

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 4 July 2019
on the rising of the Licensing Committee

Present Councillors

J Cairney, Mrs F J Colthorpe, D R Coren,
J M Downes, S J Penny, L D Taylor and
A Wilce

Apologies Councillor(s)

Mrs E M Andrews, T G Hughes and Miss J Norton

Also Present Officer(s):

Simon Newcombe (Group Manager for Public Health and
Regulatory Services), Sally Gabriel (Member Services
Manager), Philip Langdon (Solicitor), Thomas Keating
(Specialist Lead (Licensing) Officer) and Carole Oliphant
(Member Services Officer)

1 ELECTION OF CHAIRMAN (MEMBER SERVICES MANAGER IN THE CHAIR)(00.04)

Cllr J Cairney was elected Chairman for the municipal year 2019-2020.

(Proposed by Cllr L D Taylor and seconded by Cllr J M Downes)

2 ELECTION OF VICE CHAIRMAN (01.07)

Cllr D Coren was elected Vice Chairman for the municipal year 2019-2020.

(Proposed by Cllr S J Penny and seconded by Cllr J M Downes)

3 APOLOGIES AND SUBSTITUTE MEMBERS (02.47)

Apologies were received from Cllrs Mrs E M Andrews, T G Hughes and Miss J
Norton

4 PUBLIC QUESTION TIME (02.56)

There were no members of the public present

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (03.06)

There were no declarations made

6 **MINUTES OF THE PREVIOUS MEETING (03.25)**

The minutes of the previous meeting held on 1st March 2019 were agreed as a true record and signed by the Chairman

7 **ENFORCEMENT UPDATE (04.51)**

The Specialist Lead Licensing Officer explained that the Regulatory Committee covered the area's that the Licensing Committee did not and the main bulk of the work was Hackney Carriage and Private Hire Licensing.

He informed the group that a new Hackney Carriage and Private Hire Policy had been adopted and introduced on 1st January 2019 and had brought consistency to the processes. He explained that the standards had been increased and although this had caused extra worked for officers it was the right thing to do for public safety.

He confirmed that 5 Regulatory Hearings had been deferred to sub committees during the past 12 months.

The Council had 121 licensed vehicles on its register and 51 of those (42% of the total) had been proactively inspected by enforcement officers. He explained that this was in addition to the yearly inspection required that was carried out by authorised garages. Common issues discovered as part of the spot checks included drivers not wearing badges, dirty vehicles and unreported damage to vehicles.

As a direct result of delegated officer decisions 2 licenses, 5 driver licenses and 1 vehicle licence had been revoked.

He explained that from the end of June 2019 all taxi drivers were required to attend safeguarding training and that to date 92% had complied. The remaining drivers would be contacted shortly and may be subject to enforcement action.

In response to questions the Group Manager for Public Health and Regulatory Services informed Members that all garages completing Taxi inspections had to meet DVSA requirements and that agency's external quality control as MoT approved garages. The Council were currently looking at managing the contracts going forward under new joint arrangements with Exeter City Council which may result in a third party provider conducting quality control checks on the taxi testing going forward.

There was a general discussion regarding unlicensed Taxi's in the District and the threat that this caused for public safety.

The Specialist Lead Licensing Officer gave an overview of the remit of the enforcement officers.

8 **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT - INCLUDING MANDATORY SUBSCRIPTION TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE (18.05)**

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining revisions to the Hackney Carriage and Private Hire Policy

The Specialist Lead Licensing Officer explained to the Committee that the Hackney Carriage and Private Hire Policy was set to be renewed every 3 years but that it was very much a living document and that amendments and improvements were made much more often than this.

He further explained that as the Licensing Authority the Council was only allowed to have 'fit and proper' drivers but this had not been defined in any statute. The Policy detailed the steps the Council would take to ensure that drivers were 'fit and proper' and included the requirements of a medical test, numeracy and English communication tests.

He gave an overview of the DBS update service and explained how this would assist officers in identifying any changes to a drivers DBS status immediately without relying on the drivers to report them. He explained how the DBS service operated and that it was a current requirement that the driver physically provided a certificate every 3 years.

He further went on to explain the reasoning behind the recommendations to the current policy to Members.

In response to questions the Group Manager for Public Health and Regulatory Services explained that if Members wanted to introduce a requirement for drivers to conduct a walk around of their vehicles every day then the Hackney Carriage and Private Hire Policy would need to be updated. He explained that this could be investigated and be brought back to the Committee for a further update to the Policy.

It was therefore **RESOLVED** that:

1. The implementation of the proposed mandatory subscription to the Disclosure and Barring Service (DBS) Update Service be **AGREED**. Status checks will, as standard practice, be carried out by the Licensing Team every 6 months on all licensed drivers.

(Proposed by Cllr A Wilce and seconded by Cllr D R Coren)

2. The following updates to the policy be **AGREED**:
 - Reduce the notification period from 72 hours to 48 hours (i.e. notification of arrests; charges; accidents etc.)
 - An additional requirement in the 'Conduct of drivers' section (in Appendix C of the Policy) which states that drivers should not leave a vehicles engine running for longer than necessary when stationary, particularly at hackney carriage ranks/stands
 - Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the potential requirement to undertake a relevant test (i.e. English language, numeracy and literacy)
 - Add a condition on Combined Hackney Carriage / Private Hire Drivers Licences about the requirement to notify the Licensing Authority of any deterioration

to health that may affect driving ability and compliance with Group 2 medical standards.

- Add a requirement to display stickers or notices within a licensed vehicle which contains details of how customers can make compliments, comments or complaints about the driver and / or vehicle

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

3. The introduction of a driver licence 'handbook' which provides a brief overview of licensing requirements for licence holders be **APPROVED**. It was agreed that the specific contents of the document be delegated to Licensing Officers to decide.

(Proposed by Cllr J M Downes and seconded by Cllr L D Taylor)

4. The introduction and use of the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) be **APPROVED**. NOTE: This will not be implemented until 2020.

(Proposed by Cllr J M Downes and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

9 **THE SCHEME OF DELEGATIONS FOR FUNCTIONS OF THE REGULATORY COMMITTEE**

The Committee had before it a *report of the Group Manager for Public Health and Regulatory Services outlining a proposed scheme of delegations.

The Specialist Lead Licensing Officer outlined the proposal and explained that it would supplement and support the current scheme of delegations set out in the Council's constitution.

He explained the current process for referring licensing applications to sub committee hearings and the proposed changes.

He gave an overview of the revised animal welfare legislation which would be best served by qualified and knowledgeable officers instead of referring to sub committees.

He confirmed that delegated authority to officers would not always be appropriate and that referrals to sub committees for determination by Members would be done on a case by case basis.

The Committee then had a general discussion about past cases and how these had been resolved.

It was therefore:

RECOMMENDED to Full Council –

- (a) That the delegations set out in this report (attached as Annex 1) be approved;
and
- (b) That the Constitution be amended to incorporate the delegations if approved.

(Proposed by Cllr L D Taylor and seconded by Cllr D R Coren)

Note: *Report previously circulated copy attached to the minutes

(The meeting ended at 11.55 am)

CHAIRMAN