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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 **TUESDAY, 8TH APRIL, 2025 at 10.30 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. 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)

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

Councillors Biederman, Cann, Denton, Haworth-Booth, Hunt, Jusef, Lethaby, Maskell, Milton, Norman, Quinn, Whitehead and Williams

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 10 December 2024 (attached) (Pages 5 - 12)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
Declarations of Interests. (Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you

may speak as a member of the public if provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Taxi Rank Review** (Pages 13 - 46)
Report by Lead Environmental Health Officer Commercial Regulation (attached).
7. **Licensing Team - verbal update**
Lead Environmental Health Officer Commercial Regulation to report.
8. **Licensing and Community Safety Sub-Committees**
To consider the approval as a correct record the minutes of the following Sub-Committee meeting (attached):
 - (a) Licensing and Community Safety Sub-Committee E: 25 November 2024
(Pages 47 - 56)

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil

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

31.03.25



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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 Chair 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 recording should leave the room ensuring all recording equipment is switched off.
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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

Minutes of a meeting of Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Tuesday, 10th December, 2024 at 10.30 am

PRESENT: Members:

Councillor York (Chair)

Councillors Cann, Haworth-Booth, Hunt, Jusef, Lethaby, Norman, Quinn, Whitehead and Williams

Officers:

Legal Advisor, (HP) Lead Officer Commercial Regulation, (KN) and Licensing Officer (PF)

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, Denton, Milton, and Maskell.

24. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2024

RESOLVED that the minutes of the meeting held on 10 September 2024 (circulated previously) be approved as a correct record and signed by the Chair.

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

There were no items, which in the opinion of the Chair, should be considered as a matter of urgency.

26. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

27. VERSO LICENSING SOFTWARE UPDATE

The Committee received an update on VERSO, the new Licensing software,

The Business Information Systems Manager gave the following update:

- The team had been working hard to bring in the new software, which would replace Lalpac.
- The new software would reduce officer time, as all applications would be made online.

- The search for replacement software had begun three years ago, demonstrations and conversations with reference sites had been undertaken before the final solution was decided upon.
- All licensing forms would now be available online as well as the ability to pay at point of application.
- Applicants would be able to create a user portal and the system would also be able to email reminders to applicants when documents were due for renewal.
- Taxi Driver applications would be the first to go live on the system early 2025.
- The trade newsletter would advise all drivers of the new system for applying for and renewing licences.
- The system would automatically delete incomplete applications after reminders had been issued.

In response to questions, the Business Information Systems Manager gave the following replies:

- The portal was not available to the general public only those applying for licences so it was expected that their level of English language was such that they could understand the online process.
- Help would always be available to anyone who was unable to use the online application process at one of the community offices.

The Lead Officer Commercial Regulation added that there was an expectation that hackney carriage and private hire driver's had a good level of English to converse with passengers and this was required for them to be 'fit and proper' persons. All Driver's had to give an email address to be contacted on. Other licensed areas such as Licensing Act, Gambling and scrap metal the expectation of a certain level of English was not the same and extra allowances/translations would be made available where necessary.

The Business Information Systems Manager went on to advise that:

- There would be short videos available for each section of a form that was being completed.
- The form did comply with the WCAG and accessibility requirements.
- Another Authority had recently gone live with the software and had reported that the service had been very well received by the users, in particular the Driver's liked the portal and having 24/7 access to their account.
- As well as the Licensing officers being trained, the customer service team had tested the online form and feedback had been positive.
- The form can be saved and revisited if needed before submission.
- The company Rock Time were a British company based in Poole, Dorset.
- We were the first Authority in Devon to move to using VERSO but were confident the best solution available on the market had been chosen.

28. COMMUNITY SAFETY UPDATES

The Committee received an update on the work of the Community Safety Partnership.

The Community Safety Officer gave updates in the areas of Human Trafficking and Modern Slavery, counter terrorism, and the night bus as follows:

- Modern slavery and human trafficking was defined as the recruitment and/or movement of human beings exploited by threats to carry out activities.
- An incident locally relating to a modern day slavery issue had highlighted that locally we might not be in a position to know how to respond to an incident. Measures were now in place so we could react and deal with reports of modern slavery and or human trafficking.
- Internationally and nationally this issue was becoming more common so more likely it would affect the North Devon area again.
- There was a strong potential for people to be exploited in North Devon due to tourism and seasonal type work available.
- The increasing number of displaced people this could cause more issues in the future.
- The issue was tackled by a multi-agency approach and the Community Safety Partnership was used to this type of working.
- Mid-October a meeting was held with Salvation Army, Sunrise Diversity North Devon, Torrington District Council to fact find on the issue of modern slavery locally.
- There was a national referral mechanism designed to help those found to be the victim of modern slavery.
- As a District Council, if we came across victims of modern slavery we had to refer them to the national mechanism.
- Referral to the national mechanism did not give an instant response so we would need to monitor the situation to help.
- Consent had to be given by the victim so if not given no referral could be made.
- We need to be more proactive in finding cases and as a result, officer training would be required.

In response to questions, the Community Safety Officer gave the following responses:

- Often victims of this type of crime were too afraid to report the issue and English not being their first language often created a barrier too.
- If there were suspicions of this type of activity taking place the first point of contact was with the Police.
- Details of the concerns could be passed to the Community Safety Officer but ideally, the person who had suspicions should be the one to report it to the Police.

The Community Safety Officer resumed his update:

- The counter terrorism local profile was a measure set up by the counterterrorism Police.
- A set of recommendations came as part of this information and as ever there was training available open to members to undertake to refresh understanding of the issue.
- The night bus service was resuming

Councillor Norman reminded members that there was a training plan for members being put together by Member Services and to let them know of any requirements for training.

The Chair asked the Community Safety Officer to bring back an update on the cut to bus services, as the Committee were keen to support the reinstatement of services by making representations to Stagecoach.

The Anti-Social Behaviour Officer gave an update as follows:

- There had been a significant increase in numbers of drinking alcohol in public issues in Ilfracombe over the summer months.
- The street marshals were only contracted to cover the town for two days a week but were helpful to reduce incidents.
- Action was being taken to reduce street and beach drinking by means of Criminal Penalty Notices, the breaching of which was a criminal offence and cases were taken to court.
- Appreciated taking alcoholics to court to fine for breach of order was not the answer but a useful tool.
- Engagement with individuals to solve problems causing the behaviour had been very challenging and not possible in many of the cases.
- The Public Spaces Protection Order (PSPO) had been extended to cover more beach areas in Ilfracombe.

The Anti-Social Behaviour Officer gave the following responses to questions:

- The extension of the street marshals in the town was under discussion. It had proven to be effective in Barnstaple.
- Incidents in Ilfracombe was quite different to the issues in Barnstaple in that many of the individuals were not homeless.
- Support services available in Ilfracombe could be found at Belle's Place.
- Whilst the street marshals were useful, they did not have the same powers as the Police. After discussion with the Inspector in Ilfracombe extra resources were being deployed to the area.
- In terms of personal safety, body-worn cameras were worn and staff never attended incidents alone.
- The street marshals were not removing bedding left out to dry on walls by homeless people, in the winter months, but could be removed during warmer months.
- All incidents of anti-social behaviour should be logged with the Police.

29. CHANGE OF ORDER OF ITEMS ON THE AGENDA

RESOLVED that as external officers from Devon County Council had travelled to attend the meeting the item of Hackney Carriage Rank Review would be considered ahead of Lack of Provision of Accessible Hackney Carriage and Private Hire vehicles in Barnstaple.

30. HACKNEY CARRIAGE RANK REVIEW

The Committee considered a report by the Lead Officer Commercial Regulation (circulated previously) regarding Hackney Carriage Rank Review.

The Lead Officer Commercial Regulation highlighted the following:

- Colleagues from Devon County Council were in attendance to answer any questions in relation to the review of the taxi ranks.
- Responses to an informal consultation with the trade could be seen at Appendix A of the report.
- Section 4.7 of the report, summarised the comments received from the taxi trade in relation to the proposed amendments to taxi ranks in North Devon.
- The comments fell into the following categories:
 - Full support for the taxi rank locations being amended as proposed in Ilfracombe.
 - Proposals to amend the timings of the Barton Road, Woolacombe rank from 10pm-6am to 6pm-6am in line with purported delivery times in this location.
 - Concern over the rank on the Esplanade, Woolacombe due to its proximity to its junction and the make-up of the kerb being alleged to be an uneven grazed surface.
 - Proposal to amend the rank from the Esplanade, Woolacombe to the road adjacent to The Red Barn, Barton Road, Woolacombe (opposite bus stop), being a one way road of greater width; and
 - Concerns over lack of enforcement with ranks being parked on by private vehicles (largely outside of scope of this review as powers to enforce were held by Devon County Council).

James Bench from Devon County Council addressed the committee regarding the enforcement process. As a result of ranks being formalised as no stopping taxi ranks, this would mean no vehicles could stop on a designated taxi rank and if they did enforcement would be a simpler process.

The Lead Officer Commercial Regulation presented some photographs of the rank currently in use at the Esplanade, Woolacombe along with a photo of the location of a proposed new rank in Barton Road, Woolacombe.

The Chair advised the Committee that the Ward Member for Woolacombe, Councillor Wilkinson, had recently taken the item of taxi rank review to the Parish Council meeting where it was agreed in favour of a new rank outside The Red Barn.

The Devon County Council Officer confirmed that the creation of a new rank outside of the Red Barn to accommodate four bays would be possible after undertaking further consultation. The width of the road was sufficient to take the creation of a rank.

The Licensing Officer advised that a rank outside the Red Barn had historically been rescinded as the Fire Service had made representations regarding access. It was believed that the width of the road was sufficient and in the event of vehicles needing to be moved, taxis were rarely left unattended so could easily be asked to move to allow access by emergency vehicles.

The Lead Officer Commercial Regulation went on to explain the process to bring about formalising the proposed taxi rank at Barton Road, informal consultation/notice of the proposal would be sent out to the trade seeking their observations and comments. Once all comments had been collated, it would return to Strategy and Resources Committee. If agreed at Committee a notice in the local newspaper would be published to be able to formally adopt as a Hackney Carriage rank.

In the absence of Councillor Maskell, the Lead Officer Commercial Regulation read out an email from her. This was highlighting an error in the drawing of Exeter Road, Braunton, as seen on page 31 of the agenda (drawing number ENV5910/11 (C)). Councillor Maskell believed the Existing Bus Stop Clearway (dark blue dots) and the Existing Limited Waiting (light blue dots) were the wrong way round. The Devon County Council Officer present confirmed this was a typographical error and would be corrected.

Members went on to discuss other areas in Barnstaple and query their proposed amendments. A single line would be inserted in Cross Street once the rank had been removed, this would allow parking after 6pm in line with the rest of the street.

In clarification the rank in Mid-Boutport was to retain its Existing No Waiting At Any Time Except Taxis status.

In response to a question about how many Disabled Bays there were in Mid-Boutport Street. The Devon County Council Officer displayed the County Council mapping tool showing the Disabled Bays along Boutport Street.

RESOLVED:

- (a) That consideration was given to the responses, as seen at Appendix A of the report, given to the consultation on the proposed taxi rank amendments, shown on the maps at Appendix B and listed at Appendix C of the report;
- (b) To consult with the taxi trade on the proposed options for the Woolacombe rank:
 - (i) Consolidate ranks and just have one new rank outside the Red Barn;
 - (ii) Keep the two existing ranks at the Esplanade and Barton Road and create a new rank outside the Red Barn; or
 - (iii) Keep the rank at the Esplanade and create a new one outside the Red Barn, removing the existing one at Barton Road; and
- (c) To recommend to Strategy and Resources Committee recommendations once informal consultation with the trade has taken place with regard further advertising of the proposals for amendment of the Hackney Carriage ranks in line with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

31. LACK OF PROVISION OF ACCESSIBLE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES IN BARNSTAPLE

The Committee received an update on the lack of provision of accessible Hackney Carriage and Private Hire Vehicles operating in Barnstaple.

The Lead Officer Commercial Regulation updated the Committee with the following:

- As a result of recently received correspondence from concerned members of the public around lack of provision of accessible taxi vehicles it was decided to highlight the issue with the Committee.
- A further report would come back to Committee but a discussion around the Authorities obligations regarding provision was needed to help form a way forward.
- The Department for Transport had issued a best practice guidance on taxi and private hire vehicle licensing for Local Authorities to assist in the regulation of the sector.
- In terms of accessibility many users face barriers such as not having access to a vehicle large enough to take a wheelchair, uneven surfaces, inability to stand for any length of time, lack of provision of vehicles.
- The Local Authority had an obligation to seek to ways to mitigate those issues.
- North Devon Council had adopted in its policy the requirement for larger, wheelchair accessible vehicles, to not have to be at the Euro 6 standard but alternatively Euro 5 for diesel or Euro 4 for petrol vehicles.
- This incentive had not seen any increase in the number of wheelchair accessible vehicles registered in the trade.
- In comparison with other Local Authorities in Devon, it was discovered we were not alone in struggling to incentivise more drivers to purchase wheelchair accessible and or larger vehicles.

Members discussed issues they were aware of due to the lack of provision of wheelchair accessible vehicles in the area.

The Chair highlighted organisations that offered community transport and the suggestion on whether they could help out.

Councillor Lethaby advised he was aware of funding Combe Martin had applied for in regard of making accessibility adaptations to community transport and would forward the information.

RESOLVED that the situation be noted.

32. FUTURE MEETING DATES OF THE LICENSING AND COMMUNITY SAFETY COMMITTEE

The committee considered the proposed the future dates of the Licensing and Community Safety Committee.

Agenda Item 2

Licensing and Community Safety Committee - 10 December 2024

RECOMMENDED to council that the proposed future dates of the Licensing and Community Safety Committee, as detailed at agenda item 10, be approved.

