



DARLINGTON

Borough Council

General Licensing Committee Agenda

9.30 am

Tuesday, 7 June 2022

Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Appointment of Chair for the Municipal Year 2022/23
3. Appoint of Vice-Chair for the Municipal Year 2022/23
4. Declarations of Interest
5. To consider the times of meetings of this Committee for the Municipal Year 2022/23 on the dates agreed in the Calendar by Cabinet at Minute C100/Feb/22
6. To approve the Minutes of the meeting of this Committee held on 8 March 2022 (Pages 3 - 4)
7. To approve the Minutes of the meetings of the General Licensing Sub Committee held on 19 April 2022 (Pages 5 - 6)
8. Application for Renewal of Licence for premises to be approved as a venue for marriages and civil partnerships –
Report of Assistant Director, Law and Governance and Proper Officer for Darlington Registration District
(Pages 7 - 10)
9. Interim Review of Policy and Conditions relating to Hackney Carriages, Private Hire vehicles and their drivers and operators –

Report of the Group Director of Services
(Pages 11 - 20)

10. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
11. Questions



Luke Swinhoe
Assistant Director Law and Governance

Thursday 25 May 2022

Town Hall
Darlington.

Membership

Councillors Clarke, Crumbie, Donoghue, Haszeldine, C L B Hughes, B Jones, Lee, Newall, K Nicholson, Renton, A J Scott, Mrs H Scott and Snedker

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GENERAL LICENSING COMMITTEE

Tuesday, 8 March 2022

PRESENT – Councillors B Jones (Chair), Donoghue, Dulston, C L B Hughes, Lee, Newall, K Nicholson and Snedker

APOLOGIES – Councillors Clarke, Crumbie, Mills and A J Scott,

ABSENT – Councillors Haszeldine

OFFICERS IN ATTENDANCE – Allison Hill (Democratic Officer), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager) and Colin Dobson (Licensing Manager)

LG17 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LG18 MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 25 JANUARY 2022

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 25 January 2022.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 25 January 2022 be approved as a correct record.

LG19 MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 25 JANUARY 2022

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 25 January 2022.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 25 January 2022 be approved as a correct record.

LG20 PAVEMENT CAFE POLICY REVIEW

The Group Director of Services submitted a report (previously circulated) to invite Members of the General Licensing Committee to approve a draft of a revised Pavement Café Policy to be released for consultation.

It was reported that on 13 March 2002 approval was given to the introduction of a pavement café licensing scheme and a guidance document applied to such licences; and the standard conditions within the policy were reviewed by Full Council on 16 July, 2009 and on 20 March 2014 a further update of conditions was approved.

The licensing of pavement cafés is regulated by the Highways Act 1980. Section 115E(1) permits the Council to consent to issue pavement café licences for areas of the public

highway enabling businesses to offer facilities for customers to enjoy refreshments al fresco. A pavement café licence is bespoke to each premises but includes a number of mandatory conditions.

It was also reported that the Covid pandemic beginning in March 2020 highlighted a requirement for social distancing, thereby reducing capacity within premises and an emergency Business and Planning Act was introduced in July 2020, which allowed for a greater use of outside space to increase capacity for premises to generate income until 31 September 2021; and this Act reduced the consultation and decision making time for pavement café licence applications from 28 days to 14 and placed a cap on the fee that could be charged at £100. A decision was made by Darlington's Licensing Committee that no fee should be charged.

As further Covid restrictions were required, the Act was extended until 31st September 2022 and this was currently under review.

It was highlighted that prior to the Business and Planning Act, Licensing issued nine pavement café licences, which had been a fairly consistent number over the years; and with the introduction of the Act this grew to 32 premises, however this has subsequently reduced to 24, as pavement cafes do not form part of the business model for some premises who initially took advantage of a free licence.

It was reported that Licensing felt that due to the success of pavement cafes it was an appropriate time to review the policy and its needs to take into account these changes and along with future development plans and Licensing had been liaising closely with key stakeholders on ways to improve the current policy whilst maintaining the vibrancy pavement cafés have brought to the town and following discussions the proposed amendments were highlighted in the appendix to the submitted report.

RESOLVED - That the revised Pavement Café Policy be approved for public consultation.

GENERAL LICENSING SUB COMMITTEE

Tuesday, 19 April 2022

PRESENT – Councillors Dulston, A J Scott and Snedker

APOLOGIES – Councillors Donoghue and B Jones

OFFICERS IN ATTENDANCE – Allison Hill (Democratic Officer), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Bethany Symonds (Lawyer)

LGS13 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor Councillor Snedker be elected Chair for the purpose of this meeting.

LGS14 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS15 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

LGS16 PRIVATE HIRE DRIVER LICENCE REVIEW (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to a review of the licence of a private hire driver in light of the recent allegations of your recent arrest for a stalking offence and the ongoing criminal investigation.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 52 of the Road Safety Act 2006 as amended Section 61 of the 1976 Act; and Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the drivers private hire driver licence with immediate effect for the reasons that although they had not been charged or convicted, they admitted to the offence of stalking with fear of violence; they used their taxi when perpetrating the offence; and given the nature of the offence, the Members decided that they would not feel comfortable with members of their family being a passenger in the

driver's taxi.

