

# City of Durham Parish Council

Office 3 D4.01d Clayport Library  
8 Millennium Place  
Durham  
DH1 1WA  
Telephone 07704 525630  
Email: [parishclerk@cityofdurham-pc.gov.uk](mailto:parishclerk@cityofdurham-pc.gov.uk)

21 September 2020

## **Access details for Zoom Licensing Committee meeting:**

### **Join Zoom Meeting**

**<https://us02web.zoom.us/j/86342601948>**

**Meeting ID: 863 4260 1948**

Dear Licensing Committee Member,

In accordance with both the Local Government Act 1972 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of local authority and Police and Crime Panel meetings) (England and Wales) Regulations 2020, I hereby give you notice that a meeting of the **Licensing Committee** will be held in **via Zoom** on **Friday 6 November 2020 at 2pm** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members**
- 3. To receive and approve as a correct record the minutes of the meeting on 25 September 2020**
- 4. To receive any public participation comments on the following agenda items. Please email the Parish Clerk [parishclerk@cityofdurham-pc.gov.uk](mailto:parishclerk@cityofdurham-pc.gov.uk) to register to speak**
- 5. Update on proposal from Durham Police to fund an enhanced drug testing facility**
- 6. Hackney carriages and private hire vehicles DCC policy consultation – report included.**
- 7. Update on recent licensing applications**

And, pursuant to the provisions of the above-named Act, I Hereby Summon You to attend the said meeting.

**Adam Shanley**

**Clerk to the City of Durham Parish Council**

# CITY OF DURHAM PARISH COUNCIL

## Minutes of a meeting of the Licensing Committee held on Friday 25<sup>th</sup> September 2020 at 14:00 via Zoom.

Present: Councillors E Ashby, R Cornwell and A Doig.  
Also present: A Shanley (Clerk).

**Cllr L Brown** in the Chair

### **1. Welcome and apologies**

Apologies were received from Cllrs D Freeman and C Reeves.

### **2. To receive any declarations of interest from members**

None received.

### **3. To receive and approve as a correct record the minutes of the meeting on 28 August 2020**

The minutes of the meeting held on 28<sup>th</sup> August 2020 were unanimously **agreed** as a true and accurate record of proceedings.

### **4. To receive any public participation comments on the following agenda items.**

None received.

### **5. Update on proposal from Durham Police to fund an enhanced drug testing facility**

The Clerk reminded Members that the £1,200 worth of funding towards a joint project with Durham Police to carry out additional sniffer dog searches of licensed premises had now been approved by Full Council. The Clerk advised that the end of October and in December (in the run up to Christmas) had been put forward as potential dates for this to take place. The Committee asked the Clerk to seek guidance from Durham Police directly on when they feel would be the most appropriate time for these searches to take place, in view of the ongoing Covid-19 restrictions in relation to licensed premises.

### **6. Hackney carriages and private hire vehicles DCC policy consultation**

The Clerk reminded Members that the County Council has now launched a consultation on its hackney carriages and private hire vehicles policy.

The Clerk advised that matter was discussed at a previous meeting of the Parish Council's Licensing Committee and it was agreed at the meeting that the Parish Council ought to respond in view of the important role which these vehicles play in the City of Durham Parish area.

The Clerk advised that DCC has made changes to the current policy. The purpose of which is to explain how the County Council undertakes its functions when licensing hackney carriage and private hire vehicles. The primary focus being on safeguarding and public protection, particularly, the protection of children and vulnerable adults.

The Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to.

The Clerk advised that the closing date for comments is midnight on Sunday 29 November 2020.

All replies will be reviewed and any amendments to the draft policy will be made. It will then go to DCC's General Licensing and Registration Committee (GLRC), and then to the next Full Council meeting for approval. Any changes will be adopted by April 2021. The Policy will continue thereafter until 2026.

The Clerk advised that he had received a request from local County Councillor Richard Ormerod that the following sentence be included in the Parish Council's response to this consultation.

***"We believe it would be helpful if the policy could be amended to add (to the current Appendix 1) a basic, general statement that drivers must comply with traffic laws and all council traffic regulations /restrictions /requirements at all times as a condition of their licence."***

The Committee felt that it would be helpful to invite a Member of the Durham Taxis Association to a future meeting of the Parish Council Licensing Committee in order to see what their view on this consultation is. It was **agreed** that the Clerk should write to invite a member of the Association to come and speak with the Parish Council about this.

#### **7. Update on recent licensing applications**

The Chair reported that 'Durham CIC' and 'Flip and Stack' had been successful in securing their respective licenses. The latter with agreed conditions following the Parish Council's representation to the original application.

#### **8. To consider the following pavement licensing applications:**

##### **Coviello Coffee and Barber - 24 Silver St, Durham DH1 3RD Co. Durham**

The Committee **approved** the agreed objection to this application, on the grounds that this would breach the no-obstruction condition as set out in the Business and Planning Act 2020.