Chair

The meeting ended at 1.00 pm

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



North Devon Council

Report Date: 8 April 2025

Topic: Hackney Carriage Rank Review

Report by: Katy Nicholls, Lead Environmental Health Officer, Commercial Regulation

1. INTRODUCTION

- 1.1 On the 14 May 2024, and subsequently 10 December 2024, Members of the Licensing and Community Safety Committee considered a number of proposed amendments in respect of taxi ranks, originally received by way of a request from Devon County Council Highways.
- 1.2 Following the initial trade consultation, Members agreed that the only area over which they wished to undertake further consideration was in respect of ranks in Woolacombe. As such, a decision was made to consult with the taxi trade on the proposed options for Woolacombe ranks, namely either to:
 - (i) Consolidate the Woolacombe ranks and just have one new rank outside The Barn, Barton Road;
 - (ii) Keep the two existing ranks at the Esplanade and Barton Road and create a new rank outside The Barn, Barton Road; or
 - (iii) Keep the rank at the Esplanade and create a new one outside The Barn, Barton Road removing the existing one at Barton Road (further east up this road).
- 1.3 Consultation with the taxi trade, Police and Fire Authority with regard the Woolacombe ranks has now also been undertaken.
- 1.4 The purpose of this report is to update Members on the results of the consultation exercise and to seek to gain a decision on the next stage of the rank amendment process.

2. RECOMMENDATIONS

- 2.1 It is **RECOMMENDED** that Licensing and Community Safety Committee:



- 2.1.1 Consider the responses (**Appendix B**) received from the taxi trade in response to the consultation on their preference for changes to the Woolacombe ranks.
- 2.1.2 Make a recommendation to Full Council to instruct the Lead Environmental Health Officer Commercial Regulation to advertise proposals for amendment of the hackney carriage ranks in line with Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 as per those suggestions listed in **Appendix C** and shown on the map at **Appendix D**.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To comply with relevant legislation.
- 3.2 To take into consideration those comments received from the taxi trade.
- 3.3 Taxi rank amendments to increase public clarity via proposed changes from 'no waiting other than taxis to 'no stopping' will assist officers from Devon County Council (DCC) in undertaking enforcement.
- 3.4 Suggestions made to amend rank locations e.g. those in Ilfracombe will help to ensure that ranks are located in areas that will be best utilised to serve members of the public.
- 3.5 To take into consideration specific concerns and comments received from the taxi trade in respect of the standard of the kerb; rank position; proximity to function etc., of the exiting rank on the Esplanade, Woolacombe.
- 3.6 Devon County Council as Highways Authority support the proposed amendments. Moreover, the Fire Authority and Police have raised no concern in respect of the proposed amendments in Woolacombe.

4. REPORT

- 4.1 North Devon Council has powers available under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to approve hackney carriage ranks (also known as stands) on the public highway. Ranks for taxis may either be on public highways or private land, they can be for continual or part time use. The district council can also determine the number of hackney carriages that can use a stand and has the power to vary the numbers. If the land is to be on the public highway the consent of the highway authority is required.



- 4.2 The above process requires that notice must be given to the Chief Officer of Police, and should proposed changes be approved a notice be published in a local newspaper. If no written objection or representation is received relating to the above notice within the 28 day period following advertisement, rank amendments will be deemed appointed. Should any objections be received and not withdrawn the matter would then need to be returned for further reconsideration by members.
- 4.3 Although the district council has the responsibility to appoint ranks, this must be done with the approval of the Highway Authority. Before a rank can come into use the Highway Authority needs to designate the rank with a traffic order and have it signed and marked on the highway. The costs of amendment to traffic orders and marking the highway are proposed to be undertaken by Devon County Highways in this instance as part of a wider review.
- 4.4 The plans to amend hackney carriage ranks in the district are largely to improve signage and markings and associated enforceability of the ranks and additionally amendments are proposed in Ilfracombe in terms of their location to better serve the community.
- 4.5 During the meeting of the Licensing and Community Safety Committee on the 14 May 2024 a number of proposals were agreed. Subsequently taxi drivers were consulted on the proposals.
- 4.6 During a further meeting of 10 December 2024 Members then agreed that additional specific consultation be undertaken with the taxi trade in respect of the Woolacombe ranks. This was due to a number of concerns raised and a proposal received to amend the rank from the Esplanade, Woolacombe to outside of The Barn, Barton Road, Woolacombe (opposite bus stop), being a one way road, of greater width.
- 4.7 In terms of the consultation, taxi drivers were sent an email providing options for their reply, see **Appendix A**. There were eight responses from the taxi trade to this communication, of which six contained relevant comments. Full responses are contained at **Appendix B**.
- 4.8 The Police were consulted in respect of whether there were any relevant concerns, for which none were raised. Additionally, the Fire Authority were consulted in terms of whether they had any comments, given the location of the station and to ensure that there was no issue with access and egress of any fire appliance. The response gained was that the new proposed location outside of The Barn on Barton Road and originally suggested by the taxi trade:



'appears to provide sufficient road width for our appliance to pass and as you say taxi drivers are required to remain in their vehicles so can move quickly if required. This may be required if a bus is parked at the bus stop opposite. However, the appliance based in Woolacombe is smaller than a standard medium response pump, so this is also a factor.'

4.9 The following forms a summary of the replies to the consultation with the taxi trade (based upon 11 options available – see newsletter **at Appendix A**):

2.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing 10pm -6am rank on Barton Road but make this available on a seasonal basis in peak times only (please comment on dates if so).

One driver cited this preference, but stated no dates. Also commented four bays likely to be excessive due to phone bookings. They suggest two bays (and one for loading and one for disabled).

3.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6pm – 6am (or alternative timing please cite).

Three votes at:
4pm – 6am timing.
6pm – 6am timing.
4pm – 5am timing.
One driver cites that considering no night Club in Barton Road it would be of better use as a useable rank for disabled people who can't walk to The Barn.

4.Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of The Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6am -6pm and make this available on a seasonal basis in peak times only (please comment on dates if so).

One vote with no detail on timing.

5.Remove rank on the Esplanade, place

One vote.



new 4 bay rank outside of The Barn (Barton Road), and remove existing rank on Barton Road.

- 4.10 As such the majority of taxi drivers wish to remove the rank on the Esplanade, and instead place a new 4 bay 24 hour rank outside of The Barn (Barton Road), in addition to retaining the existing rank on Barton Road but amend its timing by way of increasing the current 10pm – 6am hours. There is no consensus on timing but trade suggestions include 4pm – 6am; 6pm – 6am; and 4pm – 5am.
- 4.11 Devon County Council has been requested to provide information pertaining to their preference. They have cited that in addition to supporting a new rank outside The Barn on Barton Road, they would be content with the bay in existing rank in Barton Road (plan 19) to remain and the timing be amended to 6pm-10am between 15th March and 31st October.
- 4.12 In order to proceed with the rank amendments and to create them as official ranks there is a necessity for ranks to be approved according to the legislative provisions under the Local Government (Miscellaneous Provisions) Act 1976.
- 4.13 Under a Traffic Regulation Order, whilst ranks may be enforced from a waiting or parking restriction perspective if the Licensing Authority does not create a rank according to the above provisions, they will not be hackney carriage stands within the meaning of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A76), hackney carriage byelaws or any other legislative provisions referring to hackney carriage stands. For example there would be no offence generated under Section 64 of the LG(MP)A76, which makes it makes it an offence for any person to 'cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages'.

5 FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 5.1 There is an associated cost of advertising the above rank amendments in a local newspaper as required by the LGMPA76.

6 CONSTITUTIONAL CONTEXT

- 6.1 Article of Part 3 Annexe 1 paragraph: Part 3 Function of Full Council
- 6.2 Referred or delegated power? No



7 EQUALITIES ASSESSMENT

7.1 An Equality Impact Assessment will be undertaken based upon the proposals agreed.

8 ENVIRONMENTAL ASSESSMENT

8.1. An environmental assessment will be undertaken based upon the proposals agreed.

9 STATEMENT OF CONFIDENTIALITY

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

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate officers.

11 BACKGROUND PAPERS

- Local Government (Miscellaneous Provisions) Act 1976.

Author: Katy Nicholls, Lead Officer Commercial Regulation
Date: 27 March 2025.

On the 10 December 2024 the Licensing and Community Safety Committee met following the consultation undertaken in respect of taxi ranks in the district.

Members were interested in the views surrounding Woolacombe ranks, particularly those from the trade which proposed the removal of the rank on the Esplanade, due to the standard of the kerb, rank position, proximity to junction etc., and there were comments that favoured amending the position of this rank to the area outside of the Red Barn on Barton Road, opposite the bus stop.

There is support from Devon County Council in creating a new four bay [24 hour rank on Barton Road](#) in the suggested location outside of the Red Barn, thus in undertaking final consideration we wish to re-consult the trade on their preference. There is a need to strike the correct balance between the demand upon rank spaces and that of loading, disabled parking, parking etc., so please factor that in when making your response.

Please email licensing@northdevon.gov.uk **prior to the 6 January 2025** with any comments in respect of Woolacombe ranks. If easier you may cite your preference from the following options below:

1. Remove rank on the Esplanade, place new 4 bay 24 hour outside of the Red Barn (Barton Road), retain existing 10pm-6am rank on Barton Road.
2. Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing 10pm -6am rank on Barton Road but make this available on a seasonal basis in peak times only (please comment on dates if so).
3. Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6pm – 6am (or alternative timing please cite).
4. Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6am -6pm and make this available on a seasonal basis in peak times only (please comment on dates if so).
5. Remove rank on the Esplanade, place new 4 bay rank outside of the Red Barn (Barton Road), and remove existing rank on Barton Road.
6. Retain rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn, retain existing 10pm-6am rank on Barton Road.

Agenda Item 6

Appendix a

7. Retain rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6pm – 6am (or alternative timing please cite).
8. Retain rank on the Esplanade, place new 4 bay rank outside of the Red Barn (Barton Road), and retain existing rank on Barton Road but on a seasonal basis (please comment on dates if so).
9. Retain rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm – 6am to 6am -6pm and make this available on a seasonal basis in peak times only (please comment on dates if so).
10. Retain rank on the Esplanade, place new 4 bay rank outside of the Red Barn (Barton Road), and remove existing rank on Barton Road.
11. Retain ranks in Woolacombe as per current arrangements.

RESPONSE 1

As I don't work Woolacombe ranks it would be wrong for me to comment

RESPONSE 2

Hi,

I think option 3 with a 4pm to 6am time would be best suited,

all loading will be finished by then and people will start to leave the village around that time in peak season.

I think it could be open all year round at those times without affecting other trades

Thank you for this.

RESPONSE 3

Option 2 I believe would work best. However, 4 bays may be too much for Woolacombe as most work is done on the phone, so pickups are everywhere. Maybe just 2 taxi bays a loading bay and a disabled spot?

RESPONSE 4

Good afternoon

Although I do not use the taxi rank in Woolacombe, the best option for everyone would be option 5.... but 24 hours.

The road is one way and very wide so can accommodate taxi's in rank parked on the right, A bus stopped on the bus stop on the left, with still enough room for another vehicle the size of a bus to pass between them.

RESPONSE 5

I am very pleased to hear of the consultation regarding Woolacombe taxi ranks

As a driver working in Woolacombe I have been asking for a Taxi rank outside

The red barn ever since the rank on the other side of Barton road was removed.

The rank on the esplanade to compensate for it's removal has never been satisfactory'

& is infact unsafe on two grounds;

The pavement is in disrepair & uneven.

For 50% of the pickups the taxi is facing thr wrong way requiring a "u" turn to be made close to busy junction.

For both these reasons the Esplanade rank is in fact dangerous & should be removed.

The new proposed 4 bay rank outside The red barn should replace it.

The existing rank on Barton road by the chip shop should be retained & should be available from 1800 to 0600

So I support your proposal # 3.

RESPONSE 6

Good afternoon,

Sorry I did not get the first email that I was sent My option would be

3. Remove rank on the Esplanade, place new 4 bay 24 hour rank outside of the Red Barn (Barton Road), retain existing rank on Barton Road but amend its timing from 10pm - 6am to 4pm - 5am Now there's no night club in Barton rd it would be of better use as a useable rank for disabled people who can't walk to the red barn rank.

If there's anything else you need please email me

RESPONSE 7

I'd like to vote number 4

RESPONSE 8

Dear Team,

Thank you for seeking my thoughts, but I do not use any of the taxi ranks, so have little, if any, constructive comments that would assist.

Kind Regards

Rank amendment summary as shown on map at Appendix D follows:

Barnstaple

(Lower) Boutport Street:	no changes proposed - rank to remain no waiting at any time except taxis
(Mid) Boutport Street:	no changes proposed - rank to remain no waiting at any time except taxis
Butchers Row:	proposal to remove overnight rank at this location
Cross Street:	proposal to remove rank (no waiting at any time except taxis) and relocate to Castle Street
Castle Street:	proposed new 2 space/10 metre no stopping at any time except taxis rank on south west side of Castle Street, 10 metres from its junction with Commercial Road
Holland Street:	proposed removal of taxi rank and replace with no waiting and no loading at any time
Mallets Lane:	proposed change from no waiting at any time to no stopping at any time except taxis
Queen Street:	proposed to change from no waiting at any time except taxis to no stopping 7pm and 7am except taxis (with loading only 7am -7pm at this location)
Queen Street (Fever and Boutique):	formally revoke Queen Street rank outside Fever and Boutique nightclub in Traffic Regulation Order – this was already removed by District Council due to a safety concern raised by the Police and nightclub management
Tuly Street: time	proposed change from no waiting at any time except taxis to no stopping at any time except taxis

Agenda Item 6

Appendix c

Braunton

Access to carpark off Caen Street:

proposed amendment to remove taxi rank at this location (change to no waiting at any time)

Exeter Road:

proposed change from existing no waiting at any time except taxis (6 metres one space) to proposed no stopping 7pm – 7am except taxis (13 metres two spaces) (with loading only 7am -7pm at this location)

Ilfracombe

Marlborough Road:

proposed no stopping at any time except taxis to replace no waiting at any time except taxis. Propose to shorten rank by 14 metres (three spaces).