RESOLVED – That the Licence be revoked under Section 61(1(b) of the Local Government (Miscellaneous Provisions) Act 1976.

GENERAL LICENSING COMMITTEE

7 JUNE 2022

APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS

Hippodrome Theatre and Head of Steam, Darlington Railway Museum

Purpose of Report

1. To consider the renewal of licences for the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum to be able to continue as approved venues for civil marriage and civil partnerships in accordance with the provisions of:
 - (a) The Marriage Act 1949 (as amended by the Marriage Act 1994);
 - (b) The Civil Partnership Act (2004);
 - (c) The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and
 - (d) The Marriage (Same Sex Couples) Act (2013).

Summary

2. Since 1994 local authorities have been able to approve venues where civil marriage and civil partnerships can take place as alternative venue to a Register Office with most approved venues being hotels.
3. Both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum have been licensed venues for civil marriage and civil partnerships for a number of years now and has whilst not their primary business, both continue to be a popular choice as a wedding venue.
4. The Hippodrome Theatre and the Head of Steam, Darlington Railway Museum are both unique alternatives for a wedding at the register office or a hotel and attract couples who are marrying both locally and from further afield and with both venues playing an important role in the culture and heritage of Darlington.
5. The current licences for both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum are due to expire on 30th June 2022.
6. Both venues have indicated that they have future bookings for weddings and wish to continue as approved venues for civil marriage and civil partnerships.
7. There have been no issues with either venue which would adversely affect their application to renew its licence. Renewal of the licence would provide a venue with a licence for civil marriage and civil partnerships for a further three years from 30th June 2022.

Information

8. Both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum have the required fire risk assessments and there are no accessibility or DDA issues which would adversely affect either application.
9. Both premises are considered to be suitable for approval as a venue for marriage and civil partnerships, subject to the standard conditions and a limit on the number of people permitted to be present in the nominated rooms. Neither venue wishes to change the capacities or designated areas where civil marriages or civil partnership can take place.
10. The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 were amended in March 2022 to permit outdoor marriage and civil partnerships at a suitable location anywhere within the boundary of the licensed premise. This would facilitate outdoor ceremonies at the Head of Steam should they wish to offer them.
11. The current locations and capacities for civil marriage and civil partnerships at the Hippodrome and the Head of Steam, Darlington Railway Museum are:

The Hippodrome Theatre:

The Auditorium – 1,000 people

The Hullabaloo Auditorium – 100 people

Head of Steam, Darlington Railway Museum:

Platform – 100 people

Meeting room – 60 people

Café – 30 people

Financial Implications

12. Both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum have been invoiced for £1750.00 being the fee for all venues seeking a grant or renewal of a licence for civil marriage or civil partnerships.

Legal Implications

13. The current licences for both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum expire on 30th June 2022. The grant of a further licence for both venues is required to facilitate its current bookings for civil marriages and partnerships. The standard renewal licence is for three years from the date of expiry of the current licence. The licensing committee can issue a licence on a shorter timescale as a temporary measure should it wish and/or make specific conditions including where the ceremony can take place, how many can attend and improvements for accessibility.

Conclusion

14. Members are asked to renew the licences for both the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum as approved premises for civil marriage and civil partnerships for a further three years from 30th June 2022.

Recommendations

15. It is recommended that:

- (a) The licence for the Hippodrome Theatre as an approved premise for civil marriage and civil partnerships be granted for a further three years from 30th June 2022 and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriage and civil partnerships continue to be:

The Auditorium – 1,000 people

The Hullabaloo Auditorium – 100 people

- (b) The licence for Head of Steam, Darlington Railway Museum as an approved premise for civil marriage and civil partnerships be granted for a further three years from 30th June 2022 and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriages and civil partnerships continue to be:

Platform – 100 people

Meeting room – 60 people

Café – 30 people

Reasons

16. To facilitate the continuation of the Hippodrome Theatre and the Head of Steam, Darlington Railway Museum as a premises approved for civil marriages and civil partnerships.

**Luke Swinhoe, Assistant Director, Law and Governance and
Proper Officer for Darlington Registration District**

Anthony Hall, Superintendent Registrar, Ext 6400

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GENERAL LICENSING COMMITTEE

7 June 2022

INTERIM REVIEW OF POLICIES AND CONDITIONS RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS

Purpose of the Report

1. The purpose of this report is for Members to consider changes to Darlington Borough Council's 'Private Hire and Hackney Carriage Licensing Policy 2021' following the impact Covid-19 and rapidly increasing running costs has had on the taxi trade.

