensing of Euro 5 vehicles. Members agreed to the continued licensing of Euro 5 vehicles until March 2026. The final version of the taxi policy, attached in Appendix 3, was considered, and agreed by GLRC on 5 June 2023. The revised policy reflected the amendments agreed by GLRC on 6 March 2023 and 17 November 2022.

In **Moving** the report Councillor C Hunt, Vice-Chair of the General Licensing and Registration Committee said that it was the Council's responsibility to ensure the safety of the public and the Taxi Licensing Policy set the standard required expected of licence holders. In July 2020 the Government published National Standards to improve public safety and especially for children and vulnerable adults. The new National Standards could not be implemented without adopting the new policy. She referred Members to the extensive consultation that had taken place and the final version of the taxi policy, that had been considered, and agreed by GLRC on 5 June 2023.

Councillor Hunt welcomed further amendments to the policy from the Labour Group and assured members that the policy would remain under review and be amended if necessary:

Proposed Amendments:

- i) **Revised Policy Clause 4.2 Renewal applications (Existing Vehicles/Continued Licensing)**
(page 104 of agenda pack)

“After 1 April ~~2024~~ 2025, we will not accept renewal applications for licensing vehicles meeting Euro 4 or lower”

- ii) **Revised Policy Clause 7 Delegations** (page 105 of the agenda pack)
All licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. Under Durham County Council constitutional arrangements, in cases involving serious misconduct and where public safety is imminent jeopardy, this role has been delegated to senior officer and managers with responsibility for the licensing service **where possible in consultation with the Chair or in their absence the Vice Chair of the Licensing Committee.**

- iii) **Revised Policy Clause 19.4 Drivers** (page 115 in the agenda pack)
The Council expects all drivers to behave in a civil and professional manner. They should be polite, helpful, and respectful to members of the public, the Police, Council employees, other public officials and other licensed drivers, this includes on social media platforms. Failure to do so may result in a referral to the Council’s Licensing Committee. **Officers will consult with the Chair or in their absence the Vice Chair of the Licensing Committee before referring any alleged breaches of this clause to the Licensing Committee.**

- iv) **Revised Policy Appendix 1 Eligibility paragraph (c) Driver Knowledge Tests** (page 119 of agenda pack)

Applicants for hackney carriage driver licences will be required to undertake the Council’s knowledge tests. Applicants for private hire driver licences will also be required to undertake the Council’s knowledge test. Applicants will be required to demonstrate basic oral and written English language skills to pass these tests. The knowledge test will also include a section on basic numeracy. **Applicants for hackney carriage driver licences will also be required to undertake and pass locality testing.** Testing will be carried out in accordance with guidance issued by the Council and may be reviewed from time to time. All applicants claiming dyslexia, or any form of learning difficulty

will be required to provide medical proof of the condition e.g., screening results to enable extra forms of help or assistance to be afforded.

The Head of Legal and Democratic Services advised the Council that they could vote to take account of the amendments received. In moving the recommendation Councillor Hunt indicated that she was willing to alter the recommendations to take account of proposed amendments. The motion could therefore be altered with consent and without discussion.

Councillor J Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways **seconded** the report to include the amendments as the Licensing Authority had an obligation to the general public and to ensure that vehicles were safe.

Councillor C Marshall thanked the Council for supporting the amendments and thanked the officers that would ensure the proposals were properly implemented. He welcomed the additional engagement that had taken place as it was recognised how important taxi trade was to the economy and how the operation of the trade had changed since the pandemic.

Councillor M Currah said that there was a lot of good contained in the policy and that he would support it. Referring to Euro 5 vehicles being taken off the road in 2026 he informed Council that there were 384 euro taxis on the road in good order that continued to undertake council tests and an MOT. He believed that it would help the carbon footprint to maintain cars rather than replacing them. Moving on to the reduction in pollution in Durham City Centre, Councillor Currah explained that there was no data available on how much to reduce by. Finally, he said that there was a shortage of taxis in County Durham that affected home to school transport. Taking three tests per year he suggested that taxi drivers made the decision on when to take the vehicle off the road.

Councillor R Crute was fully in support of the policy with amendments and asked that this was kept under constant review working closely with elected members, officers and the taxi association with regards to locality testing to ensure safety of passengers and taxi drivers.

Councillor J Quinn informed Council that there was a working taxi group that met regularly to resolve any issues.

Councillor K Fantarrow understood the need to change but was concerned that instances where a driver received 7 points on their DVLA licence, they would be unable to hold a taxi licence for 9 years. Drivers were spending in excess of £40k and losing their livelihood was not good. When taxi drivers received 9 points they were invited to committee. Councillor Fantarrow asked

if this could be given consideration and asked for the amendment to go to the vote.

The Corporate Director of Neighbourhoods and Climate Change advised that the suggestions made would be taken on board in future discussions with the GLRC and as the policy was reviewed.

In response, Councillor Hunt said that any issues would go back to GLRC and the Taxi Working Group.

Upon a vote being taken, the amendment was carried.

Resolved:

- (a) That the Council adopt the revised taxi policy as contained in Appendix 3, with the following amendments:

Revised Policy Clause 4.2 Renewal applications (Existing Vehicles/Continued Licensing)
(page 104 of agenda pack)

“After 1 April ~~2024~~ 2025, we will not accept renewal applications for licensing vehicles meeting Euro 4 or lower”

Revised Policy Clause 7 Delegations (page 105 of the agenda pack)

All licensing authorities must consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. Under Durham County Council constitutional arrangements, in cases involving serious misconduct and where public safety is imminent jeopardy, this role has been delegated to senior officer and managers with responsibility for the licensing service **where possible in consultation with the Chair or in their absence the Vice Chair of the Licensing Committee.**

Revised Policy Clause 19.4 Drivers (page 115 in the agenda pack)

The Council expects all drivers to behave in a civil and professional manner. They should be polite, helpful, and respectful to members of the public, the Police, Council employees, other public officials and other licensed drivers, this includes on social media platforms. Failure to do so may result in a referral to the Council’s Licensing Committee. **Officers will consult with the Chair or in their absence the Vice Chair of the Licensing Committee before referring any alleged breaches of this clause to the Licensing Committee.**

Revised Policy Appendix 1 Eligibility paragraph (c) Driver Knowledge Tests (page 119 of agenda pack)

Applicants for hackney carriage driver licences will be required to undertake the Council's knowledge tests. Applicants for private hire driver licences will also be required to undertake the Council's knowledge test. Applicants will be required to demonstrate basic oral and written English language skills to pass these tests. The knowledge test will also include a section on basic numeracy. **Applicants for hackney carriage driver licences will also be required to undertake and pass locality testing.** Testing will be carried out in accordance with guidance issued by the Council and may be reviewed from time to time. All applicants claiming dyslexia, or any form of learning difficulty will be required to provide medical proof of the condition e.g., screening results to enable extra forms of help or assistance to be afforded.

- (b) That the Head of Legal and Democratic Services be authorised to amend 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 be updated.

9 Motions on Notice

The Chair announced that all motions would be deferred to the meeting in October 2023.

10 Questions from Members

There were no questions from Members.