

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

**NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annexe 2: Officer Delegations –  
Chief Executive**



Reference No: L/11

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**1) SUBJECT:**

The sealing of licensed taxi and private hire vehicle meters, and a proposed derogation to the Council's current Hackney Carriage and Private Hire Licensing policy with this regard.

Meters are currently sealed by the Licensing Authority, and the request is to instead temporarily enable a meter agent to make a declaration in terms of the appropriateness of the tariffs held within a meter and to install a seal.

This derogation comes about due to the expiry of a program inserted into Cygnus meters, which affects bank holiday rates payable by customers within licensed vehicles.

**2) REQUESTED DECISION:**

To approve a temporary policy derogation to the Council's existing Hackney Carriage and Private Hire Licensing Policy at Appendix K, Paragraph 2.5 and Appendix M, Paragraph 2.4.

The proposal is to allow an authorised meter agent to make a signed declaration in terms of the sealing of a hackney carriage or private hire vehicle meter, instead of the Licensing Authority sealing the meter. This proposal is for a temporary period up to and including the bank holiday of the 30 August 2021.

**3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:**

It has recently come to light via Cygnus, who are the main supplier of taxi and private hire meters in this area, that a North Devon tariff programme which includes bank holiday rates (a programme purchased and administered by the main meter agent operating locally, CBM, South Molton) has expired.

Upcoming bank holidays in England and Wales 2021 follow:

2 April	Friday	Good Friday
5 April	Monday	Easter Monday
3 May	Monday	Early May bank holiday
31 May	Monday	Spring bank holiday

30 August Monday Summer bank holiday  
27 December Monday Christmas Day (substitute day)  
28 December Tuesday Boxing Day (substitute day)

We are advised that meters including Cygnus MR400, MR500 and MR500 view will be impacted.

The Licensing Team has identified that there are 102 vehicles that have these meters which will need resealing. This figure is an estimate as some meters may already have a new programme, but most will not.

The Licensing Team do not have capacity to undertake the sealing of these meters at this time and prior to the next bank holiday. It is estimated that meter seals take in the region of 15 minutes per vehicle, at approximately 25 hours if all are required to be sealed.

The next bank holiday being on the 2 April gives insufficient time for the Council to make a decision via the normal process of going to Licensing and Community Safety Committee and then onto Strategy and Resources Committee. Even if going direct to Strategy and Resources, there is insufficient time, with the date for the next meeting being scheduled for the 12 April 2021. As such a more prompt decision is required.

We do not wish for licensed taxi and private hire vehicles operators to be able to accidentally or deliberately over-charge within their vehicles, if they are displaying incorrect bank holiday rates (a higher charge than a normal weekday) this is a potential.

We wish for there to be a continued high level of consumer confidence in the taxi and private hire trade.

Whilst lockdown measures continue, the trade for taxi and private hire vehicles will increase from 29 March 2021. When most schools start to break up for the Easter holidays, outdoor gatherings (including in private gardens) of either 6 people (the Rule of 6) or 2 households will be allowed. Outdoor sports facilities such as tennis and basketball courts, and open-air swimming pools, will also be allowed to reopen, and people will be able to take part in formally organised outdoor sports. The 'stay at home' rule will also end on 29 March.

In terms of the Council's current Hackney Carriage and Private Hire Licensing Policy, the requirements in respect of meter sealing follow:

*Appendix K  
Hackney Carriages – Vehicle Conditions*

*2.5 The Licensing Authority will seal the meter. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged for whatever reason, the owner or operator must immediately inform the Licensing Office, which will arrange for the meter to be re-tested and sealed.*

## Appendix M

### Private Hire Licensing – Private Hire Vehicle Conditions

2.4 A Licensing Officer will test and seal the meter. Any tampering with the seal or the meter constitutes an offence. Where any seal becomes broken or damaged, for whatever reason, the owner or operator must immediately inform the Licensing Office, which will arrange for the meter to be re-tested and sealed.

An exemption to the above policy to allow for a declaration by a meter agent, in line with the example declaration in Appendix A, is requested for the period up until and including the bank holiday of the 30 August 2021.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There are no financial implications with the above proposal, albeit if the more favoured option is to employ a temporary contractor to undertake this work on behalf of the Licensing Authority further information can be ascertained.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

1. Engagement of a temporary contractor to undertake taxi meter sealing prior to the 2 April 2021. Due to timescales involved this likely to be problematic.
2. To allow other day to day business to lapse in terms of timescales and to undertake meter sealing. This is rejected due to more significant risks and including legal ones due to a potential compromise on statutory processes.
3. Do nothing. Again this is not without risk for the reasons outlined in the report, for example overcharging.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

North Devon Council Hackney Carriage and Private Hire Licensing Policy.

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Yes	10.03.21
Chair of Committee (with the Authority to take the decision) ( <i>or Vice-Chair</i> )	Yes – Chair of Licensing and CS Committee	10.03.21
Lead Member	No	
Ward Member(s)	No	
Head of Service (name)	Yes	10.03.21
Finance	Yes	10.03.21
Legal	Yes	10.03.21

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Public Protection Manager

12) APPROVED BY CHIEF EXECUTIVE: YES or NO

13) DATE OF DECISION:

14) CHIEF EXECUTIVE'S COMMENTS:

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

12 April 2021

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

## PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

### **Officer Delegations: the Chief Executive:**

#### **Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
  - 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
  - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
  - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.