Mill Head/St James Place:
no

proposed new 25 metre (five spaces) stopping at any time except taxis rank on St James Place outside of The Admiral Collingwood (Wetherspoons) and removal of two ranks on Mill Head (no waiting at any time except taxis)

Oxford Grove:

proposed change to no stopping at any time except taxis (currently no waiting at any time except taxis)

Capstone Road/The Quay:

proposed change to no stopping at any time except taxis (currently no waiting at any time except taxis)

Lynmouth

The Esplanade:

proposed change to no stopping at any time except taxis (currently no waiting at any time except taxis)

Lynton

Lee Road:

proposed change to no stopping at any time except taxis (currently no waiting at any time except taxis)

South Molton

Agenda Item 6

Appendix C
proposed change to no stopping at any time except taxis (currently no waiting at any time except taxis)

Broad Street:

Woolacombe

Barton Road:
Barton Road,

Create a new rank (four bay) on Woolacombe (no stopping at any time except taxis) outside The Barn.

Retain existing rank on Barton Road, Woolacombe but amend its timing to 6pm-10am between 15 March and 31 October (no waiting at any time except taxis).

The Esplanade:

Remove the current rank on the Esplanade

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**No waiting
at any time
except taxis**





BOUTPORT STREET

MOND STREET

Page 27

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KEY:
 Existing No Waiting At Any Time Except Taxis
 Existing No Waiting At Any Time

Appendix d
Agenda Item 6

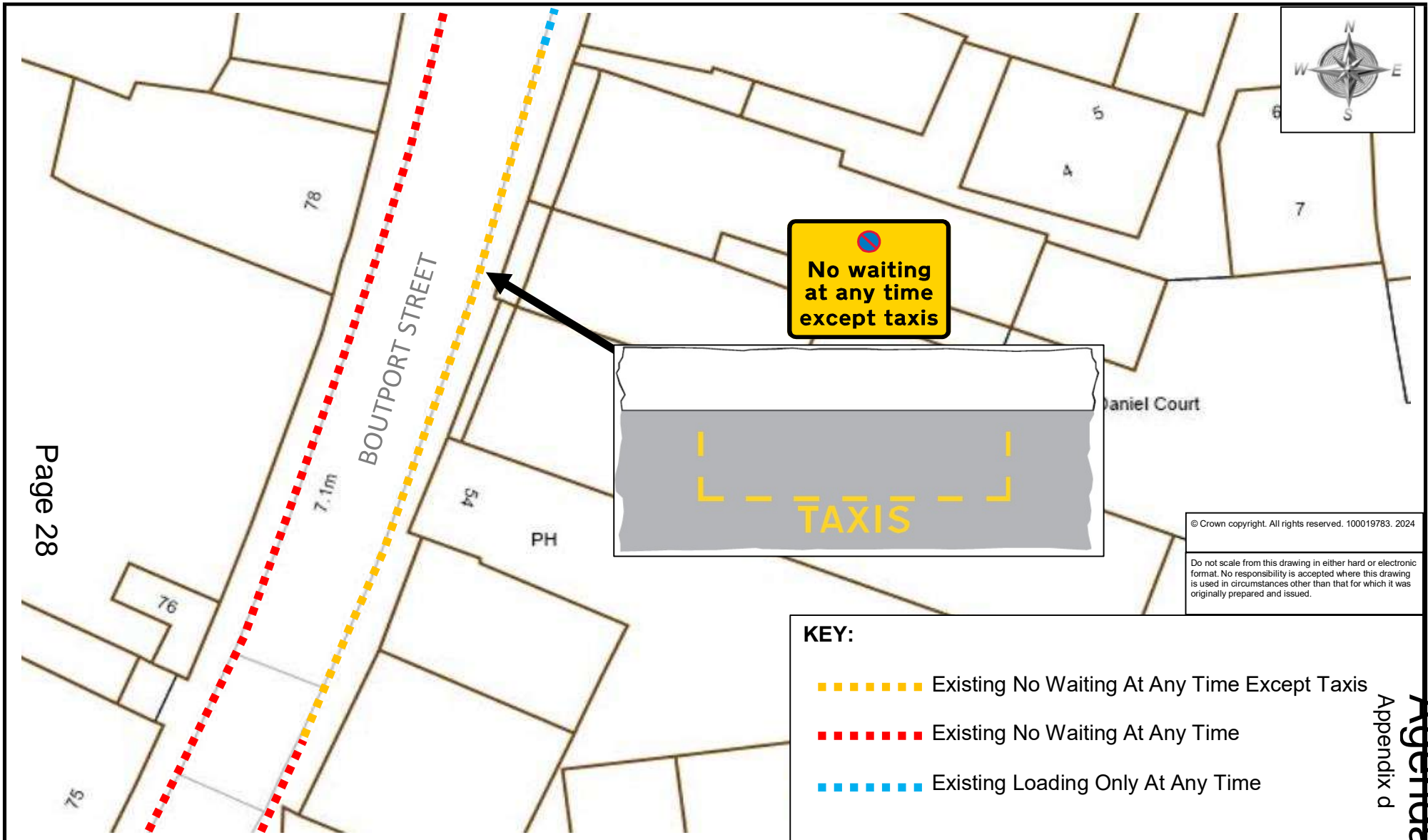


Meg Booth - Director of Climate Change, Environment and Transport
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DEVON COUNTY COUNCIL, HIGHWAY MANAGEMENT, LUCOMBE HOUSE, COUNTY HALL, TOPSHAM ROAD, EXETER, EX2 4QD
Telephone 0345 155 1004

SCHEME
BOUTPORT STREET (LOWER), BARNSTAPLE

DRAWING
NORTH DEVON TAXI RANK REVIEW

drawn by SB scale NTS
date 21-May-2024 O.S.Ref 255874, 133037
drawing number ENV5910/01 (C)



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KEY:

- Existing No Waiting At Any Time Except Taxis
- Existing No Waiting At Any Time
- Existing Loading Only At Any Time



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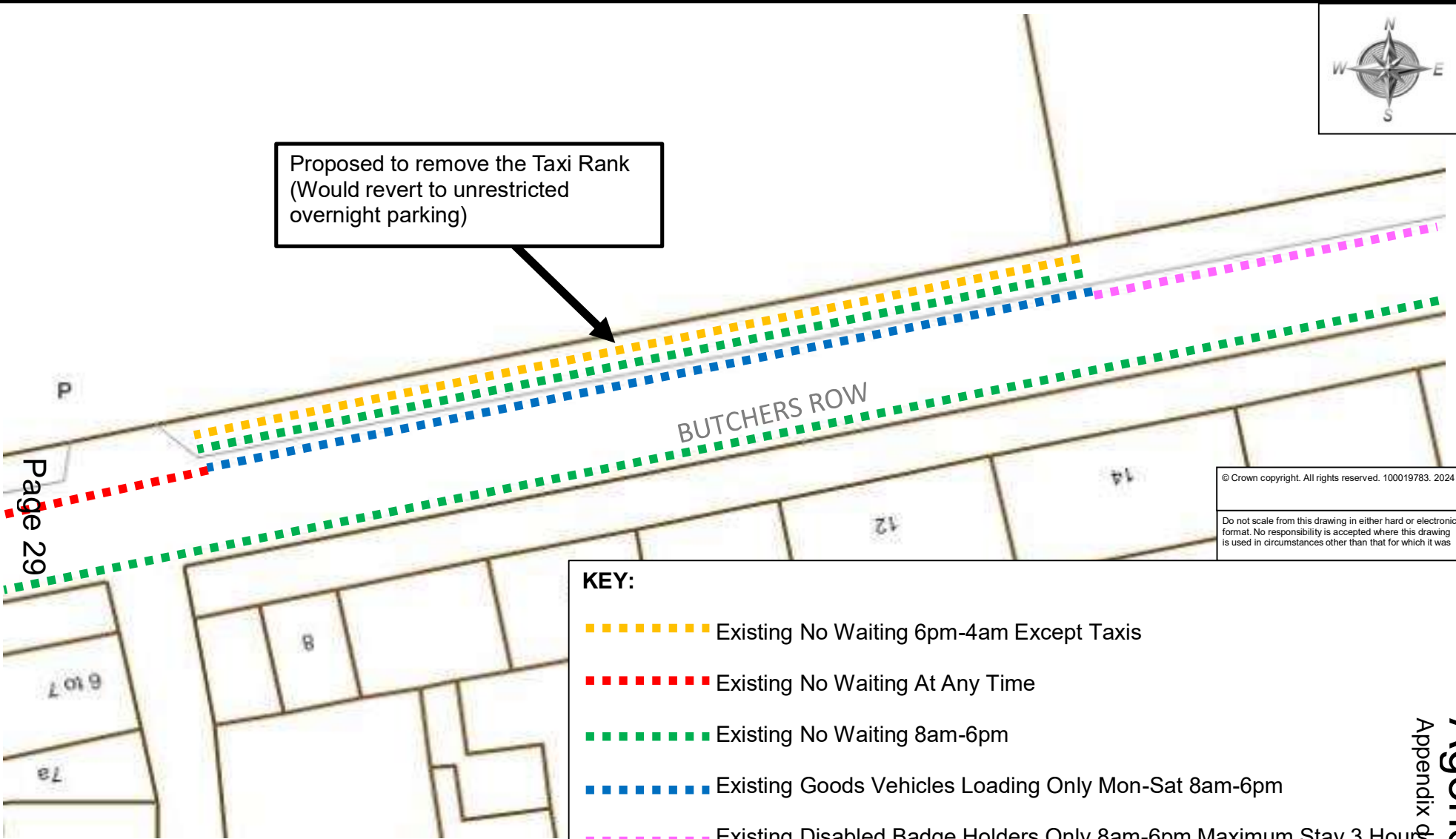
SCHEME
 BOUTPORT STREET (MID), BARNSTAPLE

DRAWING
 NORTH DEVON TAXI RANK REVIEW

drawn by	scale
SB	NTS
date	O.S.Ref
21-May-2024	255914,133127
drawing number	
ENV5910/02 (B)	



Proposed to remove the Taxi Rank
(Would revert to unrestricted
overnight parking)



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KEY:

- Existing No Waiting 6pm-4am Except Taxis
- Existing No Waiting At Any Time
- Existing No Waiting 8am-6pm
- Existing Goods Vehicles Loading Only Mon-Sat 8am-6pm
- Existing Disabled Badge Holders Only 8am-6pm Maximum Stay 3 Hours

Appendix 6
Agenda Item 6



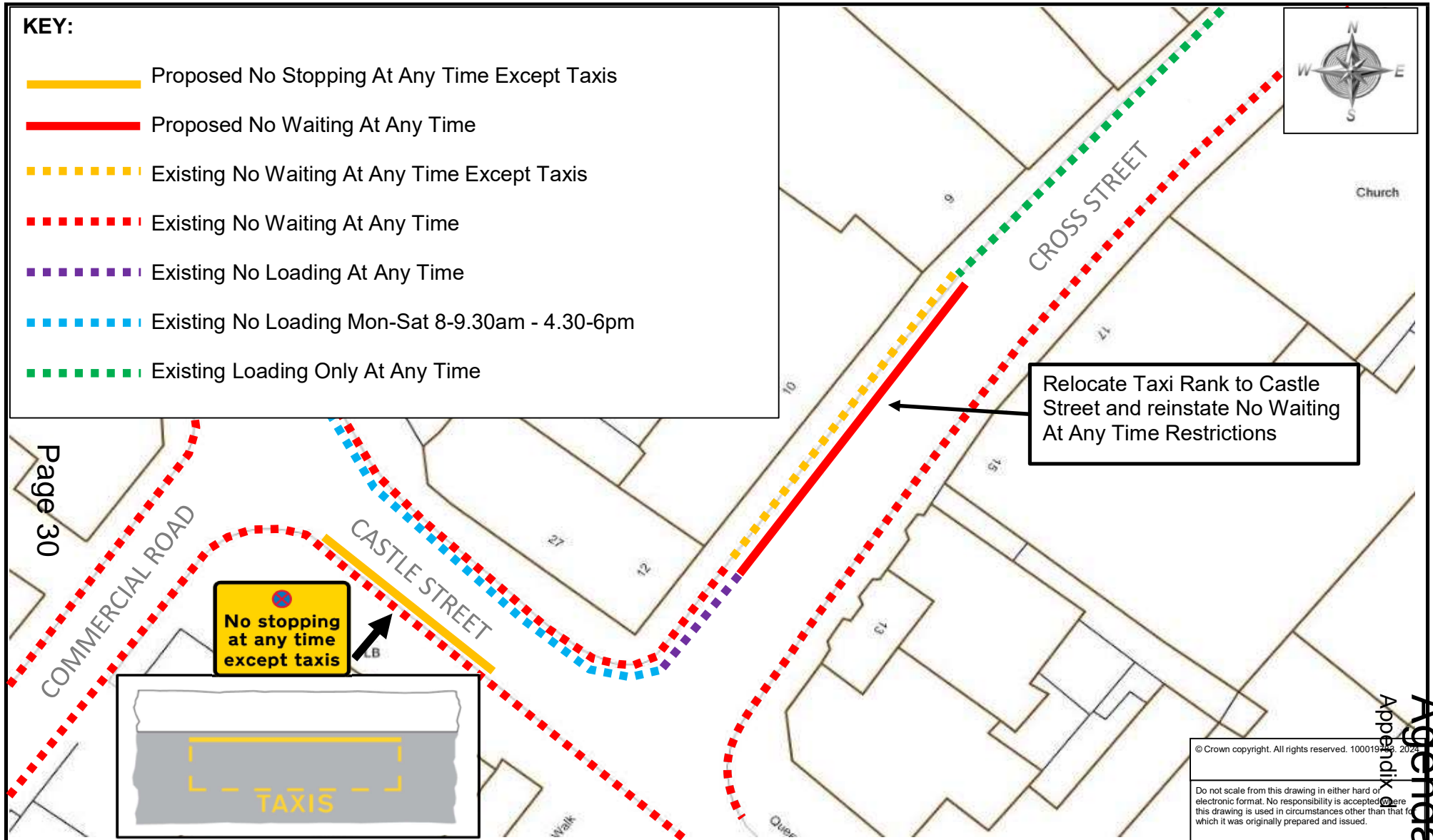
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<i>SCHEME</i>	BUTCHERS ROW, BARNSTAPLE
<i>DRAWING</i>	NORTH DEVON TAXI RANK REVIEW