Information

2. On 26 November 2020, Full Council approved a new Private Hire and Hackney Carriage Licensing Policy, which was implemented on 1st January 2021. This policy was developed by following due process and included for the first time, statutory standards, issued by the Department for Transport (DfT) under the Policing and Crime Act 2017. A non-statutory best practice guide produced in 2006 and updated periodically complements the statutory standards.
3. It has been recognised that since 2006 there have been many issues that have impacted on the trade and a revised best practice guide to reflect these is currently open for public consultation.
4. Democratic processes mean that it is unlikely this guidance will be formally implemented until 2023, however the problems facing the trade at the moment are acute and early intervention in relation to some matters may help alleviate those problems without compromising public safety. The DfT recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise.
5. On the 28th April 2022 a liaison meeting took place with representatives of the trade and Licensing where proposals were raised that would help the trade maintain their business through these difficult times.
6. In summary these proposed changes relate to:
 - Vehicle age restrictions
 - Topographical knowledge test
 - Window tint

7. A table of those proposed changes along with a rationale is at **Appendix 1**. Extracts of our current policy is at **Appendix 2** and relevant sections of the Best Practice Guidance Consultation document are produced at **Appendix 3**.
8. Stakeholders felt that these proposals will give a significant boost to the trade in the short term, whereupon the new guidance can be incorporated in full following consultation when the next scheduled policy review is due to take place in 2025.

Consultation Requirement

9. If Members are minded to approve any proposal to amend the policy, that decision will be subject to a full consultation.

Recommendation

Members to approve the proposal for amendments to the policy be subject of a public consultation.

Dave Winstanley
Services Group

Background Papers

- 1 Local Government (Miscellaneous Provisions) Act 1976
- 2 Private Hire and Hackney Carriage Policy 2021
<https://www.darlington.gov.uk/media/12723/dbc-private-hire-hackney-carriage-licensing-policy-2021.pdf>
- 3 Taxi and Private Hire Vehicle Best Practice Guidance
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf

Appendices

- 1 Table of all alternative proposals
- 2 Extracts from current private hire and hackney carriage policy
- 3 Extracts from best practice guidance

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Appendix 1

Table of proposed changes to current policy

Subject	Proposed change	Rationale
Page 26 – Age Restrictions	No age restriction of vehicles provided engines are compliant with Euro 6 standards by April 1 st 2023 (with the exception of Wheelchair Accessible Vehicles already licensed)	<p>Emissions is a key factor for vehicle age. All vehicles manufactured after September 2015 will be Euro 6 standards and this will remove older, more polluting vehicles. Safety standards will be maintained through our current vehicle testing regime.</p> <p>Emission free and hybrid vehicles are already less polluting.</p> <p>This has been proposed in the DfT consultation</p> <p>Number of WAV’s not compliant with Euro 6 by April 2023 is very low and removing them will be a disproportionate response when there is a need for more of them</p>
Page 13 - Topographical knowledge test for all drivers prior to licensing	Locality test for a Private Hire Drivers Licence to be removed.	Unlike hackney carriages that can be hired immediately, private hire vehicles take pre-booked journeys only, with routes that can be planned.

		<p>With improved technology routes are often sent directly to a vehicles satnav so that in-depth knowledge is not required for private hire drivers.</p> <p>This test can be off-putting to prospective drivers, however they are still required to pass the remaining modules, so safety will not be compromised</p> <p>Will assist with recruiting new drivers</p>
<p>Page 32 - Window tint - all rear windows have a minimum of 30% light transmission</p>	<p>No tint restriction provided that the tint is from a standard to the vehicle from the production line</p>	<p>Front windscreen and front passenger windows already have a minimum tint requirement by regulations.</p> <p>Rear windows often have a lower light transmission and can vary from each car production.</p> <p>DfT consultation says that if there are possible safety issues, where these are evidenced, an alternative such as CCTV should be considered.</p> <p>This can be a considerable cost saving to the trade who will not be required to change glass from a standard production line vehicle for it to be licensed.</p>

Appendix 2

Current Policy

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Age Restrictions

183. The Council has age restriction policies in place requiring the vehicle to be under 4 years of age when first presented for licensing. Vehicle licences will only be renewed up to 8 years old (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 10 years of age).

184. From the 1st April 2023, all licensed vehicles must be aged eight years or under.

186. The initial age of the vehicle will be extended from under 4 years to less than 6 years in respect of purpose-built vehicles only i.e. London cabs and similar vehicles to encourage more purpose-built wheelchair accessible vehicles in the fleet.

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Driver Knowledge/Locality Test

85. In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct / conditions, Highway Code, licensing legislation and awareness of Child Sexual Exploitation/Safeguarding. Tests for hackney carriage drivers include a more detailed assessment of local geography, location of hackney carriage stands and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.

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Tinted Windows

232. The Council's specification relating to the use of tinted windows in licensed vehicles is as follows:

- (a) The windscreen shall have a minimum light transmission of 75%
- (b) All other front windows of any vehicle shall have a minimum of 70% light transmission.
- (c) All rear windows shall have a minimum of 30% light transmission, unless the below criterion can be met where there will be no minimum light transmission.

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Best Practice Guidelines Consultation

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Vehicle age limits

8.28 The frequency of testing required (see ‘frequency of vehicle tests’ above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low

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Accessibility barriers

4.8 Licensing Authorities should also:

- Incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- Exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand.

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Topographical knowledge

6.23 Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The Department’s view is that the stringency of the

test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.

6.24 Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test, but are not required to do so

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Tinted windows

8.14 The rules for tinted vehicle windows are available on gov.uk. For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.

8.15 If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations.

8.16 In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.