

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 18 January 2018 at 10.00 am**

Present:

Councillor J Maitland (Chair)

Members of the Committee:

Councillors P Atkinson, D Bell, D Brown, L Brown, G Darkes, A Hopgood and A Willis

1 Apologies for Absence

Apologies for absence were received from Councillors C Carr, A Batey, J Bell, J Considine, P Crathorne, C Hampson, D Hicks, L Marshall, J Stephenson, D Stoker, A Surtees, T Tucker and M Wilson.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 13 July 2017 were agreed as a correct record and were signed by the Chair.

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

The Committee considered a report of the Head of Environmental Health and Consumer Protection which informed Members of the outcome of an interim, technical update of Durham County Council's Hackney Carriage and Private Hire Licensing Policy (the Taxi Policy) and proposals for its revision and update (for copy see file of Minutes).

The proposed changes to the current Taxi Policy were set out in the Table of Changes in Appendix 3 of the report and the revised policy highlighting those amendments was attached at Appendix 4.

The Licensing Manager took Members through the key changes. The Equality Act 2010 required the drivers of wheelchair accessible vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibited them from charging extra, unless they held a valid exemption certificate.

Members discussed the proposed amendment and in response to questions from the Committee, the Licensing Manager advised that a driver could possess a wheelchair accessible vehicle and hold a valid exemption certificate but would be required to display this information in the vehicle. If the certificate was time limited this should be specified by the medical practitioner but it would not be deemed reasonable for the Licensing Authority to issue a certificate for a specific period of time. Currently there were no wheelchair accessible vehicles used by drivers with a valid exemption certificate. There was no requirement for operators to provide a wheelchair accessible vehicle.

Other key changes included the requirement for all applicants to be subject to a right to work check under the Immigration Act 2016, and amendments to guidelines on the relevance of arrest, conviction, caution or any other relevant information. The revised policy included information regarding Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. The Order created categories of 'protected cautions' and 'protected convictions' which applicants and licensees must be treated as not having committed, or been charged with, or prosecuted for, or convicted of or sentenced for, even though 'spent' convictions may be taken into account. Members discussed the implications of this change in legislation on their consideration of applicants/licence holders appearing before the Sub-Committees. It was noted that further Government Guidance was needed on this.

Councillor Hopgood noted that the report would not be considered by Council until April 2018. The Member asked that in future the timing of the submission of reports to Committee be carefully planned to ensure that proposed changes to policy were reported to Council for adoption as quickly as possible.

Resolved:

That the proposed updates to the Taxi Policy be agreed and the revised version incorporating the proposed amendments be recommended to Council for adoption.