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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

To: All Members of the Council
and Chief Officers

NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 6.20 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND

COUNCIL MEETING

YOU ARE HEREBY SUMMONED to attend a meeting of **NORTH DEVON COUNCIL** to be held in the Crematorium Meeting Room - North Devon Crematorium on **WEDNESDAY, 12TH JANUARY, 2022 at 6.30 pm.**

(NOTE: The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](https://www.northdevon.gov.uk))

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

Chief Executive

AGENDA

20. Minutes of Committees

Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:

- (b) Licensing and Community Safety Committee (Pages 5 - 8)
 - (i) 14 December 2021 (attached)

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

4.01.22

GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL

Part 4, Council Procedure Rules of the Constitution

The basics

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

The rules of Question Time

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 14th December, 2021 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Biederman, Cann, Henderson, Hunt, Pearson, D. Spear, L. Spear and York

Officers:

Solicitor, Public Protection Manager and Paralegal

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors, Chesters, Gubb and Yabsley.

19. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 19 OCTOBER 2021

RESOLVED that the minutes of the meeting held on 19 October 2021 (circulated previously), be approved as a correct record and signed by the Chair.

20. DECLARATIONS OF INTERESTS

No declarations of interest were announced.

21. ALLEGATION SURROUNDING SHORTAGE OF LICENSED DRIVERS

The Committee considered a report on the allegation surrounding a shortage of Licensed Drivers (circulated previously), by the Public Protection Manager.

The Public Protection Manager gave the Committee the following highlights from her findings:

- An investigation was carried out into whether the application process could be streamlined, however, there were no areas of the current process which were highlighted as having the potential for reducing associated time periods of becoming a licensed driver without creating unintended impacts on public safety, or risks associated with the imposition of conditions on a licence
- Moreover it may well be the case of the application process it may well be the case that the process would become more involved to ensure the Council's Policy was compliant with the Department for Transport's (DfT's) Statutory Taxi and Private Hire Vehicle Standards. The Public Protection Manager detailed that a report would be circulated to Members on this in the New Year.

- A night time visit to Barnstaple town centre to ascertain whether there was any evidence of the alleged shortage of taxis/queues of passengers waiting had been undertaken. The Public Protection Manager had witnessed a healthy supply at the time of her visit. As such, a request had been made of the Town Centre Manager to furnish information on the supply of taxi vehicles at other times. The response which had been provided from the CCTV operative had been that there were no concerns of a shortage
- It was apparent that the night-time buses that had previously run were not currently operational, and therefore the Public Protection Manager had made enquiries with Stage Coach to ascertain if there were any proposals to put on this service again, however, no response had been received. If this bus no longer ran then this could be a contributing factor to the higher demand for taxis
- In terms of the fee charged the Council was not allowed to make a profit but only to cover its costs
- In relation to help provided by the council to drivers who had suffered a loss of income due to lack of trade. The Head of Resources had confirmed that dependent upon their situation and whether they had a Premises, drivers may have been able to apply for Council Tax reduction and a reduction of Business rates. Self-employed drivers may have also been eligible for grants based on their tax through HMRC
- The Communications team had confirmed they would be able to run a campaign to promote driver uptake on the Council's social media platforms

The Chair introduced Mr Mohammed Zachariah and invited him to address the Committee on the issues he had raised.

Mr Zachariah ran a taxi service in Barnstaple and had growing concerns over the number of licensed drivers no longer working in the trade not just in his business but also across the industry as a whole. He explained that on a normal evening shift there used to be about 10 to 15 drivers available whereas now there were only one to two. Recruiting new drivers was hindered by the Council's application process which he felt could be streamlined without compromise to the fit and proper person test. He agreed that it was in a driver's best interest to have geographical knowledge of the area but felt this could be obtained/completed over time whilst working on the job. The number of drivers who could take the knowledge test provided by the Council was limited to four.

The Public Protection Manager provided detail that the Council could solely allow four persons to take their test within one of the training rooms due to Covid-19 safety measures in place; however, this did not preclude the Council from allowing more than four drivers to take their test over any period of time.

22. SUPPORT SOUGHT FROM PLASTIC FREE NORTH DEVON TO LOBBY FOR A REVIEW OF THE LICENSING OBJECTIVES UNDER THE LICENSING ACT 2003

The Chair welcomed Claire Moodie, Plastic Free North Devon, to the meeting and invited her to give her presentation.

The Committee received the following information:

- Plastic Free North Devon was a charity set up with the mission of protecting and improving our environment through community-led action to combat plastic pollution
- The charity had attended over 53 events during 2019 providing information and a water bar
- An events toolkit booklet had been created and was sent to the British Triathlon event providers
- The 9 objectives for 2021 were displayed which included ongoing education, visitor campaign, community events, body board lobbying, the development of a sustainable business programme aimed at Small/Medium sized enterprises and continued growth of the Plastic Free volunteers
- Going forward into 2022 the group would like to work more collaboratively with event providers to make sustainability a big part of planning an event
- The proposed draft letter was read out which was asking Government to include a new protection of the environment Licensing Objective in the Licensing Act 2003

It was agreed, with 7 votes in favour and 2 abstentions, that the Public Protection Manager would edit the letter and include pertinent references relevant to North Devon Council for circulation to the Committee ahead of the Chair signing it.

23. ANTI-SOCIAL BEHAVIOUR AND THE NIGHT TIME ECONOMY

Officers presenting this item were joining the meeting via Teams. Unfortunately, due to circumstances beyond the control of the Committee the presentation was not possible to be given due to sound issues.

It was agreed by the Committee to hold a full Member briefing to hear this presentation at a future date to be determined by the Corporate and Community Services Team.

24. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY UPDATE

The Public Protection Manager gave the Committee an update on the proposed Hackney Carriage and Private Hire Licensing Policy as follows:

- Consultation had been carried out with the trade and stakeholders
- The Council had recruited an ex Principal Licensing Officer who had significant experience of policy review
- The revised proposed changes would be brought to the Licensing meeting in January 2022

In response to a question about the use of electric vehicles. The Public Protection Manager confirmed consideration to the use of electric vehicles would be included in the proposed revised policy in the second Policy Review report which was expected in March 2022.

25. HACKNEY CARRIAGE FARE TARIFF REVIEW

The Committee heard an update from the Public Protection Manager on a proposed review of the Hackney Carriage fare tariff.

The Public Protection Manager gave the Committee the following highlights:

- Requests had been received from taxi drivers to review charges
- A report with proposed changes would be brought to the January 2022 meeting of the Committee
- Any amendments to the tariff would need to reflect areas like the increase in the cost of fuel

26. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

RESOLVED that the minutes of the meetings of the following Licensing Sub-Committees (circulated previously) be approved as correct records and signed by the Chairs of the Sub-Committees:

(a) Licensing and Community Safety Sub-Committee A: 15 November 2021

(b) Licensing and Community Safety Sub-Committee B: 24 September 2021

(c) Licensing and Community Safety Sub-Committee C: 04 October 2021

(d) Licensing and Community Safety Sub-Committee D: 17 November 2021

Chair

The meeting ended at 11.47 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.