

LICENSING COMMITTEE

Tuesday 11 July 2023

Present:-

Councillor Marina Asvachin (Chair)
Councillors Warwick, Begley, Bennett, Fullam, Foale, Holland, Parkhouse, Rees, Sheridan,
Snow, Vizard and Wood

Apologies:-

Councillor Ellis-Jones

Also Present

Service Lead - Environmental Health & Community Safety, Principal Licensing Officer, Legal Advisor, Apprentice Solicitor and Democratic Services Officer (SLS)

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MINUTES

The minutes of the meeting held on 21 March 2023 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TAXI PENALTY POINTS SCHEME

The Principal Licensing Officer advised that following a period of consultation, a report on the introduction of a Taxi Penalty Points Policy for Exeter City Council, with a number of amendments had been brought back to Members for their consideration. The Policy would bridge the gap between lesser and more serious matters and ensure a level of compliance with licensing regulations as well as raising standards, improving safety and enhancing the protection of members of the public, operators and vehicle proprietors. The ten week consultation ran from 20 February until 30 April 2023, and included meetings of the Taxi Working Group.

The following changes to the draft policy were suggested:-

- Point 31 - specifically related to evidence of any food or drink being in the vehicle and drivers needed to eat and drink whilst they were working. It was therefore proposed that Point 31 be amended to read "Eating whilst a passenger is in the vehicle".
- Point 57 - was in relation to waiting and stopping on a double yellow line, bus stop or private land without the owner's permission unless requested by a paying passenger present in the vehicle. The points system would penalise those drivers who had no safe alternative other than to wait on double yellow lines whilst picking a fare. It was therefore proposed that Point 57 would remain as it was written in the Policy document.

- Point 59 - related to an appeal issued by way of a Sub-Committee. Members would only hear cases and take the appropriate action where more than 12 penalty points had been accrued or where seven or more points were likely to be issued in one incident. It was therefore proposed that Point 59 be removed.

In response to questions from Members, the Service Lead - Environmental Health & Community Safety explained that the Government had published a new statutory standard for Private Hire and Hackney Carriage licensing in July 2020. Previously there was no system in place for local authorities to deal with relatively minor infringements, which would not have warranted a driver appearing before a Licensing Sub-Committee. A working group was convened to consider a system for Exeter City Council, which would also provide an evidence base to enable Members to agree an appropriate response. The Policy also offered an opportunity to educate and engage taxi drivers.

The Principal Licensing Officer responded to the following Members' questions:-

- potential offences would need robust evidence to be provided, with a thorough investigation to be satisfied that an offence had been committed. Evidence would be drawn from a variety of sources, and include officer observations on the taxi rank and around the city, physical evidence in the form of video or from dash cams and when checks were made on vehicles when drivers were renewing their licences.
- it was anticipated that a joint operation identifying taxis operating in Exeter but licensed by other authorities would be carried out as well as liaising with colleagues and fellow licensing officers from other local authorities.
- every effort was made to continue to offer guidance and education against taxis idling, which more than often related to hackney carriage vehicles rather than private hire operators

A number of issues raised in the consultation were in the remit of Devon County Councils Highways. It was noted that a representative of that service had agreed to come to the next meeting of the Taxi Forum to respond to questions on road traffic matters.

The Chair thanked officers for their work in the initial drafting stage, and also Members for their diligence in bringing the Policy to fruition.

RESOLVED that the Licensing Committee approve the introduction of a Taxi Penalty Points Policy, with the following amendments, namely:

- (1) Licensing Committee amend Point 31 to read "Eating whilst a passenger is in the vehicle", and
- (2) Remove Point 59 as it contradicts the proposed policy document.

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair