

# Public Document Pack

## Mid Devon District Council

### Regulatory Committee

**Friday, 26 August 2022 on the rising of the Licensing Committee  
Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting  
Friday, 2 December 2022 at 11.00 am**

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Join Zoom Meeting

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Meeting ID: 848 1903 8117

Passcode: 985566

One tap mobile

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Dial by your location

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0 800 031 5717 United Kingdom Toll-free Meeting ID: 848 1903 8117

Passcode: 985566

## Membership

Cllr J Cairney

Cllr J Bartlett

Cllr Mrs F J Colthorpe

Cllr R J Chesterton

Cllr D R Coren

Cllr J M Downes

Cllr D J Knowles

Cllr Miss J Norton

Cllr D F Pugsley

Cllr Mrs E J Slade

Cllr L D Taylor

Cllr A Wilce

## **A G E N D A**

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1      **ELECTION OF CHAIRMAN (CHAIRMAN OF COUNCIL IN THE CHAIR)**  
To elect a Chairman for the municipal year
- 2      **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman for the municipal year
- 3      **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 4      **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.
- 5      **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 6      **MINUTES** (Pages 3 - 6)  
To consider whether to approve the minutes as a correct record of the meeting held on 3<sup>rd</sup> December 2021
- 7      **ENFORCEMENT UPDATE**

**Stephen Walford**  
Chief Executive  
Thursday, 18 August 2022

### Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

Tel: 01884 234209

E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 3 December 2021 at 11.30 am

### **Present**

#### **Councillors**

J Cairney (Chairman)  
J Bartlett, R J Chesterton,  
Mrs F J Colthorpe, D R Coren, D J Knowles,  
Mrs E J Slade and L D Taylor

### **Apologies**

#### **Councillor(s)**

Mrs E M Andrews, J M Downes, Miss J Norton and  
S J Penny

### **Also Present**

#### **Officer(s):**

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Solicitor), Joanne Pope (Commercial Team Leader Public Health), Thomas West (Covid 19 Compliance Officer) and Carole Oliphant (Member Services Officer)

## 15 **APOLOGIES AND SUBSTITUTE MEMBERS (02.26)**

Apologies were received from Cllr Mrs E M Andrews, Cllr J Downes, Cllr Miss J Norton and Cllr S J Penny

## 16 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (02.45)**

Members were reminded of the need to make declarations where appropriate

## 17 **PUBLIC QUESTION TIME (02.55)**

There were no members of the public present.

## 18 **MINUTES OF THE PREVIOUS MEETING (03.03)**

The minutes of the last meeting were agreed as a true record and duly **SIGNED** by the Chairman

## 19 **THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (03.34)**

The Commercial Team Leader Public Health gave the following update:

Hackney Carriage and Private Hire Policy:

In the context of updating Committee on enforcement activities, a brief update regarding the Hackney Carriage and Private Hire Policy which was due for its 3 yearly review, was given. As Members were aware, the Policy was to regulate the provision of a robust taxi and private hire licensing system, which ensured that the

public travelled safely, received a good level of service and that drivers and operators were not overly burdened by unnecessary conditions.

A number of important updates and policy amendments were required to be included in the review. Given the recent Covid pandemic and other pressing licensing commitments, officers had decided on a plan which meant taking the review out for consultation in the New Year.

The timeline recommended was to have 2 Regulatory Committee meetings, one on 8th April, whereby officers wanted to consult with the Committee to discuss and obtain agreement about taking the proposed policy revisions out for consultation with the trade.

Following this consultation officers would then take the revised policy to the Committee in early June for recommendation to Council in June/July.

As the policy did not expire Members were assured it would be preferential to look at the plan so that officers could be confident they could address all the requirements for the review in a timely manner.

As part of this review officers would include a reference to the new tax conditionality checks that impacted on Hackney Carriage and Private Hire drivers (and Scrap Metal dealers), which would come into force from 4 April 2022. With regard to the legislation however, there was no immediacy for this policy addition.

Officers were also shortly going to be trialling DAVIS by encouraging take up on a voluntary basis but which would become compulsory when officers reviewed the policy next year. An explanation of DAVIS and how it would assist both the trade and the Council in relation to checking of the necessary information for Hackney Carriage and Private Hire licensing purposes was provided.

In July 2020 the Department for Transport introduced the Statutory Taxi and Private Hire Vehicle Standards. The report contained various recommendations that Licensing Authorities must have regard to and the DfT expected these recommendations to be implemented unless there was a compelling local reason not to. These Standards would also need to be included in the revised policy.

Given the revocation of an existing licence and refusal to grant a license following recent sub-committee hearings, officers were also keen to look at some parameters in the policy around timelines for reapplying for licences that had been revoked, something the current document did not refer to. Also officers wanted to look at inclusion of the NR3 register of taxi and PHV licence refusals and revocations. This was an important national step to tackling the issue of individuals making applications to different licensing authorities following a refusal or revocation. At the moment, if drivers did not disclose information about a previous revocation or refusal of a licence, there was often no way for a Council to find this information out.

There were also a number of recommendations that licensing legal specialist James Button had put forward for inclusion in the policy which would need to be reviewed. Officers had worked with James Button with regard a recent appeal and member training and he was an acknowledged expert on taxi licensing in particular.

Given the work involved in this policy review it was imperative that consultation throughout the process was sought, hence the decision to review after the New Year so that officers could focus time and resources to ensure it was comprehensive and complete.

Timetable:

Report to Leadership Team on Tuesday 29th March

Agenda to be published on Thursday 31st March

Special Meeting of the Regulatory Committee on Friday 8th April

The officer also mentioned that the Mobile Homes Act 2013 allowed for a fee regime to be implemented by the Council. To date, the Council had not implemented this scheme. However, the Mobile Homes (Requirement for Manager of site to be a Fit and Proper Person) (England) Regulations 2020 that were put into policy and placed before the Regulatory Committee on 27 September 2021 (and subsequently adopted by the Council), it was decided to look into creating a policy and fee regime for Mid Devon. It was confirmed that there were not many sites that would be affected in this District, perhaps 4 -6.

## 20 **ENFORCEMENT UPDATE (13.28)**

The Commercial Team Leader Public Health provided the following update:

### Hearings

- We had 2 enforcement issues with one applicant having his driver application refused. He had previously held a licence with us and this was revoked after we received a complaint of inappropriate messaging to young girls.
- The other was surrounding a fight that took place in Tiverton Town centre involving several licensed taxi drivers, this led to 3 being given formal warnings by the sub-committee for their behaviour and 1 had his licence revoked (under delegated powers) in the immediate interests of public safety.

### Animal Licences

- We have had 10 new applications in the last year all have been issued licences
- The renewals come in through the year but we have 14 due to expire at the end of the year of which we haven't received all the applications as yet.
- We have an application for a new breeder in progress
- A few complaints have been received regarding noise from barking or welfare issues which have been responded to and one is ongoing

In response to a question asked by the Chairman the officer confirmed that training based on a mock hearing would be offered to all members of the Committee in the new year, and that training would be offered to all Members so that they could act as a substitute on Committee if required.

(The meeting ended at 12.05 pm)

**CHAIRMAN**

