

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held in the Barum Room - Brynsworthy on Thursday, 22nd September 2022 at 10.00 am

PRESENT: Members:

Councillor York (Chair)

Councillors Cann, Hunt, Pearson, D. Spear, L. Spear, Tucker and Walker

Officers:

Solicitor and Public Protection Manager, and Environmental Health and Licensing Practitioner

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, Bulled, Gubb, Henderson and Yabsley.

21. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 27 APRIL 2022 AND 14 JUNE 2022

RESOLVED that the minutes of the meetings held on 27 April 2022 and 14 June 2022 (circulated previously) be approved as correct records and signed by the Chair.

22. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

23. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AMENDMENTS

The Committee considered a report on Hackney Carriage and Private Hire Licensing Policy Amendments (circulated previously) by the Public Protection manager.

The Public Protection manager introduced Lee Staples, Environmental Health and Licensing Practitioner to the meeting who gave the following update to the Committee:

- Following the Licensing and Community Safety Committee meeting held on 8 March 2022 a community consultation was run online from 16 March to 11 May 2022 seeking comments on the proposed policy amendments.
- The responses received were very constructive and were considered very carefully. Where practicable amendments were formulated because of comments received.
- The following amendments have been made:

- Vehicle standards in particular were being looked at with the licenced vehicle age criteria (vehicle standards), to better align to the Council's corporate priority around protecting the environment;
- It was decided not to make CCTV in vehicles mandatory but to clarify the standards for systems that might be installed so had introduced technical specifications and system requirements for any new CCTV systems fitted within licenced vehicles. Those vehicles who had already had CCTV installed were not being asked to have the system removed;
- Introduction of day-to-day maintenance logging checks undertaken daily and proprietors to keep logs of who was driving and when;
- Removal of sun strip visors on private hire vehicles– which was to be replaced with door signage; and
- Drivers to attend an interview when a complaint was received. To be undertaken in a timely manner.
- 52 responses were received from the public with some very lengthy comments.
- As a result of considering the comments received further changes were made to the amendments of the policy such as:
 - Retaining the current upper age limit for plating a new licenced vehicle at 5 years of age as opposed to the 3 years as proposed, but linking this to a requirement for these vehicles to also be Euro 6 emission standard or above;
 - The emphasis would be on the emissions of the vehicle in line with the Corporate environmental priority;
 - Cost considerations was the biggest concern amongst drivers completing the survey especially following on from loss of income due to the Covid-19 pandemic and more recently the high inflation costs;
 - A draft best practice guide recently released by Central Government indicated that they did not favour an age based policy;
 - This was felt to be a proportionate response to the information received;
 - Likewise, the proposal to introduce an upper age limit for vehicle renewal was amended to correspond to emission limits as opposed to vehicle age, specifically Euro 6 emissions standard. To allow for older vehicles currently licenced with the Local Authority a built in delay to updating vehicles to Euro 6 emission standards was being proposed to January 2026, to give those drivers time to purchase newer vehicles;
 - Wheelchair accessible vehicles were to be allowed a lower emission standard as it was accepted it was more expensive to buy those types of vehicles and certainly more expensive to maintain and run as they tended to be larger vehicles.
- Appendix B of the Hackney Carriage and Private Hire Licensing policy had been fully revised. This dealt with vehicles presenting for inspection and the report of findings of an inspection.
- The wording for Private Hire Vehicles had been amended to allow for "Advance booking only" to be put on the vehicle doors incorporated with company branding.

- The vehicle write-offs wording had been amended. In particular, around the documentation required to prove the vehicle was safe.
- Additional notification written into the policy whereby a driver must inform us if they were under investigation by the Police. It could be a driver was under investigation and an arrest would not be made until sometime down the line.

In response to questions, the Licensing Practitioner and Public Protection Manager gave the following responses:

- There was regular communication with the taxi trade by way of a newsletter, which explained changes and highlighted what this meant for the drivers.
- The database of taxi/private hire driver email addresses was currently around 97% and the Licensing Team was exploring the ability to send text messages prior to the new policy coming into effect, which would require the provision of an email.
- The Euro standards were the standards vehicles were manufactured to as they were produced in Europe but it was expected the British Government would follow on with those standards.
- The Policy set out the types of write offs that would be allowed for licensing purposes, if a vehicle had previously sustained any damage other than bodywork damage a license would be refused. Setting this out in the policy gave us the ability to deal with any vehicles presenting with write off history.

The Public Protection manager asked the Committee to consider a further proposal. With a successful bid to the Safer Streets fund the Council were now able to offer drivers a free place on a Safeguarding training session. Places were available to be booked throughout the months of October, November and December 2022. It was being proposed that all existing licensed drivers book a place on one of these sessions. All existing drivers should be booked on a course session by January 2023.

RESOLVED that:

- (a) The representations from the public consultation be noted;
- (b) The further amendments be approved as set out in Appendix A;
- (c) That all licensed taxi and private hire drivers to have undertaken or to have booked onto the Child Sexual Exploitation and Safeguarding training provided by Karen Anderson prior to the 1st January 2023; and

RECOMMENDED that the revised policy be approved at a future Strategy and Resources committee.

24. TAXI LEGISLATION UPDATE

The Committee received a presentation on taxi and private hire legislation update.