<i>drawn by</i>	<i>scale</i>
SB	NTS
<i>date</i>	<i>O.S.Ref</i>
21-May-2024	255870, 133257
<i>drawing number</i>	
ENV5910/03 (C)	

KEY:

- Proposed No Stopping At Any Time Except Taxis
- Proposed No Waiting At Any Time
- Existing No Waiting At Any Time Except Taxis
- Existing No Waiting At Any Time
- Existing No Loading At Any Time
- Existing No Loading Mon-Sat 8-9.30am - 4.30-6pm
- Existing Loading Only At Any Time



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**No stopping
at any time
except taxis**



Relocate Taxi Rank to Castle Street and reinstate No Waiting At Any Time Restrictions

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SCHEME

CASTLE STREET, BARNSTAPLE

DRAWING

NORTH DEVON TAXI RANK REVIEW

drawn by	scale
SB	NTS
date	O.S.Ref
21-May-2024	255720,133146
drawing number	
ENV5910/04 (B)	

Appendix 6
Agenda Item 6



Remove Taxi Rank and replace with No Loading At Any Time

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CAR PARK

HOLLAND STREET

PAIGES LANE

KEY:

-  Proposed No Loading At Any Time
Proposed No Waiting At Any Time
-  Existing No Waiting At Any Time Except Taxis
-  Existing No Waiting 8am-6pm
-  Existing No Waiting At Any Time
-  Existing No Waiting At Any Time
Existing No Loading At Any Time

Appendix d
Agenda Item 6



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SCHEME

HOLLAND STREET, BARNSTAPLE

drawn by

SB

scale

NTS

DRAWING

NORTH DEVON TAXI RANK REVIEW

date

21-May-2024

O.S.Ref

255676,133239

drawing number

ENV5910/05 (C)



Artavia House

LB



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MALLETTS LANE

KEY:

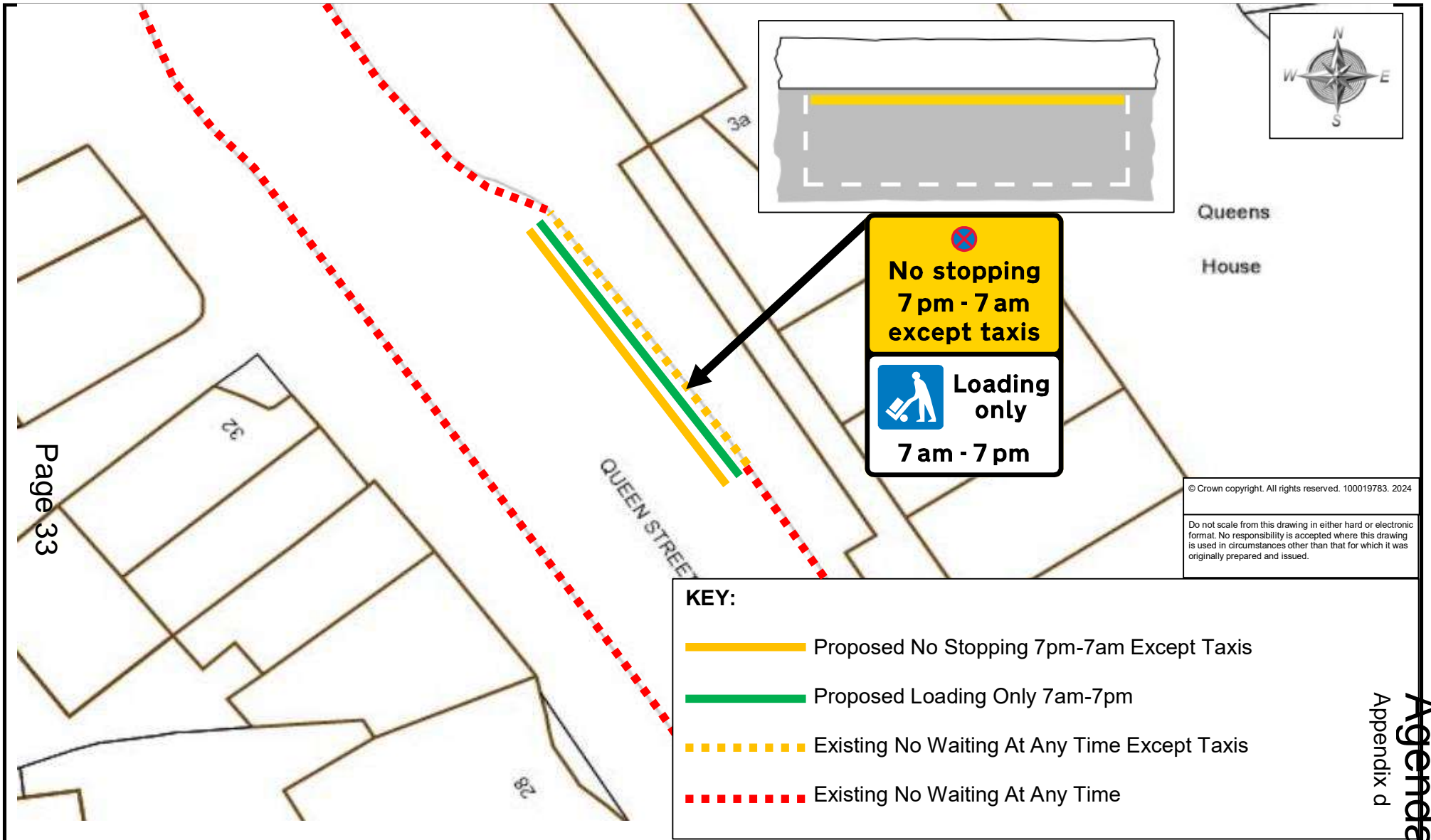
- Proposed No Stopping At Any Time Except Taxis
- Existing No Waiting At Any Time Except Taxis
- Existing No Waiting At Any Time



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<i>SCHEME</i>	MALLETTS LANE, BARNSTAPLE
<i>DRAWING</i>	NORTH DEVON TAXI RANK REVIEW

<i>drawn by</i>	SB	<i>scale</i>	NTS
<i>date</i>	10-Jun-2024	<i>O.S.Ref</i>	256022,13319
<i>drawing number</i>	ENV5910/06 (D)		



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- KEY:**
- Proposed No Stopping 7pm-7am Except Taxis
 - Proposed Loading Only 7am-7pm
 - - - - - Existing No Waiting At Any Time Except Taxis
 - - - - - Existing No Waiting At Any Time



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<i>SCHEME</i>	QUEEN STREET (NORTH), BARNSTAPLE
<i>DRAWING</i>	NORTH DEVON TAXI RANK REVIEW






<i>drawn by</i>	<i>scale</i>
SB	NTS
<i>date</i>	<i>O.S.Ref</i>
21-May-2024	256026,133162
<i>drawing number</i>	
ENV5910/07 (B)	



Remove Taxi Rank and reinstate the No Waiting At Any Time

QUEEN STREET

Page 34

-  Proposed No Waiting At Any Time
-  Existing Bus Stop Clearway
-  Existing No Waiting 7pm-midnight and midnight-7am except taxis
-  Existing No Waiting At Any Time
-  Existing Limited Waiting 10 Minutes No Return Within 10 Minutes

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SCHEME

QUEEN STREET (SOUTH), BARNSTAPLE

DRAWING

NORTH DEVON TAXI RANK REVIEW

drawn by	scale
SB	NTS
date	O.S.Ref
21-May-2024	256063,133082
drawing number	
ENV5910/08 (C)	

Appendix 6
Agenda Item 6









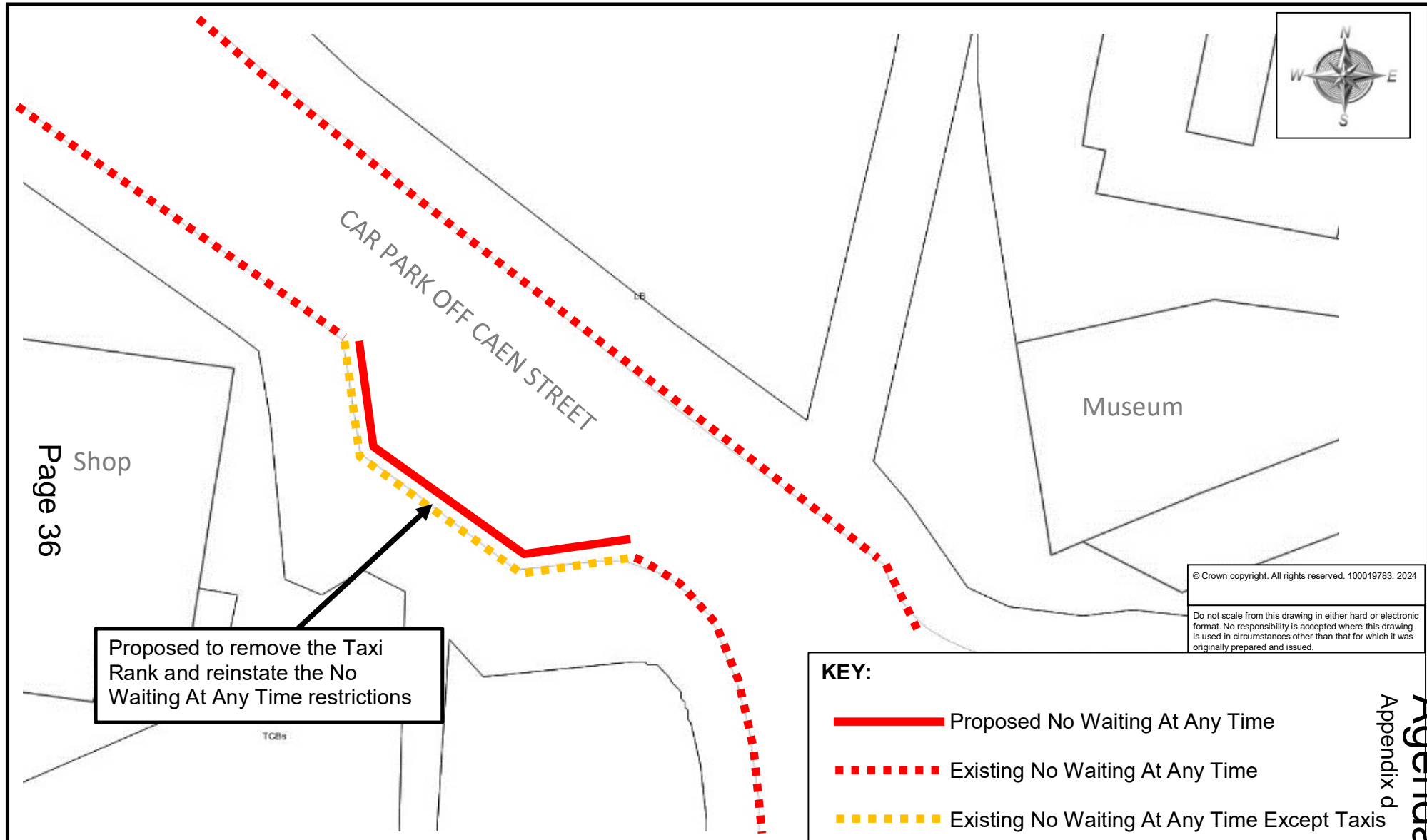
TULY STREET

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KEY:

-  Proposed No Stopping At Any Time Except Taxis
-  Existing No Waiting At Any Time Except Taxis
-  Existing No Waiting 8am-6pm
-  Existing No Waiting At Any Time
-  Existing No Loading At Any Time
-  Existing Goods Vehicle Loading Only 8am-6pm



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Proposed to remove the Taxi Rank and reinstate the No Waiting At Any Time restrictions

KEY:

- Proposed No Waiting At Any Time
- Existing No Waiting At Any Time
- Existing No Waiting At Any Time Except Taxis

Appendix d
Agenda Item 6

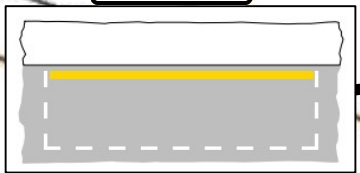


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SCHEME
CAR PARK OFF CAEN STREET, BRAUNTON

DRAWING
NORTH DEVON TAXI RANK REVIEW

<i>drawn by</i>	<i>scale</i>
SB	NTS
<i>date</i>	<i>O.S.Ref</i>
21-May-2024	248664,136579
<i>drawing number</i>	
ENV5910/10 (C)	



NOURISH STORE

Exeter Road
Car Park

EXETER ROAD

MAPLEDENE

KEY:

- Proposed No Stopping 7pm-7am Except Taxis
- Proposed Loading Only 7am-7pm
- Proposed Disabled Badge Holders Only At Any Time
- - - Existing No Waiting At Any Time Except Taxis
- - - Existing Disabled Badge Holders Only At Any Time
- - - Existing No Waiting At Any Time
- - - Existing Bus Stop Clearway
- - - Existing Limited Waiting 9am-6pm 1 Hour No Return Within 2 Hours

