

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 28 June 2024 at 11.30 am

**Present
Councillors**

D Broom, J Buczkowski, J Cairney,
S Chenore, A Cuddy, F J Colthorpe,
L J Cruwys, J M Downes, A Glover,
M Jenkins, L G J Kennedy and F W Letch

**Apology
Councillor**

S Keable

**Also Present
Officer(s):**

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)

Officer Online Laura Woon

1 ELECTION OF CHAIR (00:03:23)

The Chair of the Council invited nominations for the election of a Chair for the municipal year 2024/2025.

RESOLVED that Cllr J Cairney be elected as Chair of the Regulatory Committee for the municipal year 2024/2025.

(Proposed by Cllr F J Colthorpe and seconded by Cllr A Cuddy)

2 ELECTION OF VICE-CHAIR (00:04:50)

The Chair of the Licensing and Regulatory Committee invited nominations for the election of a Vice-Chair for the municipal year 2024/2025

RESOLVED that Cllr A Cuddy be elected as Vice Chair of the Licencing Committee for the municipal year 2024/2025.

(Proposed by Cllr L Cruwys and seconded by Cllr F Letch)

3 **START TIME OF MEETINGS (00:06:09)**

Discussion took place regarding:-

- Whether the Regulatory Committee could commence upon the rising of the Licensing Committee. It was explained that a time must be given on the agenda to show the start time of the meeting.
- Whether the Licensing and Regulatory Committee Meetings could be combined to just one Committee rather than two separate Committees.

It was **AGREED** that Officers would investigate whether Licensing and Regulatory Committees could be combined and report back to the next meeting of the Regulatory Committee.

It was **AGREED** that, in the meantime, the start time of meetings for the remainder of the municipal year continued to be at 11.30am.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (00:17:40)**

Apologies were received from Cllr S Keable with Cllr A Glover substituting.

5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:18:03)**

There were no declarations of interest received.

6 **PUBLIC QUESTION TIME (00:18:17)**

There were no members of the public present and no questions were asked.

7 **MINUTES OF THE PREVIOUS MEETING (00:18:25)**

The minutes of the meeting held on 2nd December 2023 were **APPROVED** as a true and accurate record and were signed by the Chair.

8 **HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY UPDATE (00:18:44)**

The Committee had before it a report * from the Team Leader, Commercial, Public Health of the Licensing Act Policy Review.

The following was highlighted:

- The report made a number of recommendations for the Committee to consider following the consultation that had been carried out.
- The document was the same as previously presented at the meeting on the 2nd December 2023 other than the changes made following feedback from Committee, members of the public and consultee responses.
- The consultation ran for a period of 3 months and received 41 responses.
- In addition to the 41 responses, 2 workshops were held - one with Committee Members and the other with Mid Devon licenced drivers, proprietors and operators and both sessions had received positive engagement.

- Responses and feedback gathered through the survey and workshops had been revised and a number of recommendations were made:-
 - (i) Proposal to introduce safeguarding training to be refreshed every 3 years.
 - (ii) To introduce a Penalty Points Scheme from 1st September 2024 - a robust appeal process would need to be put in place with a lead officer to ensure that there was a mechanism for licensee's to appeal.
 - (iii) In terms of driving training/assessment there was a requirement to pass an initial assessment but now with a recommendation to introduce 10 yearly requirements for driver training/assessments.
 - (iv) There was a requirement for an English language assessment to be undertaken to test a driver's proficiency which would cover both oral and written English language skills.
 - (v) There were a few minor changes around medicals and rights to request a second opinion, ensuring that eye tests were included and the option of using any medical practitioner for a medical due to difficulties accessing a GP.
 - (vi) The recommendation to implement new Ultra Low Emission Zone (ULEZ) standards as a phased approach. This would mean that new vehicles from 1st September 2024 would need to comply with ULEZ; from January 2027 apply ULEZ standards to vehicles at both new and renewal application; and from January 2030 apply ULEZ standards for renewal and zero emissions for new applications.
 - (vii) Dispatch and booking staff to have Disclosure and Barring Services (DBS) checks which would be implemented by the Operator.
 - (viii) Lost property checks to be removed and also the requirement to have a road atlas.
 - (ix) There were other proposed changes which were not captured in the table:-
 - There was a proposal to increase the testing of vehicles to every 4 months however this was not supported and having reviewed the information it was felt that there was no justification to increase this therefore the recommendation was to stay with every 6 months as per the existing policy.
 - There would be an update to raise awareness that there was a National Register called NR3S which recorded taxi driving licences that had been suspended, revoked or refused in order that all local authorities could access this. The draft policy stated that licences would not be surrendered if the licence holder was involved in any investigation by the Council for non-compliance against the said licence. However, on further review it was felt that surrender of a licence should not be accepted at any time, as the Authority may not be aware of a contravention at the time of surrender. If a licence was surrendered and subsequently the Authority was made aware of an issue, this could have an issue on public safety, as the NR3s register could not be updated. This only affected driver licences, as it was important that we provided a mechanism for vehicle surrenders and the NR3s database only related to driver licences.
- It was recommended that paragraph 4.5 (page 61 of the Policy) would need to be updated and reworded as follows: *“There is no mechanism to surrender a driver licence and it remains current until expired, revoked or suspended. This will allow the licensing authority to take action should any unknown pending*

