

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 2 October 2024 at 1.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:24)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:48)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:55)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:06)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (00:05:20)

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health presenting the Hackney Carriage and Private Hire Policy and the following was highlighted:-

- The report provided an update on the implementation of the Hackney Carriage and Private Hire Policy approved by the Regulatory Committee on 28 June 2024 and adopted by Full Council on 17 July 2024 with the proposed implementation date at the time of adoption being 1 September 2024.
- Delays to the implementation of the new Policy had resulted in this timescale not being met and after seeking advice from the Legal Team a new timeline was proposed.
- The report outlined the proposed implementation timeline which considered key milestones that were required.
- Back office administration updates were needed to bring in the significant changes that were associated with the policy and the guidance documentation for the trade and the new penalty points scheme.
- Work is required in the back office database to ensure that the functionality was there to be able to log when points were issued and to continue to monitor it.
- The revised timeline took into consideration the need to fully engage with the trade in supporting them with the changes and included a workshop which was requested by the trade when the consultation workshops took place.
- Once the associated application forms and guidance had been updated members of the trade would be invited to discuss the changes and to provide advice on the new processes to be followed from January 2025.
- The new Policy brought in additional training requirements for licence holders and for the first 12 months face to face sessions would be held to deliver disability awareness and safeguarding training.
- The first session was planned for December 2024 in readiness to meet the requirements of the new Policy at the point of renewal in order that there would be no disruptions to business and would not put them at a disadvantage when the Policy was implemented.
- A number of more significant changes had also been identified as required in the Policy which were summarised as:-
 - (i) The revised Policy stated that when a driver acquired 6 or more points on their DVLA licence they may be referred to the Regulatory Sub-Committee although the current policy had a trigger value of 7 points. When the policy was reviewed a new template had been purchased from a solicitor who was very prominent in the world of licensing. However, this change had not been identified and consulted on and there was no evidence to say that Mid Devon District Council (the Council) wanted to reduce that threshold. The proposal was to bring that back up to 7 points which would be in line with where the Council were at present.
 - (ii) Within the existing Policy was a requirement for private hire and hackney carriage licenced vehicles to have vehicle tests and that had been maintained in the new Policy. The existing Policy allows tests to be conducted 28 days prior to the due date, whilst still honouring the original due date, similar to the MOT system. It is recommended that this is added into the new policy as this would allow the proprietor of the vehicle to ensure that the test was carried out within proper time and that garages could accommodate their bookings too.
- There were also a number of other minor administrative changes to ensure the Policy was clear and linked with to up to date information at all times. Delegated authority to the Head of Housing and Health make minor changes in future was also being sought.

- The Regulatory Committee would be provided with an update at the next meeting in December 2024.

Discussion took place regarding:-

- The trigger of 7 endorsed points on a drivers DVLA licence and Members sought reassurance that the different offences would potentially trigger reference to a Sub-Committee, without the need to hit the 7 point trigger. Officers confirmed this would be on a case by case basis and dependent on the offence.
- The garages that carry out the vehicle testing and whether they were registered. It was explained that there were currently 4 garages across the District that provided the tests and the Council was in a contractual relationship with them. This meant that they must inform the Council should a vehicle fail. Work was underway to include more garages within the District to carry out the tests. Garages currently located in Tiverton, Cullompton and Crediton.

The Committee **RESOLVED** the following to be recommended to Full Council for approval:

- a) The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1st January 2019) continue to have effect until such time as the new Policy is fully implemented.
- b) The changes proposed and detailed within section 3 and Annex A of this report.
- c) To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 1.20 pm)

CHAIRMAN