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1

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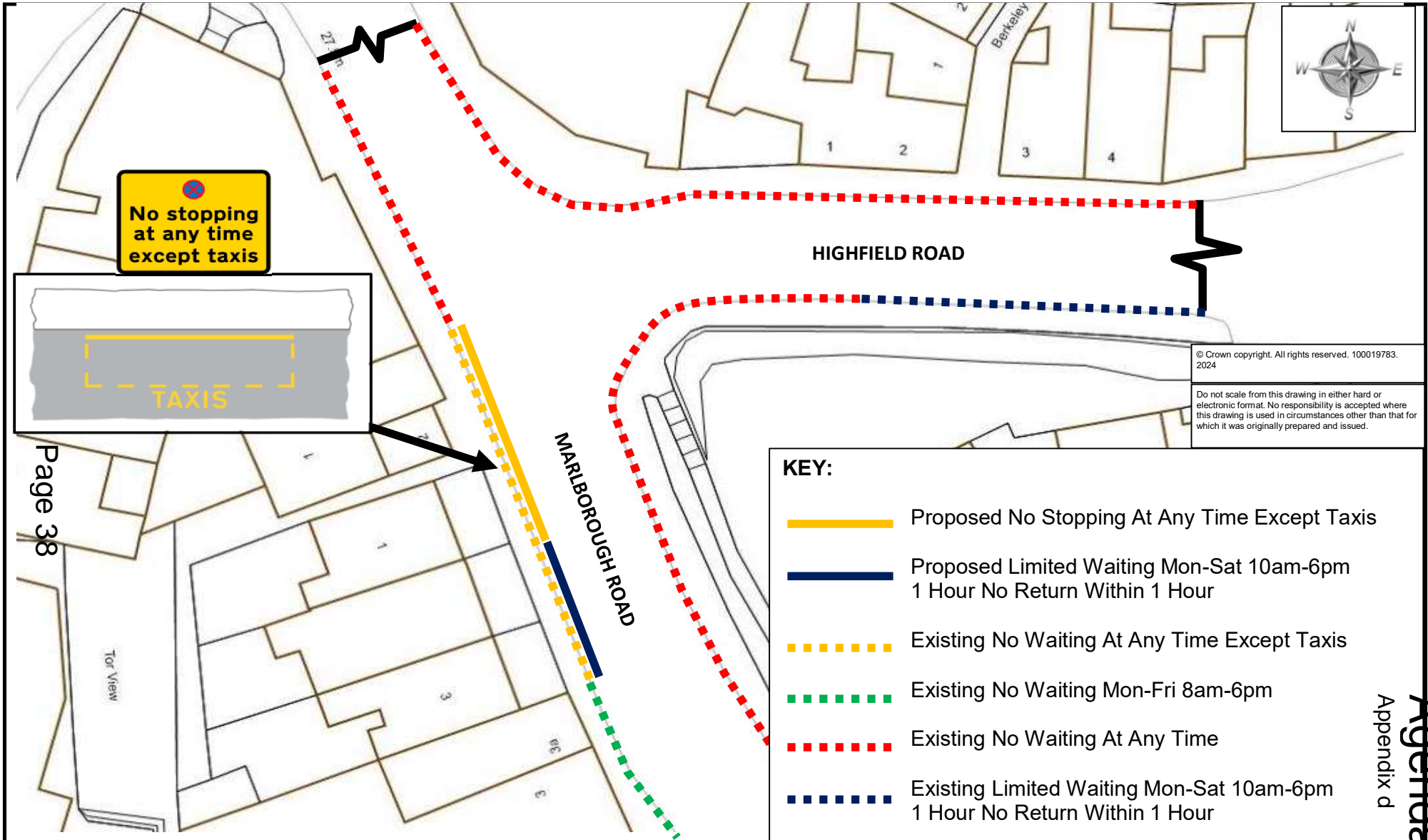


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Traffic Management Team
Devon County Council
PO Box 968
Exeter
EX1 9DQ
Telephone 0345 155 1004

SCHEME	EXETER ROAD, BRAUNTON
DRAWING	NORTH DEVON TAXI RANK REVIEW

drawn by	scale
SB	NTS
date	O.S.Ref
10-Dec-2024	248833,136462
drawing number	
ENV5910/11 (D)	

Appendix 6
Agenda Item 6



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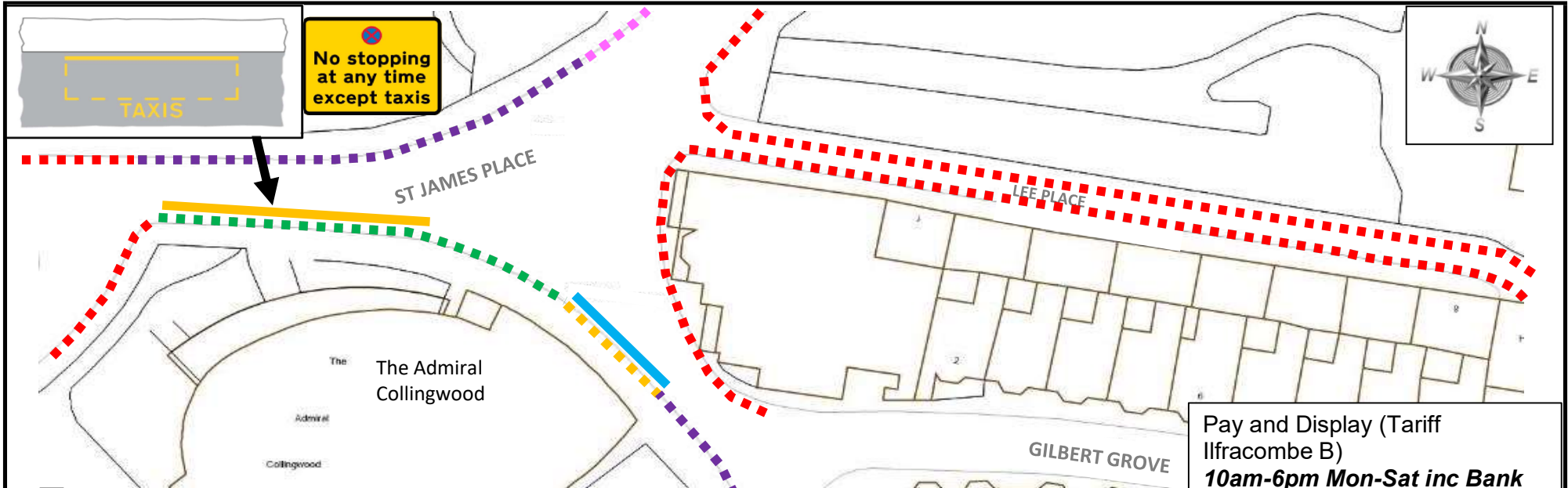
Appendix d
Agenda Item 6



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SCHEME	MARLBOROUGH ROAD, ILFRACOMBE	
	DRAWING	
NORTH DEVON TAXI RANK REVIEW		

drawn by	scale
SB	NTS
date	O.S.Ref
21/05/2024	251612,14733
drawing number	
ENV5910/12 (B)	



- Page 39
- Proposed No Stopping At Any Time Except Taxis
 - Proposed Pay and Display (Tariff Ilfracombe B) 10am-6pm Mon-Sat
 - Existing No Waiting At Any Time Except Taxis
 - Existing No Waiting 10am-6pm between 15 Mar and 31 Oct
 - Existing No Waiting At Any Time
Existing No Loading At Any Time
 - Existing Bus Stand

Pay and Display (Tariff Ilfracombe B)
10am-6pm Mon-Sat inc Bank Hols

1st May – 30th September
 1 hour - £1.00
 2 hour - £2.00

1st Oct – 30th April
 2 hours - £1.00
 4 hours - £2.00

Sun- Free

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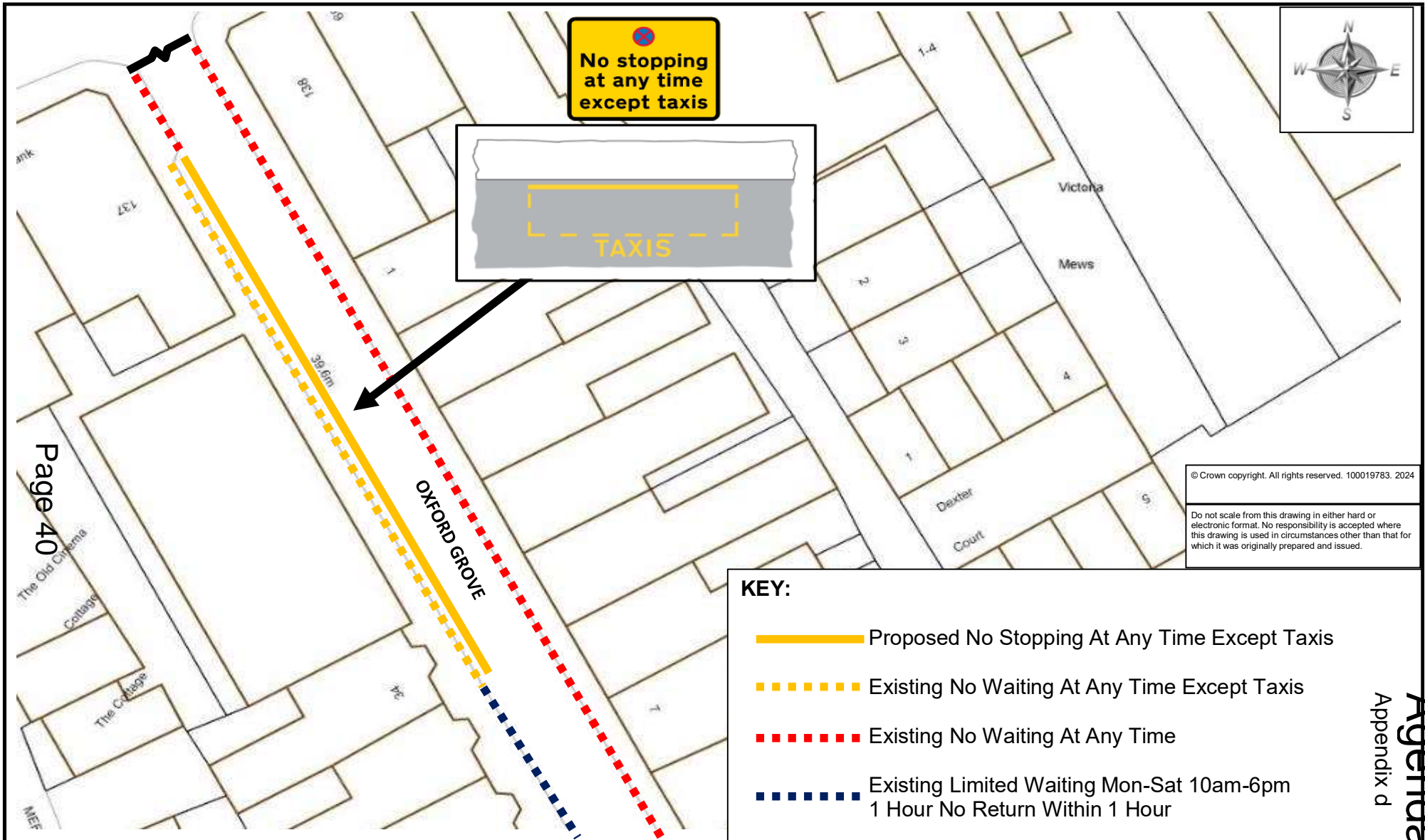
Meg Booth - Director of Climate Change, Environment and Transport
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 DEVON COUNTY COUNCIL, HIGHWAY MANAGEMENT, LUCOMBE HOUSE, COUNTY HALL, TOPSHAM ROAD, EXETER, EX2 4QD
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SCHEME
 MILL HEAD, ILFRACOMBE

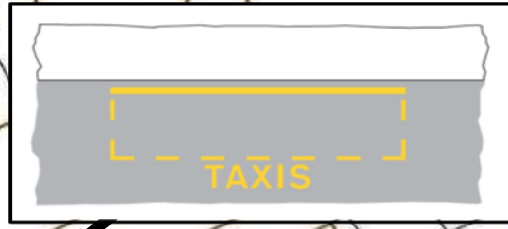
DRAWING
 NORTH DEVON TAXI RANK REVIEW

drawn by	scale
SB	NTS
date	O.S.Ref
21-May-2024	252082,147799
drawing number	
ENV5910/13 (C)	

