

LICENSING COMMITTEE

Date: Tuesday 1 November 2016
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107 or email howard.bassett@exeter.gov.uk

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

Membership -

Councillors Spackman (Chair), Branston, Brimble, Hannan, Keen, Henson, Mitchell, Holland, Newby, Pearson, Owen, Sheldon and Sills

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies from Committee members.

2 Minutes

To sign the minutes of the meetings held on 19 July and 20 September 2016.

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for items 6 to 12 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5 **Updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

To consider the report of the Assistant Director Environment.

(Pages 5 - 8)

Part II: Items suggested for discussion with the press and public excluded

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

6 **Application for Consent to Street Trade in Bonhay Road**

To consider the report of the Assistant Director Environment.

(Pages 9 - 20)

7 **Application for Consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 21 - 26)

8 **Application for Consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 27 - 38)

9 **Application for Consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 39 - 56)

10 **Application for Consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 57 - 64)

11 **Application for Consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 65
- 72)

12 **Application for consent to Street Trade in Castle Street**

To consider the report of the Assistant Director Environment.

(Pages 73
- 90)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

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REPORT TO: LICENSING COMMITTEE

Date of Committee: 01 November 2016

Report of: Assistant Director Environment

Title of Report: To seek the introduction of amendments to the policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Is this a Key Decision?

No

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The report seeks to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

2. Recommendations:

2.1 It is recommended that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

3. Reasons for the recommendation:

3.1 The Licensing Team have recently been informed by the Driving and Vehicle Standards Agency (DVSA) that effective as of 31st December they will no longer be offering a taxi driving assessment. It is a requirement of our current policy for applicants to pass this assessment prior to the Licensing Authority issuing them with a taxi drivers licence. Licensing Authorities across Devon are working together to find a suitable alternative to the DVSA taxi test, and as such the policy has been amended to reflect the change in test provider.

4. What are the resource implications including non financial resources.

4.1 The above changes to the policy should not impact resources. Applicants are currently required to pay for the taxi driving assessment themselves, and the proposed amendment does not seek to alter this.

5. Section 151 Officer comments:

On the basis that applicants will continue to book and pay for their taxi driving assessment directly with the assessor, it raises no financial concerns.

6. What are the legal aspects?

6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences. The proposed amendment will ensure public safety without significantly increasing the burdens on prospective licenced drivers.

7. Monitoring Officer's comments:

7.1 It is essential that the procurement of a test provider complies with the procurement Standing Orders of each authority.

8. Report details

8.1 Section 4.3 of the policy has been amended as follows (amended text highlighted in italics):

The Council shall not grant a licence to drive a hackney carriage unless it is satisfied that the applicant is a fit and proper person. In order to determine such fitness, the applicant shall be required to undertake the following tests as to the applicant's ability:

- i. Local geography (knowledge test);
- ii. To communicate effectively with passengers and customers
- iii. A medical examination to the Group II standard.
- iv. *Driving standard assessment equivalent to the Driving Vehicle Standards Agency taxi driving assessment.*

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Approving these amendments will contribute to a healthy and safe city and assist the primary aim of taxi licensing which is to protect public safety.

10. What risks are there and how can they be reduced?

10.1 The amendment to policy in this report will assist in creating a vibrant city to Live, work and visit.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The proposed amendments should not impact adversely on any of the above Areas.

12. Are there any other options?

12.1 Members could maintain the current policy, but this would risk the policy becoming out of date and thereby less effective.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

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