

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 8th February, 2022 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Biederman, Campbell, Cann, Chesters, Gubb, Henderson, Pearson, D. Spear, L. Spear, Yabsley and York

Officers:

Legal Advisor, Public Protection Manager, Licensing Consultant, Paralegal and Solicitor

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hunt and Orange.

33. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 18 JANUARY 2022

The minutes of the meeting held on 18 January 2022 (circulated previously) were approved as a correct record with the following correction: Councillor York was present at the meeting and Councillor Pearson was in attendance virtually.

34. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

The Chair invited the Public Protection Manager to read a letter received from The Home Office Alcohol team.

The Public Protection Manager read the acknowledgement letter received in relation to a request made by North Devon Council to Central Government seeking to add an Environmental consideration Objective to the list of Licensing objectives. The letter advised a full response would be received from the Home Office Alcohol team in due course.

35. DECLARATIONS OF INTERESTS

The following declaration of interest was announced:

Councillor Campbell – a personal interest in items 7 and 8 as his wife worked as a chaperone for vulnerable children travelling in taxis.

36. FEEDBACK FROM COMMUNITY AND SAFETY SUB-COMMITTEE

**HEARINGS WITH REFERENCE TO OPERATING SCHEDULES
AND CONDITIONS**

The Committee received a verbal report from the Chair in relation to recent Sub-Committee hearings and in particular, whether relevant conditions offered by an applicant could be comprehensively listed in the Sub-Committee report members received. He invited members to give their thoughts on recent hearings.

The Public Protection Manager addressed the Committee advising that the Licensing Act 2003 was designed to facilitate mediation before any necessary hearing. A chargeable pre-application service was not currently offered by the Council, albeit that private companies do offer this service. Additionally, Officers do go some way to assist applicants in making their application currently, which is not a statutory function. It was not always easy to communicate with an applicant and it would not be possible to make a pre-application option mandatory, as there would be an associated cost to an applicant for this service.

The Legal Advisor added that Braunton and Croyde were areas of sensitivity and it should be expected that premises licence hearings would be lengthy. It was her job to protect the legal and financial position of the Council. It was always possible for a Sub-Committee to dismiss an application before them requesting a fresh submission.

The Chair requested a report to come back to Committee outlining any possible ways to streamline hearing proceedings.

**37. HACKNEY CARRIAGE TARIFF: BRIEFING ON METERS,
CALCULATIONS AND ADVERTISEMENT**

The Committee received a presentation from the Public Protection Manager in relation to Hackney Carriage Tariff, Meters, Calculations and Advertisement.

The Public Protection Manager gave the Committee the following information:

- There was no legal requirement to have a meter fitted but most authorities insist on the fitting of a meter by way of bylaw.
- The Council's policy included conditions that required all meters to be sealed, their positioning and type.
- Taximeters use time and distance. The taximeter receives information on how far the taxi has travelled via a series of electrical pulses. The pattern of these pulses can also be used to determine if any tampering has occurred within the car's electrical system.
- The 'flagged' rate or 'hired' mode was last changed in 2016 and was £2.50 for the first half-mile, and, thereafter, 10p per mile.
- The fares for Private Hire Vehicles cannot be set but S67 of the Local Government Act 1976 stated that if a meter was used in such a vehicle that a fare could not exceed the maximum limit set by the Local Authority.
- North Devon requires Calendar Control Meters where holidays were pre-set and the meter would correctly apply tariffs based on these settings. The Queen's Platinum Jubilee bank holiday weekend would need to be added.

- Additional tariffs to that imposed by the Council (less than the maximum) could be added but have to be requested in writing to the Local Authority.
- Tariffs 1 – 3 cover vehicles carrying up to four passengers, and, tariffs 4-8 cover vehicles carrying up to eight passengers.

The Public Protection Manager gave the following responses to questions:

- Two local companies specialised in repairs to broken meters. One was in South Molton and the other in Appledore.
- A tariff card was carried in a taxi at all times to aid a customer who wished to query a fare charge.
- An amendment to the Council's policy would also require a sticker to be displayed in a prominent position in the taxi advising a customer how they could go about making a complaint.
- As a result of the Covid pandemic and the loss of trade there had been a small decline in the number of licensed drivers.
- Consultation would be carried out with the trade in respect of the increases in costs of fuel. Taking this cost into consideration was made when redrafting proposed new tariff charges.
- A request had been made to increase the tariff non-motorised vehicles, ie Ilfracombe had a horse drawn cart. A consultation would need to be carried out before any changes could be made.

38. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY: REVIEW OPTIONS PERTAINING TO VEHICLE EMISSIONS AND AGE

The Committee considered a report in respect of Hackney Carriage and Private hire Licensing Policy: review of options pertaining to vehicle emissions and age, (circulated previously), by the Public Protection Manager.

The Licensing Consultant, Lee Staples, provided the Committee with the following points:

- It was prudent to be reviewing the policy with a view to including measures regarding emissions.
- A number of changes had been brought in by Central Government, significantly from 2030 no new petrol or diesel engine vehicles would be able to be purchased and from 2035, it would no longer be possible to purchase a hybrid vehicle that relied on diesel.
- There was already an age limit in North Devon Council's policy on the vehicle allowed for registration in the trade but no upper age limit; this could be added into a revised policy.
- Encouraging Ultra Low Emission vehicles, either fully electric or hybrid and wheelchair accessible vehicles (which tended to be larger sized vehicles) would help meet the Council's Corporate objective of environmental enhancement as well as meeting climate change targets.

In response to questions the Licensing Consultant, Lee Staples gave the following replies:

- EU standards were still relevant as the manufacture of vehicles were made to those same standards. It would be possible to introduce an age related measure rather than conforming to a EU standard.
- A five-year pay back study had been carried out in terms of the cost of purchasing a low emissions vehicle. Further evidence had highlighted that a lack of charging points for electric vehicles was an issue particularly in the rented housing market, whereby tenants were unable to install an electric charging point.
- To be considered a low emission vehicle, it's CO2 emission had to be less than 75 kg per kilometre.
- Rapid charging points required infrastructure changes and upgrades to the local power grid, which was expensive. Lobbying Government for funding to help make these changes would be worthwhile.

Chair requested the Public Protection Manager and Licensing Consultant to draft a letter to Government seeking funding for the installation of rapid charge points.

Members noted the options for the amendment of vehicle standards.

RESOLVED that a third option be drafted which looked at a combined policy pertaining to age of a vehicle and vehicle emissions.

39. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

RESOLVED that the minutes of the Licensing and Community Safety Sub-Committee C held on 11 January 2022 (circulated previously) be approved as a correct record and signed by the Chair of that Sub-Committee.

Chair

The meeting ended at 11.32 am

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