Appendix 6
 Agenda Item 6



**No stopping
at any time
except taxis**



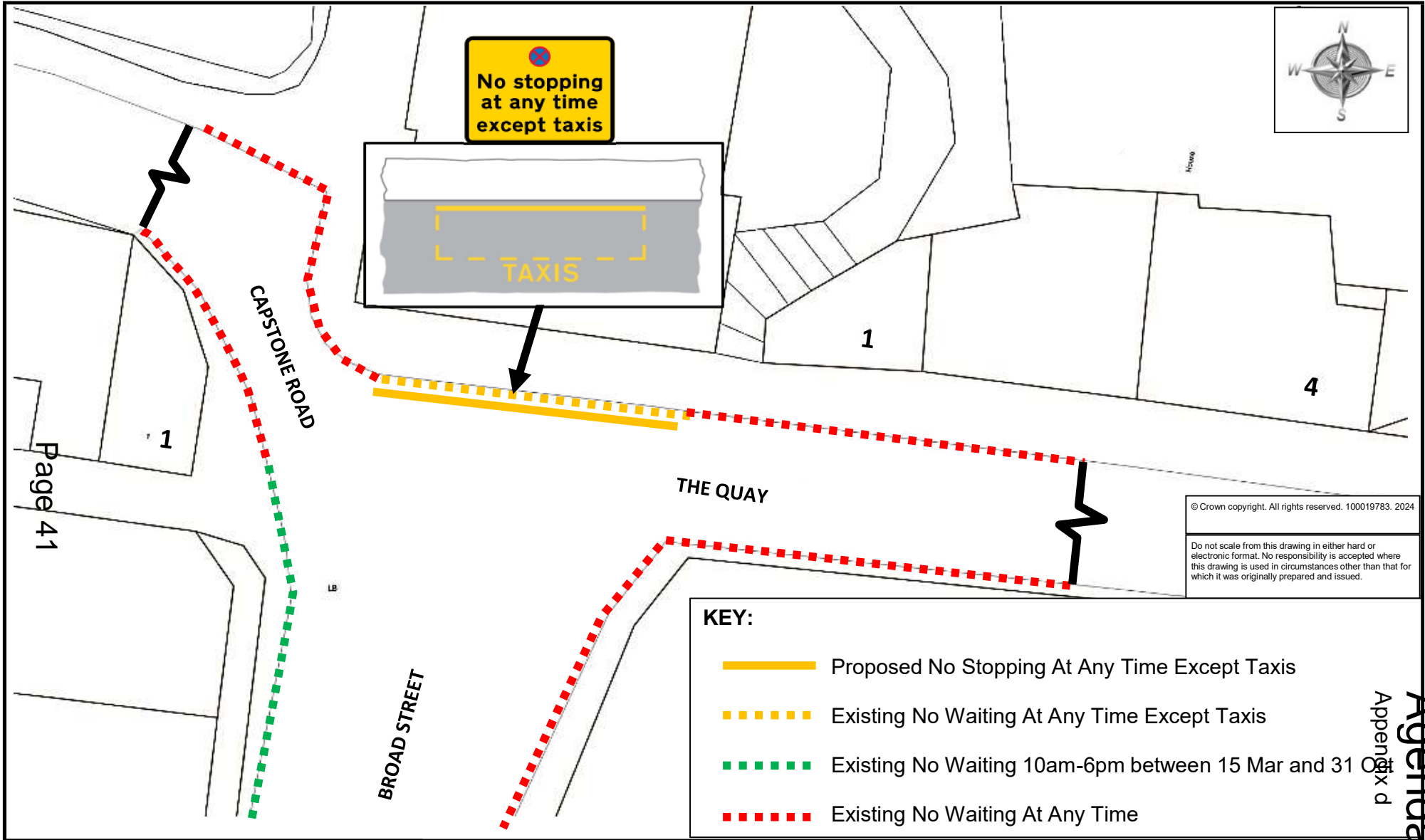
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KEY:

- Proposed No Stopping At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time
- - - - - Existing Limited Waiting Mon-Sat 10am-6pm
1 Hour No Return Within 1 Hour

SCHEME	OXFORD GROVE, ILFRACOMBE	
DRAWING	NORTH DEVON TAXI RANK REVIEW	

drawn by SB	scale NTS
date 21/05/2024	O.S.Ref 251904, 147609
drawing number ENV5910/14 (B)	



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Appendix d
Agenda Item 6



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SCHEME

THE QUAY, ILFRACOMBE

drawn by

SB

scale

NTS

DRAWING

NORTH DEVON TAXI RANK REVIEW

date

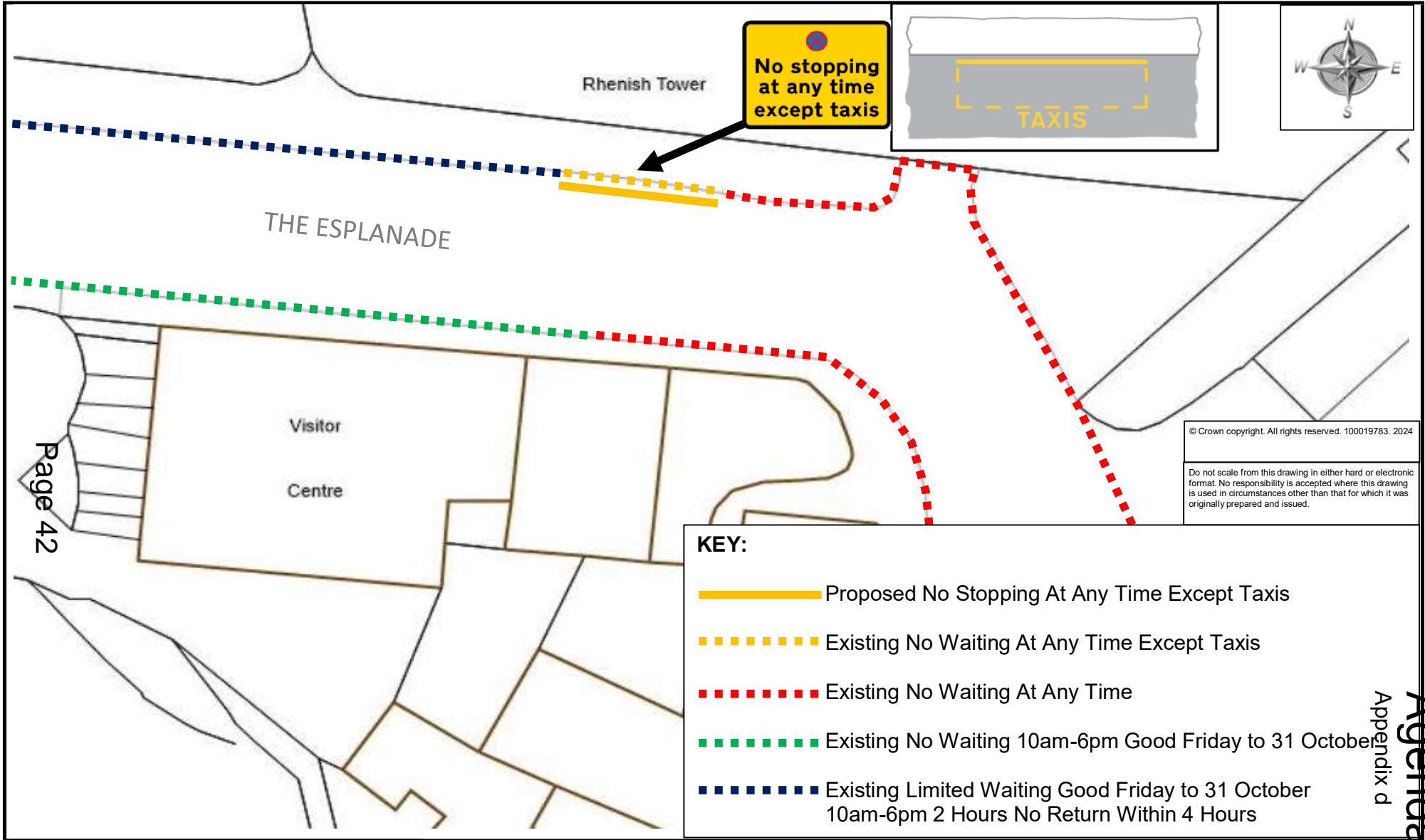
21-May-2024

O.S.Ref

252304,14784

drawing number

ENV5910/15 (B)



KEY:

- Proposed No Stopping At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time
- - - - - Existing No Waiting 10am-6pm Good Friday to 31 October
- - - - - Existing Limited Waiting Good Friday to 31 October
10am-6pm 2 Hours No Return Within 4 Hours

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Appendix d
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SCHEME

THE ESPLANADE, LYMOUTH

drawn by

SB

scale

NTS

DRAWING

NORTH DEVON TAXI RANK REVIEW

date

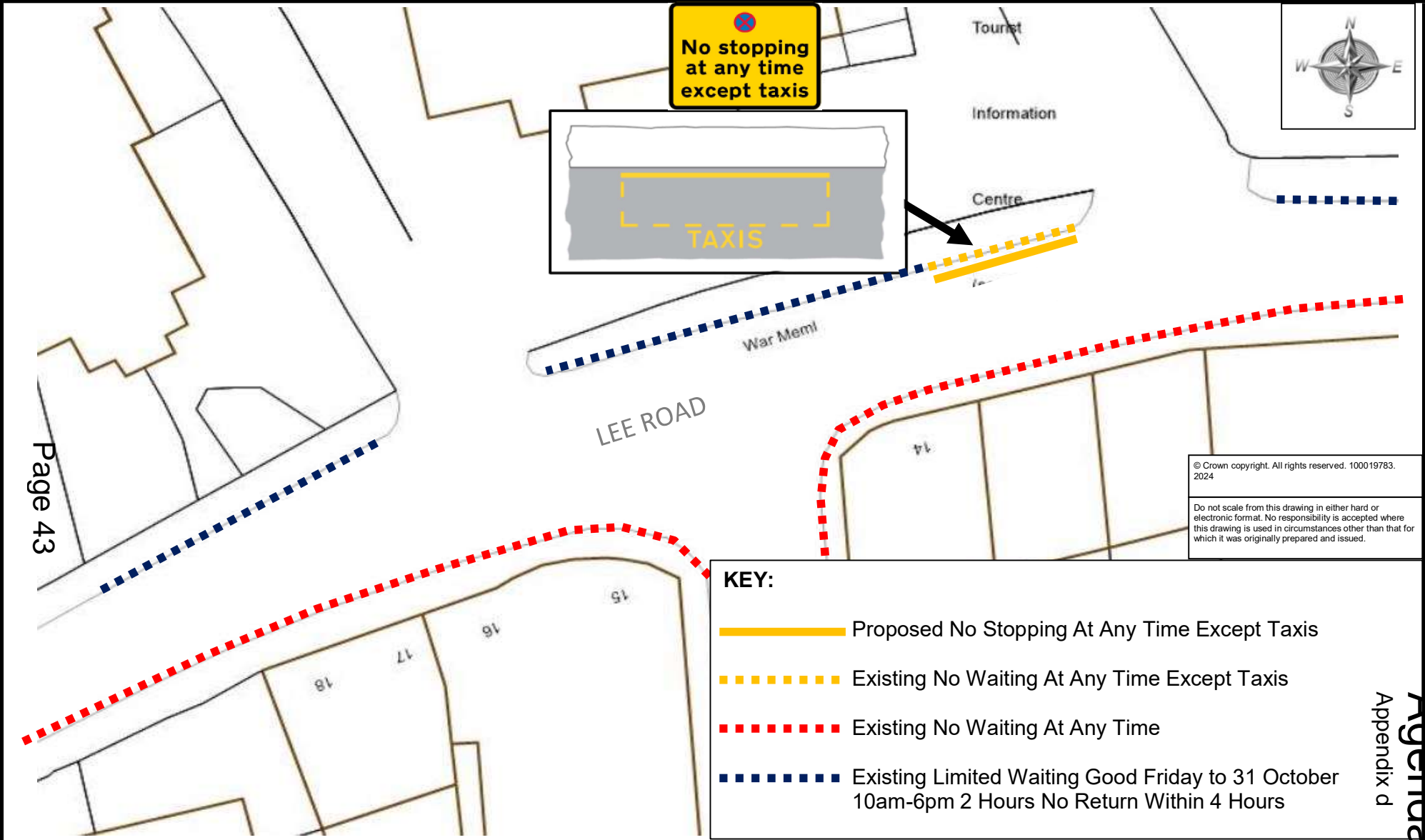
21-May-2024

O.S.Ref

272219,149662

drawing number

ENV5910/16 (B)



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- KEY:**
- Proposed No Stopping At Any Time Except Taxis
 - Existing No Waiting At Any Time Except Taxis
 - Existing No Waiting At Any Time
 - Existing Limited Waiting Good Friday to 31 October 10am-6pm 2 Hours No Return Within 4 Hours

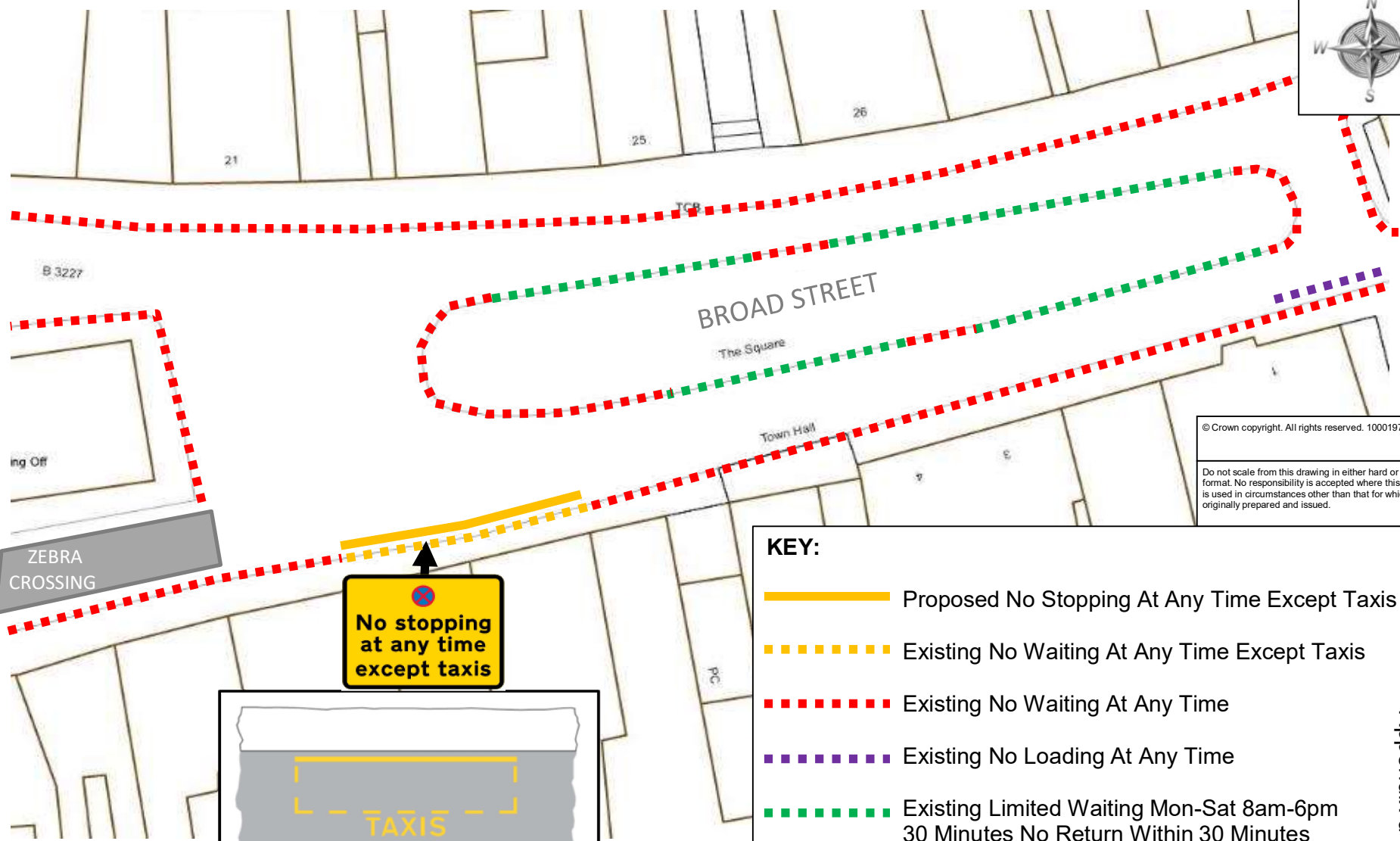


Meg Booth - Director of Climate Change, Environment and Transport
 TRAFFIC ORDERS & POLICY TEAM
 DEVON COUNTY COUNCIL, HIGHWAY MANAGEMENT, LUCOMBE HOUSE, COUNTY HALL, TOPSHAM ROAD, EXETER, EX2 4QD
 Telephone 0345 155 1004

