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4 September 2015

Dear Member

Council 9 September 2015

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

Agenda Item 7

To add to your agenda for the meeting on **9 September 2015**

7 **Committee Reports** (*Pages 3 - 10*)

Licensing Committee 3 September 2015
Regulatory Committee 3 September 2015

Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 3 September 2015 at 10.00 am

Present Councillors

Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs E M Andrews, T G Hughes,
D J Knowles, C J Eginton, Mrs G Doe,
J Smith and L Taylor

Apologies Councillor(s)

R J Chesterton, P H D Hare-Scott, K Busch
and Mrs B M Hull

Present Officers:

Simon Newcombe (Public Health and
Professional Services Manager), Simon
Johnson (Legal Services Manager), Thomas
Keating (Lead Licensing Officer) and Sarah
Lees (Member Services Officer)

1 Election of Chairman (The Vice Chairman of the Council, Cllr T G Hughes, in the Chair)

RESOLVED that Cllr D R Coren be elected Chairman of the Committee for the Municipal Year 2015/15.

Cllr D R Coren then took the Chair.

2 Election of Vice Chairman

RESOLVED that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the Municipal Year 2015/16.

3 Apologies and Substitute Members

Apologies were received from Cllrs K I Busch, Mrs B M Hull, R J Chesterton, and P H D Hare-Scott.

4 Public Question Time

There were no members of the public present.

5 Minutes

The Minutes from the Meeting held on 18 December 2014 were approved as an accurate record and **SIGNED** by the Chairman.

6 Review Licensing Hearing Procedures (00:10:00)

The Committee had before it a report * from the Head of Human Resources and Development discussing the procedure used for hearings which were in need of revision.

Prior to consideration of the report the Public Health and Professional Services Manager briefly updated the committee with regard to a caution which had been issued since the last meeting. This concerned Lodgehill Hotel, Ashley, Tiverton and related to licensable activities carrying on while the licence had been suspended for non-payment of annual fee. Following a visit by the Enforcement Officer, the licensee had paid the necessary charges and had had their licence reinstated.

Following on from this the Lead Licensing Officer outlined the contents of the report before the Committee highlighting areas within the hearing procedure that had needed revision. He stated that the changes were being proposed in the light of recent training, legal advice and best practice from other authorities. The key benefits resulting from the proposed changes included the following:

- All parties would have an opportunity to ask questions of each other.
- All parties would have an opportunity to suggest a particular condition or conditions which could be opened up for debate.
- The Legal Officer would now retire with Members to form their initial conclusions, thereby supporting Members better.
- Members could make a broad decision regarding a condition but could then delegate the precise technical wording to officers for completion after the hearing.
- Two of the three Panel Members would be experienced in attending licensing hearings.

Discussion followed with regard to:

- The improvements already seen during the previous two licensing hearings as a result of these changes; Members had felt that all parties had left the meetings feeling satisfied with the decisions made and the opportunities given to them express their views.
- It was felt that it was now good practice to use the local knowledge of a Ward Member on a Panel and to positively encourage it providing there were no personal interests involved.
- If a Member was approached by a member of the public to make a representation on their behalf they should not then sit the Panel discussing that application. Members of the public should be encouraged to make their own representations.

RESOLVED that the proposed protocol and procedure documents for hearings held under the Licensing Act 2003 be approved.

(Proposed by Cllr D J Knowles and seconded by Cllr N V Davey)

Note: * Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 10.25 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 3 September 2015 at 11.00 am

Present Councillors

Mrs E M Andrews, Mrs F J Colthorpe,
D R Coren, N V Davey, Mrs G Doe,
C J Eginton, T G Hughes, D J Knowles,
J Smith and L Taylor

Apologies Councillor(s)

K Busch, R J Chesterton, P H D Hare-Scott
and Mrs B M Hull

Present Officers:

Simon Newcombe (Public Health and
Professional Services Manager), Simon
Johnson (Legal Services Manager), Thomas
Keating (Lead Licensing Officer) and Sarah
Lees (Member Services Officer)

1 Election of Chairman (The Vice Chairman of the Council, Cllr T G Hughes, in the Chair) (00:25:23)

RESOLVED that Cllr D R Coren be elected Chairman of the Committee for the Municipal Year 2015/16.