There being no further business, the Chair thanked all for their attendance and contribution and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Licensing Committee**

## **ITEM 6: HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES DCC POLICY CONSULTATION**

The County Council has now launched a consultation on its hackney carriages and private hire vehicles policy.

Members will recall that this was discussed at a previous meeting of the Parish Council's Licensing Committee and it was agreed at the meeting that the Parish Council ought to respond in view of the important role which these vehicles play in the City of Durham Parish area.

Further details on the new draft policy and the consultation can be found here: <https://www.durham.gov.uk/article/24130/Review-of-our-Hackney-Carriage-and-Private-Hire-Licensing-Policy>

### **The Policy**

DCC has made changes to the current policy, often called the taxi policy. The purpose of the policy is to explain how the County Council undertakes its functions when licensing hackney carriage and private hire vehicles. The primary focus being on safeguarding and public protection, particularly, the protection of children and vulnerable adults.

### **Vehicle standards**

The Government has recently published new national standards for taxi and private hire licensing (Statutory Taxi & Private Hire Vehicle Standards).

This can be found here: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

The Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to.

DCC is proposing a new policy on vehicle emissions and the age of licensed vehicles. Adoption of these new policy requirements for new and existing vehicles will enable Durham licensed vehicles to meet similar, improved standards required by several other councils in our region. It is expected that this will help to reduce traffic pollution and improve local air quality.

This means:

**New licences:** From the date of adoption of this policy in 2021, all new applications for licensed vehicles will only be accepted if the vehicle to be licensed is less than 4 years old from the date of registration.

**Existing vehicles:** Adopt a maximum 8-year vehicle life with a start date of 1st April 2024. This means that from 1st April 2024 all diesel and petrol engine vehicles will be Euro 6 or above. All existing licensed vehicles that are more than 8 years old will not be re-licensed after 1st April 2024.

**Wheelchair accessible vehicles (WAV):** Existing licensed WAVs will have an extra 2 years added to the age restriction. This means that all existing licensed WAVs that are more than 10 years old will not be re-licensed after 1st April 2024.

**Zero emission vehicles:** Fully electric and zero emission (at source) vehicles would be exempt from the age restriction/emissions policy.

### **Driver and passenger safety**

DCC is proposing a new policy in respect of previous convictions and offences. DCC proposes to follow the Department of Transport's recommendations on the assessment of previous convictions developed by the Institute of Licensing.

DCC is proposing a new policy on drug testing. In view of a significant number of drivers with cautions and/or convictions for drug related offences the County Council would require drug and alcohol tests on drivers on both an intelligence led and random basis.

Currently DCC requires all new drivers to have been trained on the prevention of child sexual exploitation before being licensed. DCC considers that this training is so important that all drivers should do refresher training periodically. DCC is proposing a new requirement for refresher training on the prevention of child sexual exploitation every three years.

DCC does not currently require drivers to have been trained in disability awareness. Many drivers who work under contract and carry people with disabilities do have to undergo such training. DCC believes it important that all drivers are disability aware and is proposing that all drivers must be trained in disability awareness.

### **Use of CCTV in vehicles**

The Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents.

Where an applicant has 6 points on their DVLA driving licence for minor traffic or similar offences, DCC proposes that they will be required to undertake a driver improvement scheme at their own expense. The licensing authority holds a list of current providers of the driving improvement scheme.

### **Meeting with Durham Taxi Association**

Members of the Parish Council met with a representative of the Durham Taxi Association on 21<sup>st</sup> October to discuss the Association's views on the proposed new policy. Below are the notes from this meeting:

**Present:** Mike Anderson (Chair of the Durham Taxis Association), Adam Shanley (Clerk to the Parish Council), Cllrs E Ashby, L Brown, R Cornwell, R Ormerod and C Reeves.

- Mike advised that the Association's view on this proposed policy is that this benefits the larger taxi firms and Uber and is detrimental to "one-man band" drivers.
- By way of context, Mike advised that Durham City had lost 62 taxi drivers over the last year alone and that there is a shortage of drivers in Durham.
- Mike also advised that Durham City is full of Newcastle, Sunderland and North Tyneside private hire vehicles; all of whom operate under the policies of their respective local authorities.
- Mike advised that up to 900 (Durham) licensed vehicles are permitted to operate in Durham City at any one time.
- Mike expressed concern about the proposed introduction of the 8-year rule, whereby all existing licenced vehicles that are more than 8 years old will not be re-licenced after 1st April 2024. Mike advised that this was not considered

economic. Furthermore, vehicles are licensed for 5 years, which means that there may be cases where a vehicle is licensed but is not able to be used for 1 year with the cut-off date of 2024. Mike's preference being that:

