

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 3 September 2015 at 10.25am

### **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**

#### **Councillors**

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**