Cllr D R Coren then took the Chair.

2 Election of Vice Chairman (00:28:00)

RESOLVED that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the Municipal Year 2015/16.

3 Apologies and Substitute Members

Apologies were received from Cllrs K I Busch, Mrs B M Hull, R J Chesterton and P H D Hare-Scott.

4 Public Question Time

There were no members of the public present.

5 Minutes

The Minutes of the meeting held on 18 December 2014 were approved as a correct record and **SIGNED** by the Chairman.

6 Hackney Carriage and Private Hire Fees and changes following the introduction of the Deregulation Act (00:30:00)

The Committee had before it a report * from the Head of Human Resources and Development outlining the amendments made by the Deregulation Act 2015 which had led to a review of the current Private Hire / Hackney Carriage fees.

The Lead Licensing Officer outlined the contents of the report stating that the new Act contained 2 provisions that affected taxi and private hire licensing with effect from 1 October 2015. The first provision was that hackney carriage and private hire driver's licences should be issued for 3 years and private hire operators for 5 years, unless there were reasons for not doing so. This authority currently allowed both drivers and operators to apply for a 1 year or a 3 year licence. As a result of this, this authority would need to introduce a 5 year private hire operator's licence along with an appropriate fee. This requirement had led to the licensing department reviewing all of the fees in this area.

The Committee were shown the spreadsheet which calculated all the fees and charges in this area. The processes necessary for each application were set out on separate tabs within the spreadsheet which also included all on costs. The document would need to be reviewed on a regular basis in the light of any future legislative changes.

Discussion took place regarding:

- A monitoring and compliance tab which took account of enforcement officer time in determining overall fees.
- The Licensing Authority employed 'Stop Notices' when necessary and these were seen as a very effective tool.
- Criminal records checks were made for new taxi drivers, if issues were found affecting whether or not a licence should be issued then these would be referred to a hearing for Members to determine an applicant's suitability.
- Some concern was expressed that Mid Devon's fees seemed lower than neighbouring authorities. However, it was explained that the template used to calculate fees was based on two separate templates, developed by the Wales Licensing Technical Panel and also Taunton Deane following a challenge to their fees. Both of these were available for use on the Institute of Licensing website. It cannot be assumed other authorities have correct fees and differences may result from things like the size of departments and the time spent on taxis. It was important for the authority to guard against future challenges but assurance was provided that all necessary costs were included.
- The report compared the 'old' charges with the 'new' and showed a 2% difference. Figures could now be adjusted in the future far more easily using the new templates.
- The fees would be reviewed on an annual basis.

RESOLVED that:

- i. Changes brought about by the Deregulation Act 2015 be noted and that the amendments set out in this report in relation to the duration of licenses be approved.
- ii. The fees set out in the report be approved and that they be introduced as soon as possible, in compliance with the requirements to advertise / consider objections.
- iii. The £5 discount currently offered when renewal applications were submitted early be removed.
- iv. If there were objections to the taxi fares when they were advertised then delegated authority be given to the Public Health and Professional Services manager, in conjunction with the Chair of the Regulatory Committee, to consider the objection(s) and set a further date, not later than two months after the first specified date on which the variation will come into force, with or without modification.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs E M Andrews)

Note: * Report previously circulated; copy attached to the signed Minutes.

7 Mobile Homes Act (00:55:48)

The Committee had before it, and **NOTED**, a report * from the Head of Human Resources and Development informing it of the provisions of the Mobile Homes Act 2013 and updating it on the current work being carried out. A thorough review regarding fees in this area would be undertaken with a report coming to Committee sometime early in the new year.

Note: * Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 11.00 am)

CHAIRMAN

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