sanction come to light and if necessary, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s”.

- It was also recommended to amend Paragraph 5.1.3 on page 62 by removing line (e) “*You wish to surrender your taxi driver licence*” as it would no longer apply.
- Further meetings with the taxi trade were proposed to raise awareness of the changes.

Discussion took place regarding:-

- Whether there was proof that taxi drivers had been refusing people with assistance dogs. It was explained that complaints had been received by the Licensing Team though it was not a big problem but hoped that future Disability Awareness Training would prevent any recurrence in the future.
- The procedure for dealing with such complaints and how allegations would be fully investigated if there was a breach. Currently under the Penalty Points Scheme 4 penalty points would be given if such a breach took place. It was suggested by some of the Committee Members that 12 points should be awarded which would then require a Regulatory Sub-Committee to be held.

The Chair thanked the Licensing Team for their hard work. He had attended the workshops and was proud to have been invited and to see the team doing such a good job.

The Committee **AGREED** the proposed final amendments to the policy document outlined in section 4.1 of this report with the additional recommendations:-

- Paragraph 4.5 (page 61 of the Policy) would need to be updated and reworded as follows: “*There is no mechanism to surrender a driver licence and it remains current until expired, revoked or suspended. This will allow the licensing authority to take action should any unknown pending sanction come to light and if necessary, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s”.*
- To amend Paragraph 5.1.3 on page 62 by removing line (e) “*You wish to surrender your taxi driver licence*” as it would no longer apply.
- To change 4 penalty points to 12 under the Penalty Point Scheme.

(Proposed by Cllr L Kennedy and seconded by Cllr A Glover)

(Cllr F J Colthorpe and Cllr L Cruwys voted against the recommendation to change 4 penalty points to 12)

The Committee **APPROVED** the following recommendations:-

- That the draft proposed policy attached as Annex A to include the additional amendments that were outlined by a verbal update be recommended for adoption by Full Council in July 2024, with a proposed implementation date from 1st September 2024.

- That delegated authority for amendments to the Penalty Point Scheme be given to the Head of Housing and Health.
- That delegated authority to approve the standard for English communications assessment be given to the Head of Housing and Health.

(Proposed by the Chair)

Note: * Report previously circulated.

Reason for the decision as set out in the report.

9 LICENSING UPDATE REPORT (01:01:10)

The Committee had before it, and **NOTED**, the Licensing Update Report, the contents of which were outlined by the Team Leader, Commercial, Public Health.

The following was highlighted:-

- The report provided an overview of the activity carried out by the Licensing Team during the second half of 2023/24.
- There had been a slight increase in the number of Hackney Carriage and Private Vehicle licences.
- 51 taxi inspections had been carried out, currently one of the Service's key performance indicators which was met.
- Following on from the consultation the Licensing Team were looking to reintroduce an annual forum for taxi drivers to address key changes and to open up 2-way conversations.
- Animal welfare licenced premises remained constant with no increase.
- Specified beauty treatments were covered by the Local Government (Miscellaneous Provisions) Act 1982 which included tattooing piercing, electrolysis and acupuncture. A piece of work would be carried out later this year with the Licensing Team and officers from the Food and Health and Safety Team due to the risks associated with infectious diseases which the Committee would be updated with at its next meeting in December.
- 3 Regulatory Hearings were conducted in the second half of 2023/24 and the outcome of those Hearings were summarised within the report.

Cllr L Kennedy thanked the Licensing Team for their hard work.

The Chair asked the Committee to please respond to the Clerk when asked if they were available for Sub-Committee meetings.

Note: * Report previously circulated.

(The meeting ended at 12:38)

CHAIRMAN