Lee Staples, Environmental Health and Licensing Practitioner presented the following to the Committee:

- Two important pieces of legislation had recently been passed;
 - Taxi and Private Hire Vehicle (Disabled Persons) Act 2022; and

- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- The main legislation in use for taxis and private hire vehicles was the Town Police Clauses Act 1847 (concerned with horse and cart Hackney carriages) and the Local Government Misc. Provisions 1976 (introduced regulation to private hire vehicles).
- Big changes in society had taken place since these two pieces of legislation were adopted chiefly mobile telephone use and app based services and cross-border hiring.
- A Task and Finish Parliamentary working group, which included leading industry figures as well as legal professional, was set up in 2019 and undertook a major review of the taxi industry.
- 34 significant recommendations were made which included:
 - Companies acting as intermediaries between passengers and taxi drivers should meet the same licensing requirements and obligations as private hire vehicle operators;
 - The Best Practise Guidance had been updated with new definitions for 'pre-booked' and 'plying for hire' which took into account app based providers;
 - The use Fixed Penalty Notices (FPN's) as a means of enforcement against any taxi or private hire vehicle regardless of who issued a licence (i.e. out of LA area). FPN's could be used as alternative to sub-Committee hearings or prosecution;
 - A recommendation on the mandatory use of in-vehicle CCTV would need to be monitored and reviewed periodically by North Devon Council as at present the policy did not call for mandatory installation of in-vehicle CCTV;
 - Licensing Authorities were to publish a list of wheelchair accessible vehicles. This was now law under the Taxi and Private Hire Vehicle (Disabled Persons) Act 2022;
 - The Equality Act 2010 introduced 'concept of reasonable adjustment i.e. making changes and alterations so that as far as reasonable disabled persons had the same access to everything as a non-disabled person. There were around 14 million disabled people in the UK with approximately 80% of those having hidden disabilities. A reasonable adjustment for wheelchair users was a ramp but for those with a learning disability it might be dictation software;
 - The Taxi and Private Hire Vehicle (Disabled Persons) Act 2022 came into force on 28 June and placed duties on taxi and private hire vehicle drivers and operators, so any disabled person had specific rights and protections to be transported and receive assistance when using a taxi or Private Hire Vehicle without being charged extra;
 - Help for visually impaired passengers would be given by drivers to help with identifying or finding the vehicle;
 - Drivers could face a fine of up to £1,000 if they failed to provide reasonable mobility assistance to disabled passengers taking a pre-booked vehicle;

- Drivers could apply, to the licensing authority, for an exemption to give these extra aids to passengers on the grounds of their physical/medical impairment;
- The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 became law on 31 May;
- This new legislation required a Local Authority to share information relating to safeguarding concerns with other Local Authorities and if not the licensing authority must share with the authority who issued the licence of a driver; and
- Local Authorities will be obliged to input information on a central database, such as instances where the authority had refused, suspended, chosen not to renew or revoked a taxi or Private Hire Vehicle driver's licence, based wholly or in part on information relating to the driver concerning safeguarding or road safety.

In response to questions, the Environmental Health and Licensing Practitioner gave the following replies:

- The Local Authority would be the only ones with access to the database. Local Authorities would be required to check the database for entries, and any entries made on the database would remain live on there for 11 years.
- A Fixed Penalty Notice would be a cost saving for the Local Authority and was considered to be an admission of guilt.

RESOLVED that the Committee noted the new updates to legislation.

25. LICENSING CONSULTEES

The Public Protection manager gave the Committee a report on Licensing Consultees.

The Committee received the following information:

- It had been raised at meetings previously and more recently via email re Parish Councils becoming a statutory consultee when dealing with Licensing applications.
- Responsible Authorities included Devon and Cornwall Police, Devon and Somerset Fire and Rescue Service, North Devon Council Environmental Protection, North Devon Council Planning Authority, Devon County Council Business, Strategy and Support Services (Child protection), Devon County Council Trading Standards, Public Health Devon, Home office Immigration Enforcement, North Devon Council Health and Food Safety and North Devon Council Licensing.
- Blue notices had to be displayed prominently at a premises where a licence was being applied for.
- Adverts had to be placed in the local newspaper.
- The North Devon Council website posted licence applications that were pending and this had a filter search function of choosing by Ward.
- Extending the Responsible Authority status to a Parish or Town Council had not been done before at North Devon. It was likely there were Local

Authorities across Devon that did include, as a consultee, the Parish or Town Council.

- There were reservations about staff capacity to add in a further consultee and resourcing and funding would need to be looked at.
- It was felt that a Parish or Town Council could know about licence applications being made in their community.

In response to a question around the automation of notifying external parties, the Public Protection manager advised that the Council was looking to procure new software, which would have far more advanced features than the current version. New software could have the ability to automate sending out notifications to interested parties, and this was something which would be explored on successful procurement.

RESOLVED that the position on Licensing Consultees be noted.

26. LICENSING AND COMMUNITY SAFETY SUB-COMMITTEES

RESOLVED that the minutes of the following sub-committees (circulated previously) be approved as correct records and signed by the Chair of each sub-committee:

- (a) Licensing and Community Safety Sub-Committee A held on 15 July 2022;
- (b) Licensing and Community Safety Sub-Committee B held on 14 June 2022;
and
- (c) Licensing and Community Safety Sub-Committee C held on 24 August 2022.

Chair

The meeting ended at 11.13 am

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