

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 12 January 2017 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors D Bell, P Crathorne, B Glass, B Graham, O Gunn, C Hampson, A Hopgood, I Jewell, B Kellett, L Marshall, P May, D Stoker and A Willis

Also Present:

C Rudman – Licensing Manager
G Proud – Solicitor (Litigation)

1 Apologies for Absence

Apologies for absence were received from Councillors J Maitland, A Batey, J Bell, J Blakey, I Geldard, J Hart, D Hicks, K Hopper, J Lee, T Nearney and A Surtees.

2 Declarations of Interest

Councillor Carr advised that he was a member of the Combined Authority for County Durham and Darlington, and a Director of County Durham and Darlington Fire and Rescue Community Interest Company.

Councillors D Bell, B Glass, B Graham, L Marshall, D Stoker and A Willis advised that they were members of the Combined Fire Authority for County Durham and Darlington.

3 Minutes

The Minutes of the Special meeting held on 14 November 2016 were agreed as a correct record and were signed by the Chairman.

4 Hackney Carriage and Private Hire Driver Assessments

The Committee considered a report of the Head of Environment, Health and Consumer Protection which requested the Committee to consider proposals for the revision of the Council's Hackney Carriage and Private Hire Licensing Policy in connection with the existing requirement for new applicants to pass the DVSA hackney carriage and private hire (taxi) driver assessment (for copy see file of Minutes).

Members were informed that in a letter dated 31 August 2016 the DVSA had announced that a decision had been made to withdraw the provision of taxi driver assessments with effect from 31 December 2016. This required an amendment to the wording of the Policy, and as there were no available driver assessment appointments in the period up to the end of December 2016 it had been agreed following consultation with the Portfolio Holder, the Chair and Vice-Chair of General Licensing and Registration Committee and the Chairs of the General Licensing and Registration Sub-Committees, that the requirement be temporarily suspended.

This allowed some new applicants to be granted a licence without an assessment but the drivers had been advised that they would be required to pass an alternative assessment on renewal of their licences. The Licensing Manager advised that between 10 and 15 drivers had been granted licences in the period since the requirement had been suspended.

Councillor May expressed concern that there were taxi drivers who were operating without having completed a driver assessment which, in his own experience as a former taxi driver, he considered to be important. Councillor Glass made the comment that the Licensing Policy served to protect the public and was concerned at the length of time taken following receipt of the letter from the DVSA to the matter being reported to Committee. He was relieved therefore that only a relatively small number of drivers had been licensed in the period but noted that the situation needed to be rectified as quickly as possible.

Councillor Hopgood expressed strong concerns that the DVSA letter had been received on 3 September 2016 but that consultation had not commenced until November 2016. The Member was informed of the decision-making process for approval to commence consultation and to the proposed policy changes. The report had been submitted to Committee as early as possible following the conclusion of the consultation period. Councillor Hopgood was of the view that this was unacceptable given the implications of delaying the change to the Policy, and that it should be possible to expedite a matter of such urgency by calling a Special meeting.

The views of Councillor Hopgood were shared by other Members of the Committee and the Chairman suggested that these concerns be referred to the Head of Legal and Democratic Services for consideration.

Following a comment from Councillor Stoker the Solicitor (Litigation) explained that, subject to Member approval, with effect from 25 January 2017 all new applicants would be expected to undertake a driver assessment. It was suggested that with immediate effect and until the Policy was adopted new applicants be informed that they would be required to sit the test. For those drivers who were granted a licence in the period of suspension Members suggested that they be given three months to complete the assessment. The Members were informed by the Licensing Manager that the licence holders had already been advised that an assessment would be required at the time their licences were due for renewal. The drivers could be encouraged to complete the test within the timeframe proposed, however the Licensing Manager advised that it may be difficult to compel the drivers to undertake an assessment before their licence renewals, given that they had been

deemed to be fit and proper persons to hold hackney carriage and private hire driver licences.

Following a question from Councillor Jewell the Licensing Manager advised that unlike licences for commercial vehicles there was no requirement for the test to be re-taken after a specified period of time, unless it was deemed necessary to require a driver to do so; for example where a relevant offence had been committed and a General Licensing and Registration Sub-Committee considered this to be an appropriate course of action.

Members discussed the proposal to use a list of authorised providers, and the response from a consultee which suggested that the work be undertaken by the Fire and Rescue Service. In response to comments and questions from Members the Licensing Manager advised that providers must be driving instructors that were accredited by the DVSA. It was beneficial to have a list of authorised providers because of potential capacity issues; a single provider may not have the capacity to respond to a high volume of assessments within a reasonable timeframe.

Councillor Hopgood made the point that the new applicants licensed in the period could not have undertaken a test because the service had been withdrawn and there were no time slots remaining up to the end of December 2016. The Member was therefore of the view that the licences should not have been granted when the Policy required drivers to pass a driver assessment. The Licensing Manager suggested that this would have delayed the processing of new applications for an unacceptable length of time and may be considered unreasonable.

Councillor May stressed the importance of maintaining a high standard of taxi drivers in County Durham, and asked if consideration should be given to the assessment of those drivers who had not previously been required to take a test because they were licensed prior to this provision in the Policy being implemented. The Licensing Manager advised that this could be explored as part of the next Policy review in 2018.

Following lengthy discussion it was **Resolved:**

That to enable the suspended requirement for taxi driving assessment testing of applicants to be reinstated for the benefit of public safety, the proposals concerning the revision of the taxi policy in connection with taxi driver assessments be supported and recommended to Council for adoption on 25 January 2017.