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

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **THURSDAY, 22ND SEPTEMBER, 2022 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the Licensing and Community Safety Committee Councillor York (Chair)

Councillors Biederman, Bulled, Campbell, Cann, Chesters, Gubb, Henderson, Hunt, Pearson, D. Spear, L. Spear, Tucker, Walker and Yabsley

AGENDA

6. **Hackney Carriage and Private Hire Licensing Policy Amendments** (Pages 5 - 8)

Report by the Public Protection Manager (attached).

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

12.09.22



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 offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



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North Devon Council

Report Date: 13th September 2022

Topic: Hackney Carriage and Private Hire Policy Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. The purpose of this report is to consult the Licensing and Community Safety Committee on proposed amendments to the North Devon Council Hackney Carriage and Private Hire Licensing Policy (the 'policy'). A copy of the proposed amended policy can be found at **Appendix A**.

1.2. Approval for the Licensing Service to begin a formal public consultation on North Devon Council's Hackney Carriage and Private Hire Licensing Policy was granted at the LCSC meeting of 8th March, with the public consultation running from 16th March until 11th May 2022.

2. RECOMMENDATIONS

2.1. It is RECOMMENDED that Licensing and Community Safety Committee:

2.1.1 Consider the representations received in response to the public consultation found at **Appendix B**.

2.1.2 Consider any further amendments that it would wish to make to the revised policy found at **Appendix A**.

2.1.3 Make recommendation to the Strategy and Resources Committee for the approval of a revised policy.

3 REASONS FOR RECOMMENDATIONS

3.1 To ensure the Council's policies are regularly reviewed and kept up to date.

3.2 To contribute to the Council's Corporate plan priority to "Cherish and protect our environment".

3.3 To increase the robustness of the Council's approach and procedures in respect of Hackney carriage and private hire regulation.

4 REPORT

4.1 The Licensing and Community Safety Committee (LCSC) Meeting of 8th March considered and approved a public consultation on proposed changes to the



North Devon Council Hackney Carriage and Private Hire Licensing Policy. The proposed Policy amendments outlined in the 8th March report included in particular:

- Update to the licenced vehicle age criteria (vehicle standards), to better align the Taxi Policy with the Councils corporate priority around protecting the environment (found at **Appendix B**);
- Introduction of technical specifications and system requirements for any new CCTV systems fitted within licenced vehicles;
- The introduction of record keeping requirements for vehicle proprietors (daily vehicle check records, maintenance records, and a log of who drives the vehicle);
- The removal of the requirement for private hire vehicles to have a sun-visor, and replacement with 'advance booking only' door stickers;
- The introduction of a requirement for Licence holders to attend an interview with the Licensing Authority where requested in writing in relation to a complaint (interviews to be conducted in accordance with the principles of the Police and Criminal Evidence Act 1984 Code B);

4.2 The Authority received some 52 responses in relation to the consultation exercise. The responses are reproduced in full in **Appendix B**.

4.3 Officers have carefully considered all of the consultation responses received and have drafted several amendments to the proposed updated Policy in light of the consultation responses received. The consultation responses are summarised along with Officer comments and recommendations in **Appendix C**.

4.4 The amendments proposed as a result of the consultation responses include:

- Amendment to the proposal to update vehicle age criteria, with the proposal to reduce the upper age limit for first plating to 3 years amended to maintaining the current 5-year upper limit, but with the additional criteria of the vehicle being compliant with the Euro 6 emission standard;
- Changes to the proposal to introduce an upper age-limit for renewal, from an age-related-criteria (10 years maximum), to an emission related criteria "Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent)". It is also proposed to delay the implementation of this policy point until 1st January 2026 to take account of the financial impact of Covid-19, and the current volatility in used-car prices;
- Similarly, for wheelchair accessible vehicles the proposal has also been amended to an emission rather than age related criteria "Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised



UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent)”;

4.5 The remaining proposals are recommended to be approved as set out in the draft policy put before the Committee on 8th March.

4.6 In addition to the previously proposed Policy changes and subsequent amendments, a number of other minor policy changes are proposed for approval:

- Amendment to the Policy wording on vehicle testing at sections 3.11 (Hackney carriage vehicles), and 7.12 (PHV) to give further clarity as to the time period acceptable for these tests;
- Update and amendment to the Vehicle Inspection Report Sheet found within Appendix B. The inspection form has been revised and extended slightly following a benchmarking exercise against the vehicle inspection requirements of neighbouring Licensing Authorities across Devon and Somerset;
- Amendment to the proposed wording for Private Hire Vehicles to display “Private Hire Advance Booking Only” signage, to allow for Private Hire Operators to include this wording within their own signage (subject to conformance with the criteria set out in the amended wording at Appendix M section 3.1);
- Amendment to the proposed wording on vehicle write-offs (Appendix A Section 1.5), to include further examples/ guidance on the documentary evidence which can be submitted as evidence of safety/ suitability of the vehicle post repair;
- Additional proposed wording within the Notifications section of the Private Hire Licensing Driver Conditions (Appendix O Section 3.2), to make it an additional requirement for Licenced Drivers to notify the Licensing Authority where they are notified by the Police of an allegation of an offence by them that the Police are investigating.

5 RESOURCE IMPLICATIONS

- 5.1 Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for taxi related licences.
- 5.2 Other costs related to the proposed policy amendments will be borne directly by licence holders.



6 EQUALITIES ASSESSMENT

- 6.1 The impact of the proposals is largely neutral, albeit positive impacts are likely due to the recommended promotion of wheelchair accessible vehicles to be licensed by North Devon Council. An Equality Impact Assessment has been undertaken.

7 CONSTITUTIONAL CONTEXT

- 7.1 Article of Part 3 Annexe 1 paragraph:4b
7.2 Referred or delegated power?: Delegated.

8 STATEMENT OF CONFIDENTIALITY

- 8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

- 9.1 The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).
- The Energy Savings Trust/ Low Carbon Vehicle Partnership Low Emission Taxi Guide;
 - North Devon Council Hackney Carriage and Private Hire Licensing Policy;
 - In the picture: A data protection code of practice for surveillance cameras and personal information (ICO);
 - The Information Commissioner's response to the Department for Transport's consultation on Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing.

10 STATEMENT OF INTERNAL ADVICE

- 10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Public Protection Manager 05.09.22