SCHEME
 LEE ROAD, LYNTON

DRAWING
 NORTH DEVON TAXI RANK REVIEW

<i>drawn by</i>	<i>scale</i>
SB	NTS
<i>date</i>	<i>O.S.Ref</i>
21-May-2024	271901,149496
<i>drawing number</i>	
ENV5910/17 (B)	



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KEY:

- Proposed No Stopping At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time Except Taxis
- - - - - Existing No Waiting At Any Time
- - - - - Existing No Loading At Any Time
- - - - - Existing Limited Waiting Mon-Sat 8am-6pm
30 Minutes No Return Within 30 Minutes

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Appendix d
Agenda Item 6



Meg Booth - Director of Climate Change, Environment and Transport
 TRAFFIC ORDERS & POLICY TEAM
 DEVON COUNTY COUNCIL, HIGHWAY MANAGEMENT, LUCOMBE HOUSE, COUNTY HALL, TOPSHAM ROAD, EXETER, EX2 4QD
 Telephone 0345 155 1004

SCHEME
 BROAD STREET, SOUTH MOLTON

DRAWING
 NORTH DEVON TAXI RANK REVIEW

<i>drawn by</i> SB	<i>scale</i> NTS
<i>date</i> 21-May-2024	<i>O.S.Ref</i> 271395,125846
<i>drawing number</i> ENV5910/18 (B)	



Proposed to change the Taxi Rank to seasonal and change the times of the No Waiting restriction

BARTON ROAD

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Page 45

10 am - 6 pm
No waiting
15 Mar - 31st Oct
6 pm - 10 am
except taxis



- KEY:**
- Proposed No Waiting 10am-6pm
 - Proposed No Waiting 6pm-10am Except Taxis between 15 Mar and 31 Oct
 - - - - - Existing No Waiting 10pm-6am Except Taxis
 - - - - - Existing No Waiting 6am-10pm
 - - - - - Existing No Waiting At Any Time
 - - - - - Existing Limited Waiting 10am-6pm between 15 Mar and 31 Oct 1 Hour No Return Within 2 Hours

Appendix d
Agenda Item 6



Meg Booth - Director of Climate Change, Environment and Transport
Traffic Management Team
Devon County Council
PO Box 968
Exeter
EX1 9DQ
Telephone 0345 155 1004

SCHEME

BARTON ROAD, WOOLACOMBE

drawn by

SB

scale

NTS

DRAWING

NORTH DEVON TAXI RANK REVIEW

date

12-Dec-2024

O.S.Ref

245900,14375

drawing number

ENV5910/19 (D)



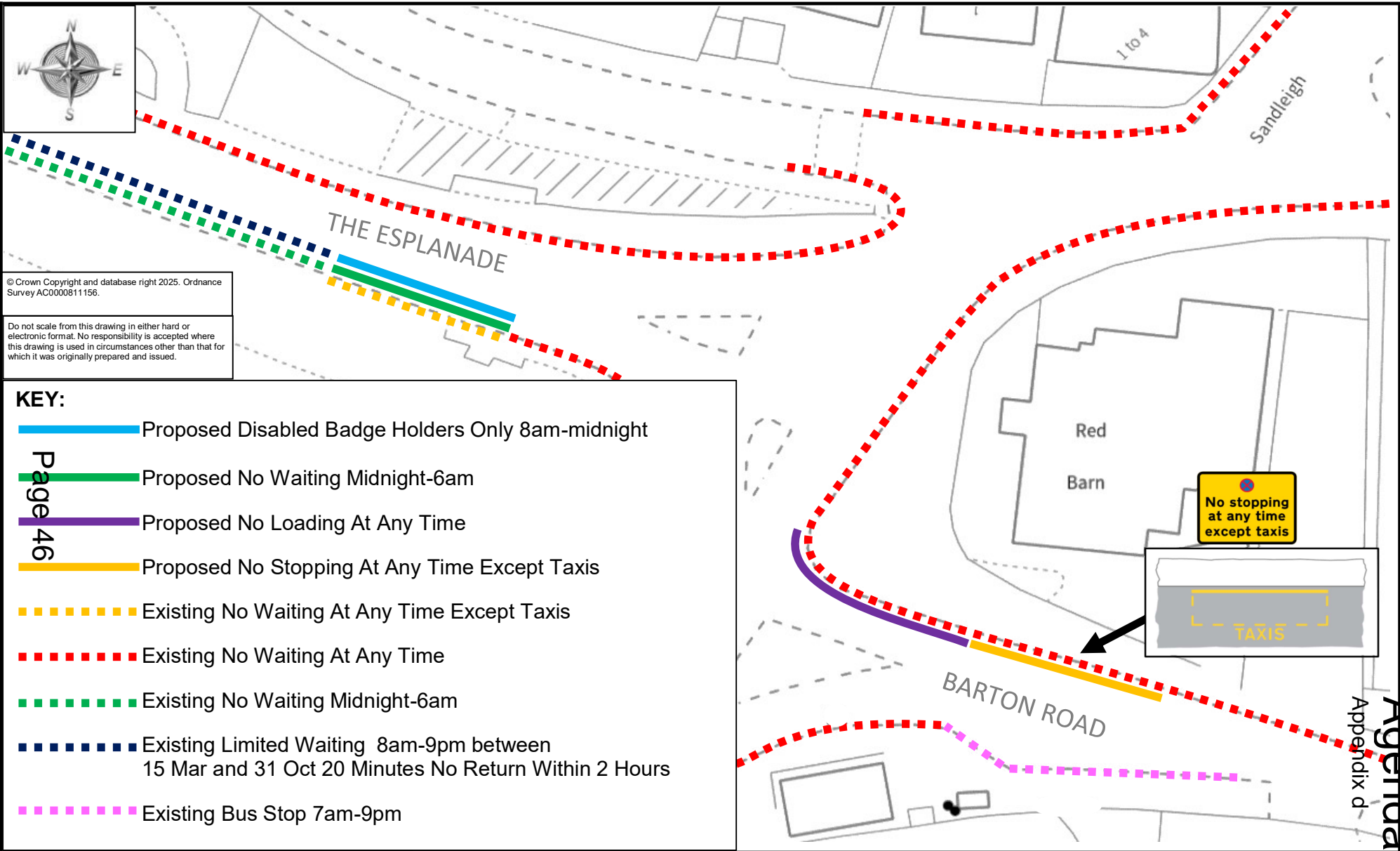
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KEY:

- Proposed Disabled Badge Holders Only 8am-midnight
- Proposed No Waiting Midnight-6am
- Proposed No Loading At Any Time
- Proposed No Stopping At Any Time Except Taxis
- Existing No Waiting At Any Time Except Taxis
- Existing No Waiting At Any Time
- Existing No Waiting Midnight-6am
- Existing Limited Waiting 8am-9pm between 15 Mar and 31 Oct 20 Minutes No Return Within 2 Hours
- Existing Bus Stop 7am-9pm

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Meg Booth - Director of Climate Change, Environment and Transport
 Traffic Management Team
 Devon County Council
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 Exeter
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SCHEME

THE ESPLANADE, WOOLACOMBE

DRAWING

NORTH DEVON TAXI RANK REVIEW

drawn by

SB

scale

NTS

date

26-Mar-2025

O.S.Ref

245735,14382

drawing number

ENV5910/20 (D)

Appendix d
Agenda Item 6

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee E held in the Barum Room - Brynsworthy on Monday, 25th November, 2024 at 10.00 am

PRESENT:

Councillors Biederman, Quinn and Williams

Officers:

Legal Advisor and Licensing Officer

Also Present:

Councillor Lethaby

1. APPOINTMENT OF CHAIR.

Councillor Biederman was nominated Chair for this Sub-Committee E.

RESOVLED that Councillor Biederman be appointed Chair.

2. APOLOGIES FOR ABSENCE.

There were no apologies of absence received.

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

The Chair introduced Councillor Lethaby as an observer and sought the applicants consent for him to stay for the hearing.

4. DECLARATIONS OF INTEREST.

No declarations of interest were announced.

5. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS.

RESOLVED:

(a) That, under Section 100(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as it involved the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of the Schedule 12A of the Act (as amended from time to time), namely information which was likely to reveal the identity of an individual.

(b) That all documents and reports relating to the items be confirmed as "Not for Publication".

6. DISCIPLINARY HEARING OF A PRIVATE HIRE LICENSED DRIVER – (REF NB008/24)

Also present: The Driver and Councillor Lethaby, Observing.

The Chair introduced himself and invited those present to introduce themselves.

The Driver confirmed he was happy for Councillor Lethaby to remain in the room and observe.

The Licensing Officer confirmed all requirements had been met in relation to this application.

The Legal Officer outlined the hearing process, explaining that the Licensing Officer would begin by presenting his report; the Sub-committee could then ask questions. The Driver would then be able to present his case and the Sub-Committee would ask questions. If there was a witness the Driver could call for them to present a case. Once all questions had been asked the Licensing Officer would sum up followed by the Driver. All public and press would then be asked to leave so that the Sub-committee could take legal advice to formulate its decision. Everyone would be readmitted to the meeting whereby the clerk would read the proposed decision and this would be voted on. A copy of the decision notice would be given to the Driver and the Chair would call the meeting to a close.

The Driver confirmed he understood the process.

The Licensing Officer handed the Driver a copy of the Institute of Licensing's Suitability Guidance (October 2024).

The Licensing Officer highlighted the following:

- The Driver was granted a Hackney Carriage and Private Hire licence in January 2020 which was subsequently renewed in January 2023.
- The next renewal was due in January 2026.
- A Private Hire Operators licence was held by the Driver and this was first granted February 2020 and expired February 2026.
- He also held a Private Hire Vehicle licence first granted in July 2021 and was due for renewal in July 2025.
- During his licence renewal in January 2023 the Driver disclosed he had received 3 penalty points on his driver's licence for exceeding the statutory speed limit on a public road this was dated December 2022.
- The yearly check carried out by the Council on the DVLA site found two further speeding offences each accruing three points bringing the total number of points on the licence to 9 over three separate incidences.
- Section 13.3 in Appendix O of the North Devon Council Hackney Carriage and Private Hire Licensing Policy states that drivers must notify the Licensing Team in writing, within a 48 hour period of any arrest and release, charge or conviction, receipt of a driving disqualification for any period of time, receipt of any fixed penalty, or anti-social behaviour order imposed on him/her whilst the licence was in force.

- On 21 October 2024 the Driver was interviewed in accordance with the conditions of the Police and Criminal Evidence Act 1984 (PACE) in relation to the driving licence endorsements and the failure to notify the Licensing team at North Devon Council.
- A newsletter sent out to all drivers on 8 February 2024 reminded Drivers of the requirement to notify the Council within 48 hours, a copy of this newsletter could be seen at Appendix A of the agenda.
- In addition to the nine points on his DVLA licence the Driver had undertaken a speed awareness course, it being too soon for another to be taken.
- The Sub-Committee had to consider whether the Driver was a fit and proper person to hold a hackney carriage and private hire licence as failure to notify of the additional six points on the licence raised the question of honesty.

The Driver presented his case.

The Members of the Sub-Committee asked questions. The Driver gave the following responses to questions:

- His sister had recently passed away and as a result he was distracted when driving.
- One of the speeding incidents he was travelling at 42 mph in a 30 mph zone.
- Yes he did receive the newsletter and he did understand the requirements contained within the North Devon Council's policy.
- On the occasion of another speeding incidence he was travelling to pick up an elderly passenger sitting in the rain.
- He understood there was a certain amount of trust required between driver and customer especially as in some circumstances he entered their homes to help off load grocery shopping.
- He drove around 45,000 per annum.
- He was reminded of the need to notify us of his speeding offences during a conversation with another driver.
- Irrespective of the failure to notify of the speeding offences he felt he was a fit and proper person.
- He felt that not disclosing the offences was worse than the speeding itself.
- He usually picked up elderly customers and if he were not allowed to drive the customers would struggle to find anyone to replace him.

The Licensing Officer summed up his case by explaining to the Sub-Committee that it was helpful to have the Driver in front of them to answer questions. He was a laid back individual who enjoyed driving. The community would miss his service. He was very compassionate and went above and beyond in terms of the service he provided.

The Driver summed up by apologising for not declaring his offences and that he would definitely disclose in the future if it should happen again.

RESOLVED that everyone be excluded from the meeting with the exception of the Members, Legal Officer, and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

That it being 11.35 all public and press be readmitted to the meeting.

