

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Committee**

**Held at Knowle, Sidmouth on Monday, 27 February 2006**

**Present:**

Councillors:

Mrs C E Drew (Chairman)  
Mrs F Newth (Vice Chairman)

D J Cox  
J H Glanvill  
M J L Green  
Mrs M L Hardy  
Mrs A E Liverton

J A Knight  
R Mudge  
T G Reeves  
Mrs P A Stott

**Apologies:**

Councillors:

S Hughes  
D R H Hull  
B Nicholson

The meeting started at 9.30 am and ended at 10.35 am.

**\*14 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 21 November 2005, were confirmed and signed as a true record.

**\*15 Hackney Carriage and Private Hire Drivers licensing conditions**

Consideration was given to the report of the Licensing Manager on proposed changes to the Hackney Carriage and Private Hire Drivers' licensing conditions. Members noted that the report explained recommendations to:

- a) Adopt the Driving Standards Agency taxi drivers' assessment test for new applicants.
- b) Update the delegations in relation to the grant and renewal of taxi driver licences.
- c) Update the Council's guidelines in relation to the licensing of new drivers and existing drivers who have been convicted of offences.

The object of the recommendations was to enhance public safety at all times and ensure Hackney Carriage and Private Hire drivers were fit and proper persons to carry fare paying passengers.

During discussions the following points were raised:

- Making the Council's guidelines for the licensing of new drivers and existing drivers who have been convicted of offences more easily readable and to provide a quick reference guide;
- The need to keep Members informed of decisions taken through the proposed delegation procedure;
- Some concern over the increase in costs of the Driving Standards Agency test for new drivers and owners and that full implementation of the new test should be delayed until 1 May 2007.

**RESOLVED**

1. that the Driving Standards Agency driving assessment test be adopted by the District Council from the 1 May 2007 to replace the existing Hackney Carriage and Private Hire driving test agreed by the Council on the 6 June 1991.
2. that new applicants after the 1 May 2007 for a Hackney Carriage or Private Hire driver's licence who have not held a such a licence with the District Council in the 12 months previous to the application or who have had their licence revoked be required to have passed the Driving Standards Agency taxi assessment test prior to issue of a licence or be able to produce a pass certificate which has been issued by the Driving Standards Agency not earlier than 12 months before the application date.
3. that from 1 May 2006, any existing licensed Hackney Carriage or Private Hire driver whose licence shows 6 or more penalty points issued in one year or 9 or more penalty points issued in a 3-year period be required to take a Driving Standards Agency taxi driver assessment within 3 months of being notified in writing of the requirement by the Licensing Manager, and to produce a pass certificate to the Licensing Manager within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Licensing and Enforcement Committee or a Sub Committee of that Committee.
4. that from the 1 May 2006 the Head of Legal and Member Services and Licensing Manager be given delegated power to issue and renew Hackney Carriage and Private Hire driver licences to applicants as set out in Appendix A to this report, subject to all Members of the Council being given 7 days notice of officers proposals under delegation in cases where drivers have 6 to 9 penalty points issued in one year or 9 penalty points in a three period, as exempt information, and if after this period a representation has been made by a Member, the decision be made in consultation with the Chairman of Committee;
5. that the guidelines relating to the relevance of convictions for Hackney Carriage and Private Hire vehicle drivers set out in Appendix B to this report be adopted from the 1 May 2006 and also produced in a more simplified table form.

\*16 **Quarterly progress report on Licensing Act 2003 Implementation**

Consideration was given to the report of the Head of Legal and Member Services which gave an up date on the District Council's progress regarding the implementation of the Licensing Act 2003 and the new responsibilities placed on the authority. Members noted that Officers were very pleased with the progress made by the authority and the way in which hearings were being conducted. The report was timed to review the position

\*16 **Quarterly progress report on Licensing Act 2003 Implementation (Cont)**

following new licences coming into force on 24 November 2005. Members noted that 6 hearings had been held during the period 12 November 2005 to 20 February 2005, with 9 hearings cancelled by agreement in this period. This was a significant reduction on the previous quarter. The mediation work carried out by the Licensing Officers, thus avoiding the need for a hearing, had been most appreciated.

The Council currently had no outstanding appeals to the Magistrates' Court against decisions by the Licensing & Enforcement Sub-Committee. It was noted that although the Council had lost its most recent appeal, no costs had been awarded against it. The number of Temporary Event Notices issued had been running at quite a high level to date, due in part to some village halls being reluctant to apply for a premises licence.

Work was being done to identify the net cost to the Council of licensing transition and also the shortfall of running the service on a year to year basis. The Council was participating in a Local Government Association survey which would produce data upon which the case could be made for fees being increased to better match the actual cost of running the licensing system.

**RESOLVED**

- 1) that the report be noted;
- 2) that the decision of the Magistrates Court in not awarding costs against the Council arising from the last appeal heard be welcomed.

Chairman ..... Date .....