- 1) a new rule should take effect in 2025 and the age limit for vehicles licensed should be 10 years and not 8 (for standard vehicles)
  - 2) and, that a new rule should take effect in 2026 and the age limit for vehicles licensed should be 12 years and not 8 (for vehicles suitable for disabled users).
- Mike advised that only 6% of the current fleet of licensed vehicles in Durham City were appropriate for disabled users and that the Association has been trying to get DCC to increase this.
  - Mike expressed concern about part 19.4 of the draft policy stating that what a driver happens to put on his/her own personal social media pages in their own time has nothing to do with their ability to carry out their job as a taxi driver.
  - Mike expressed concern about part 19.8 of the draft policy stating that he felt that nobody with a drug offence should be licensed at all as a taxi driver.
  - Mike advised that the case of ***R (on the application of Exeter City Council) v Sandle [2011] LLR 480 Admin Crt*** has been misrepresented in the new draft policy (see page 29 of the draft policy).
  - Mike expressed concern about the paragraph on page 34 of the draft policy which states:
    - ***"Where an applicant has 7 or more points on their DVLA driving licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed."***
    - Mike advised that he felt that a 5-year ban for minor motoring offences would be too punitive.
  - Similarly, Mike expressed concern about the paragraph on page 35 of the draft policy which reads:
    - ***"Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed."***
    - Mike advised that this may also include an occasion where a driver has intervened in an altercation in the street and that a 10-year ban is too punitive.
  - Mike expressed concern about the paragraph on page 41 of the draft policy which reads:
    - ***"The vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents together with an unexpired tested until or use before date. Every fire extinguisher must be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number."***
    - Mike advised that the need for fire extinguishers was unnecessary for taxis. Mike advised that easily accessible fire extinguishers may be used as a weapon or could be set off by a passenger. Mike also advised that in instances where there is an engine fire, the fire brigade advise drivers not to tackle these. Mike also advised that, should a fire take hold within a vehicle, most of the occupants of the vehicle would be able to leave the vehicle very speedily.
  - Similarly, Mike expressed concern about the paragraph on page 42 of the draft policy which reads:

**"The vehicle must carry a "first aid" kit which is suitable to the number of persons the vehicle is licenced to carry. Any items contained in the first aid kit which are not sealed are deemed to be unsterile and must be replaced immediately. The first aid kit must be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number. As a minimum it should contain:**

- **A leaflet with general guidance on first aid (for example, HSE's leaflet *Basic advice on first aid at work*)**
- **Individually wrapped sterile plasters of assorted sizes**
- **Sterile eye pads**
- **Individually wrapped triangular bandages, preferably sterile**
- **Safety pins**
- **Large and medium-sized sterile, individually wrapped, unmedicated wound dressings**
- **Disposable gloves"**

- Mike advised that this is unnecessary, and most drivers would not administer first aid in any case as they are not covered by their insurance, should a subsequent claim be made against them.
- Cllr E Ashby asked whether the protective screening referenced on page 43 of the draft policy was purchased at the driver's own expense or through a grant from Durham County Council. Mike advised that this was always purchased at the driver's own expense.
- Mike expressed concern at the paragraph on page 60 of the draft policy which reads:

**"Committee Referrals / Officer Revocations**

***The review of a licence by the Councils Licensing Committee will be sought following persistent breaches of conditions or poor conduct, similarly a review will be sought in response to the most serious breaches and poorest conduct. Officer revocation may take place if it appears that the interests of public safety require the immediate revocation of the licence. This approach is appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety. New evidence may, of course, become available later. If, for example, the allegations against a licence holder were now, on the balance of probability, considered to be unfounded, or their fitness to drive was proven satisfactory an expedited re-licensing process will be used. We will operate a Fast-Track application process for licence reinstatement (if appropriate) following an officer revocation in such cases."***

- Mike advised that he felt that the review and revocation of a driver's license should not be done by an officer of the County Council alone.
- Cllr L Brown asked if the proposed policy is in line with other neighbouring authority areas. Mike advised that each local authority has its own policy on hackney carriages and private hire vehicles, but most will include the general guidelines from the Institute of Licensing.
- Cllr R Ormerod asked Mike if there is anything which he could do to stop taxis using the loading bay outside Santander Bank on North Road as a taxi rank as this is causing disturbance to local residents in the area. Mike advised that the difficulty with this issue is that private hire vehicles from outside the local area would use this and take business away from Durham taxi drivers. Mike committed to sending out a message to taxi drivers about this but warned that this bay

would become the official taxi rank whilst the new bus station is being constructed.

**Responding to the consultation**

The closing date for comments is midnight on Sunday 29 November 2020.

All replies will be reviewed and any amendments to the draft policy will be made. It will then go to DCC's General Licensing and Registration Committee (GLRC), and then to the next Full Council meeting for approval. Any changes will be adopted by April 2021. The Policy will continue thereafter until 2026.

<b>DECISION REQUIRED</b>	For Members to agree how they wish to respond to this consultation.
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