The Chair asked the clerk to read out the proposed decision and the reasons for the proposed decision as follows:

Reasons for the decision:

The Licensing Authority has determined, with the high responsibility that the Licensing Authority has in respect to the protection of the public that you were not operating appropriately as a fit and proper person for the above licences for the following reasons, pursuant to section (61) (1) and (2B) of the Local Government (Miscellaneous Provisions) Act 1976, and Appendix H (18) (i) (I) and Section 4.12 of the Council's Hackney Carriage and Private Hire Licensing Policy dated December 2023, and the information that Members have heard today. A temporary suspension of Licence was proportionate to reflect this for 14 days and to undertake a driver awareness course and/or pass a driver assessment, with no more than eight minor infringements, within four months of this notice.

The reasons for this were:

- (a) There was no evidence of the Licensing Authority being notified of two driving offences dated 30 December 2023 and 17 July 2024 in line with reporting requirements of the Council's Hackney Carriage and Private Hire Licensing Policy; and
- (b) Accumulation of nine DVLA penalty points for speeding offences within a nineteen month period between December 2022 and July 2024.

Appendix H (18) (i) of the Council's Hackney Carriage and Private Hire Licensing Policy states that Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It was accepted that offences could be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally.

By attaining seven or more penalty points on their DVLA licence a driver was demonstrating they may not be fit and proper and the authority should assess their suitability. It was suggested part of the assessment was to undertake a driver awareness course and/or pass a driver assessment with no more than eight minor infringements, within four months of notice from the authority they were considering the suitability of the licence holder. Failure to do so would strongly suggested the driver was not fit and proper and not be licensed until a period of 12 month had passed with no further convictions and had passed a driver assessment since the last conviction, (4.54 of the Institute of Licensing Suitability Guidance).

In this instance the driver had incurred nine penalty points for speeding within a short period of time which was not a single occurrence, and the Licensing Authority believed the number of points accrued indicated a propensity to drive in this manner. Moreover, these points had accumulated following the driver's attendance at an

educational speed awareness course. It was held that the accumulation of these penalty points indicates that the driver did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally. The miles per hour (MPH) over the speed limit was significant and had been a consideration.

Whilst the Licensing Authority was not considering the grant of a new licence in this instance, Members also noted that within Appendix H (18) (I) of the Council's Hackney Carriage and Private Hire Licensing Policy where a new driver applicant had seven or more points on their DVLA licence for minor traffic or similar offences, a licence would not be granted until at least five years had elapsed since the completion of any sentence imposed. This set the expectation and gravitas pertaining to the propensity to speed in motor vehicles used prior to a licence having been granted, and now the Licensing Authority was determining a situation after the grant of a licence and relevant to the standard of fitness of a licensed hackney carriage and private hire driver.

We had to consider if the fact they had not disclosed the penalty points was a dishonest act with intent or that it was simply an oversight due to lack of understanding/knowledge of the policy and didn't receive the newsletter dated 8 February 2024 reminding drivers of their obligation to notify North Devon Council within 48 hours of receipt of any fixed penalty.

Any dishonesty by any applicant or other person on the applicant's behalf which was discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) would result in a licence being refused, or if already granted, revoked and may result in prosecution. North Devon District Council's Hackney Carriage and Private Hire Licensing Policy Appendix H section 12 (December 2023) (4.23 of the Institute of Licensing Suitability Guidance).

If not believed to be an intentional dishonest act then it may be considered to be a negligent act and question the driver's suitability. In these circumstances a suspension of the licence for a period of time may be deemed to be a suitable sanction. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 stated that a district council may suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle where he has been convicted of an offence under or has failed to comply with the provisions of the Town Police Causes Act 1847 or the 1976 Act or for 'any other reasonable cause'.

There were concerns namely the Licensing Authority was not satisfied that any attempts had been made to notify them of the subsequent speeding offences which was considered to be an intentional and deliberate act. This alongside the associated speeding offences was considered relevant and serious enough to justify the suspension of the current hackney carriage and private hire driver's licences for a period of 14 days.

RESOLVED:

- (a) That the hackney carriage and private hire drivers licence be suspended, with immediate effect, for a period of 14 days; and

- (b) That the driver undertakes an awareness course and/or passes a driver assessment, with no more than eight minor infringements, within four months of today's notice of decision.

7. **DISCIPLINARY HEARING OF A PRIVATE HIRE LICENSED DRIVER – (REF NB009/24)**

Also present: the Driver, his Witness and Councillor Lethaby, Observer.

The Chair explained Councillor Lethaby's presence and sought confirmation the Driver was happy for him to remain in the room. The Driver confirmed he was happy for Councillor Lethaby to remain.

The Chair introduced himself and invited those present to introduce themselves. He confirmed he had been appointed the Chair for this hearing and confirmed that items 2 to 6 on the agenda had been dealt with.

The Chair asked the Licensing Officer to confirm if all requirements had been met for the application. The Licensing Officer confirmed they had.

The Chair then invited the Legal Officer to explain the hearing process.

The Legal Officer explained that the Licensing Officer would begin by presenting his report followed by questions from the Sub-Committee. The Chair would then request the Driver to present his case followed by questions from the Sub-Committee, the Chair would then ask the Driver's witness to present his case followed by questions from the Sub-Committee. The Licensing Officer would then sum up followed by the Driver. The Sub-Committee would then retire to seek legal advice to formulate its decision. Once a proposed decision had been reached, the meeting would reconvene and the clerk would read out the proposed decision whereby Members of the Sub-Committee would vote. A printed copy of the decision notice would be given to the Driver and the meeting would then conclude.

The Driver confirmed he understood the process.

The Licensing Officer highlighted the following:

- The Driver currently held a Hackney Carriage and Private Hire drivers licence which had first been granted in January 2019.
- This had been renewed for a further three years in January 2022 with the next renewal due in January 2025.
- During the grant of his licence the Driver had declared receiving three penalty points on his licence in February 2016.
- Section 13.3 of the North Devon District Council's Hackney Carriage and Private Hire Policy required a licensed driver to notify the Licensing Authority within 48 hours of any motoring offence.
- A newsletter was sent out to licenced drivers in February 2024 reminding them of the requirement to disclose offences within 48 hours, this could be seen at Appendix B of the agenda report.

- During a DVLA licence check carried out by the Licensing Authority in October 2024 it was discovered that his licence had nine penalty points over three separate offences of speeding on a public road in a 30 mph zone.
- The Driver attended an interview at Brynsworthy Environment Centre in accordance with the Police and Criminal Evidence Act 1984 (PACE) in relation to the driving licence endorsements and the failure to notify the Council of these endorsements.
- The Driver had undertaken a speed awareness course.

The Chair expressed his concern over the notification or lack of it to drivers of the need for them to notify the Council of offences and asked if this process could be reviewed by officers.

The Driver presented his case. He was very apologetic for having exceeded the speed limit and for not notifying the Council of his penalty points. He accepted that he was responsible for notification to the Council of any issues with his driver's licence and fully accepted he was at fault for not having done so. He had had to deal with a house move as his landlord decided to give him notice to vacate. The housing market for private rentals was particularly challenging and although he did not want to use that as an excuse it had caused stress. He was now fully aware of his obligations and what to do if needed to in the future. This job was his only source of income.

In response to questions he gave the following replies:

- If he had to choose which offence was more serious the speeding or the non-disclosure of the offence he would say they were equally serious.
- If he hadn't been speeding there would have been no need to disclose so he felt the speeding was the more serious offence of the two.
- He was only doing about 5 miles an hour over the limit. He had been caught by mobile cameras at Sticklepath Hill on one occasion.
- He now observes signs and allows extra time in between jobs.
- He felt the traits required to be a driver included being courteous, honest, trustworthy and honest.
- He now had his own email address which had been passed onto the Licensing team for future newsletter updates.

The Driver's witness was asked to give his case. He advised the Sub-Committee he had discussed what to do in the case of a driver having accrued points on his licence with a Licensing officer at the Council who had advised him it would need to go to a Sub-Committee. The need to notify had escaped him and been forgotten about. The house move had been a particularly stressful time and having been told in the May they had to be out by June. The witness confirmed it was his responsibility to advise his drivers of what to do.

The Sub-Committee asked the witness questions and the following replies were given:

- He had 5-6 drivers and knew to inform them of their obligations.
- He must have missed the requirement to notify of 3 points he thought it was if 6 penalty points were accrued that he had to notify the Council.

- He admitted this was an oversight on his part.

The Licensing Officer summed by saying in addition he had failed to mention in his report that the Driver and his witness had had a house move to contend with as it was mentioned at the PACE interview. Although the speeding was not too far over 30mph the limit was a maximum not a threshold. Two of the offences happened within days of each other, and any further points accrued would mean he would lose his DVLA licence and his school contract. The Licensing officer could not prove whether the driver was being dishonest or if it just had been an oversight.

In his summing up the Driver stated he accepted full responsibility for his actions and realised how serious this was. He had not long been a taxi driver and although did not want that to be an excuse he was trying his best to do a good job and would now do better.

RESOLVED that everyone be excluded from the meeting with the exception of the Members, Legal Officer, and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

That it being 12:35 everyone be readmitted to the meeting.

The Chair asked the clerk to read out the proposed decision, along with the reasons for the proposed decision which was agreed and voted upon as follows:

- 1) Suspension of a Hackney Carriage/Private Hire Driver's licence with immediate effect for a period of 14 days; and
- 2) To undertake a driver awareness course and/or pass a driver assessment, with no more than eight minor infringements within four months of the decision notice.

The reasons for this were:

The Licensing Authority has determined, with the high responsibility that the Licensing Authority has in respect to the protection of the public that you are not operating appropriately as a fit and proper person for the above licences for the following reasons, pursuant to section (61) (1) and (2B) of the Local Government (Miscellaneous Provisions) Act 1976, and Appendix H (18) (i) (I) and Section 4.12 of the Council's Hackney Carriage and Private Hire Licensing Policy dated December 2023, and the information that Members have heard today. A temporary suspension of Licence is proportionate to reflect this for 14 days and to undertake a driver awareness course and/or pass a driver assessment, with no more than eight minor infringements, within four months of this notice.

The reasons for this are:

- (c) There was no evidence of the Licensing Authority being notified of any of the three driving offences dated 22 October 2022, 17 April 2024 and 24 April 2024 in line with reporting requirements of the Council's Hackney Carriage and Private Hire Licensing Policy; and

- (d) Accumulation of nine DVLA penalty points for speeding offences within an eighteen month period between October 2022 and April 2024.

Appendix H (18) (i) of the Council's Hackney Carriage and Private Hire Licensing Policy stated that Hackney carriage and private hire drivers were professional drivers charged with the responsibility of carrying the public. It was accepted that offences could be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally.

In this instance, the driver had incurred nine penalty points for speeding within a short period of time, which was not a single occurrence, and the Licensing Authority believed the number of points accrued indicated a propensity to drive in this manner. Moreover, these points had accumulated following the driver's attendance at an educational speed awareness course. It was held that the accumulation of these penalty points indicated that the driver did not exhibit the behaviours of a safe road user and one that was suitable to drive professionally.

By attaining seven or more penalty points on their DVLA licence a driver was demonstrating they may not be fit and proper and the authority should assess their suitability. It was suggested part of the assessment was to undertake a driver awareness course and/or pass a driver assessment with no more than eight minor infringements, within four months of notice from the authority they were considering the suitability of the licence holder. Failure to do so would strongly suggest the driver was not fit and proper and not be licensed until a period of 12 months had passed with no further convictions and had passed a driver assessment since the last conviction, (4.54 of the Institute of Licensing Suitability Guidance).

Whilst the Licensing Authority was not considering the grant of a new licence in this instance, Members also noted that within Appendix H (18) (i) of the Council's Hackney Carriage and Private Hire Licensing Policy where a new driver applicant had seven or more points on their DVLA licence for minor traffic or similar offences, a licence would not be granted until at least five years had elapsed since the completion of any sentence imposed. This set the expectation and gravitas pertaining to the propensity to speed in motor vehicles used prior to a licence having been granted, and now the Licensing Authority was determining a situation after the grant of a licence and relevant to the standard of fitness of a licensed hackney carriage and private hire driver.

The Sub-Committee had to consider if the fact that non-disclosure of the penalty points was a dishonest act with intent or that it was simply an oversight due to lack of understanding/knowledge of the policy and had not received the newsletter dated 8 February 2024 reminding drivers of their obligation to notify North Devon Council within 48 hours of receipt of any fixed penalty. The Sub-Committee had taken into consideration the evidence of the witness, and the failure to supply that newsletter information. The Sub-Committee requested that the witness be tasked with ensuring that his procedures were immediately addressed to ensure drivers were updated with essential information. In addition, it was noted by the Sub-Committee that there had been house-moving upheaval, which had created personal issues for the Driver.

Any dishonesty by any applicant or other person on the applicant's behalf which was discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) would result in a licence being refused, or if already granted, revoked and may result in prosecution. North Devon District Council's Hackney Carriage and Private Hire Licensing Policy Appendix H section 12 (December 2023) (4.23 of the Institute of Licensing Suitability Guidance).

If not believed to be an intentional dishonest act then it may be considered to be a negligent act and question the driver's suitability. In these circumstances a suspension of the licence for a period of time may be deemed to be a suitable sanction. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle where he has been convicted of an offence under or has failed to comply with the provisions of the Town Police Causes Act 1847 or the 1976 Act or for 'any other reasonable cause'.

There were concerns namely the Licensing Authority was not satisfied that any attempts had been made to notify them of the subsequent speeding offences which was considered to be an intentional and deliberate act. This alongside the associated speeding offences was considered relevant and serious enough to justify the suspension of the current hackney carriage and private hire driver's licences for a period of 14 days and to undertake a driver awareness course and/or pass a driver assessment, with no more than eight minor infringements, within four months of the decision notice.

RESOLVED:

- (c) That the hackney carriage and private hire drivers licence be suspended, with immediate effect, for a period of 14 days; and
- (d) That the driver undertakes an awareness course and/or passes a driver assessment, with no more than eight minor infringements, within four months of today's notice of decision.

Chair

The meeting ended at 12.45 pm

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