

## **GENERAL LICENSING COMMITTEE**

Tuesday, 28 July 2020

**PRESENT** – Councillors B Jones (Chair), K Nicholson, Lee, Clarke, Crumbie, Donoghue, Dulston, Haszeldine, C L B Hughes, Newall, A J Scott and Snedker

**OFFICERS IN ATTENDANCE** – Allison Hill (Democratic Officer), Graham Hall (Head of Community Safety), Brian Murray (Assistant Licensing Manager), Colin Dobson (Licensing Manager), Bethany Symonds (Lawyer) and Mark Walton (Licensing Enforcement Officer)

### **LG1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2020/21**

**RESOLVED** – That Councillor B Jones be appointed Chair of this General Licensing Committee for the Municipal Year 2020/21.

### **LG2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2020/21**

**RESOLVED** - That Councillor Lee be appointed Vice-Chair of this General Licensing Committee for the Municipal Year 2020/21.

### **LG3 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

### **LG4 TIME OF MEETINGS**

**RESOLVED** – That for the remainder of this Municipal Year the timings of meetings of this Scrutiny Committee be held at 9.30 a.m

### **LG5 MINUTES OF THE MEETING OF THE GENERAL LICENSING COMMITTEE**

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 14 January 2020.

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 14 January 2020 be approved as a correct record.

### **LG6 MINUTES OF THE GENERAL LICENSING SUB COMMITTEE**

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 17 March 2020.

**RESOLVED** – That the Minutes of the meeting of the General Licensing Sub-Committee held on 17 March 2020 be approved as a correct record.

### **LG7 REVIEW OF POLICIES AND CONDITIONS RELATING TO HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS**

The Director of Economic Growth submitted a report (previously circulated) to invite Members of this General Licensing Committee to approve the draft of the Council's revised policy document in respect of Hackney Carriages and Private Hire vehicles, their drivers and Operators, due to take effect from 1 January 2021; and to seek Members approval for public consultation on the Council's Taxi Licensing Policy last approved on 1 January 2016.

The proposed changes to the current Taxi Licensing Policy and the draft of the Policy were appended to the submitted report.

The submitted report advised that the revised Policy reflected changes to licensing and other legislation and included the latest government and profession body guidelines; and to introduce and reinforce measures to ensure the protection of the general public, in particular children and vulnerable adults and to provide an enforcement framework that takes account of legislative changes and amendments whilst providing encouragement and support to the taxi trade in the Borough.

It was reported that at the time of writing the report Darlington Council had 175 licensed Hackney Carriage vehicles and 103 licensed private hire vehicles, of those 13 were wheelchair accessible; also 164 hackney carriage drivers, 167 private hire drivers and 109 combined hackney carriage and private hire licensed drivers and 3 private hire operators.

Members were advised that following approval of the draft policy a consultation exercise will be undertaken with Licence holders and other stakeholders including Council Members; Durham Constabulary; Immigration Enforcement; Durham Fire Authority; Darlington Association on Disability (DAD); Highways; Environmental Health; Trading Standards; Planning; Public Health; Darlington Safeguarding Partnership; Home to School Transport Section; other local transport providers; and the North East Strategic Licensing Group (NESLG) of which all Tees Valley Local Authorities were members of.

The submitted report also outlined the proposed changes to the Policy in relation to subscription to the Disclosure and Barring Service (DBS) update service; the NR3 register; Disability Awareness Training; Insurance 'write offs'; the colour specified for hackney carriage vehicles; age restrictions and emissions; on-line application and payments; reduction of the processing time for applications; CCTV; tinted windows; previous convictions; advertising on vehicles; and spare wheels.

General discussion ensued on the draft Policy and the proposed changes and the Licensing Manager answered Members questions thereon. Members welcomed the proposals and made particular reference to paragraph 57 of the draft policy to include applicant's to communicate in 'clear' English; questioned the availability of charging points for electric vehicles; proposed that all Class N vehicles undergo diagnostic checks and that there be a time limit on replacing a wheel that has undergone repair by sealant; suggested that they would like to see CCTV in all vehicle cabins in the future; and expressed their concerns at the replacement of the historic 'Notifiable Occupation' scheme by 'Common Law Police Disclosures'.

The Licensing Manager confirmed with Members that there will be some minor

amended to be made to the draft Policy as a result of the statutory Taxi and Driver Hire Standards.

**RESOLVED** – That the General Licensing Committee approve the draft of the Taxi Licensing Policy for public consultation, taking into account the Statutory Taxi and Driver Hire Standards, to be applied to all Licences from 1 January 2021.

## **LG8 MINOR UPDATE OF FEES RELATING TO PAVEMENT CAFE LICENCES**

The Director of Economic Growth submitted a report (previously circulated) to invite Members to determine a new reduced fee for the licensing and operation of Pavement Cafes in the borough of Darlington in line with new legislation.

It was reported that the Government had proposed new legislation, Business and Planning Bill which received Royal Assent on 22 July and if passed, was likely to be enacted before the end of July, which will be temporary until 30 September 2021 and developed to encourage the consumption of food and drink outdoors where the process of making an application for a licence had been slimlined. This would allow for businesses to obtain a licence to place temporary furniture, such as tables and chairs outside of cafes, bars and restaurants quickly, for a fee not exceeding £100.

Members discussed the current Pavement Café fees; the current Pavement Café Policy; and gave consideration to the pavement café licence between the range of no fee up to £100 for issue until 30 September 2021 with the aim of enhancing the use of public space and aid the local economy by adding the facilities offered to people who visit, live and work in the borough of Darlington.

**RESOLVED** – That this General Licensing Committee agree to follow the Government legislation, namely the Business and Planning Act and set 'no fee' for pavement café licences for issue until 30 September 2021.

## **LG9 QUESTIONS**

Councillor C Hughes raised a question in relation to public safety and the Council's position regarding the wearing of face coverings for both the public and the drivers within taxis and if this could be made mandatory.

Members discussed the matter with the Licensing Manager who advised that as the practice of wearing face coverings was guidance from Public Health it would be difficult to enforce, however he did confirm that Licensing Officers would not seek to prosecute a taxi driver who refused a passenger who would not wear a face covering.

Members also discussed potential issues with facial recognition of drivers wearing face coverings.

**RESOLVED** – That Members of this General Licensing Committee recommend that face coverings are worn by both passengers in and drivers of taxis in the borough.