

# Agenda for Licensing & Enforcement Committee Wednesday, 11 June 2014; 9.30am



## [Members of the Committee](#)

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 Minutes for 25 February 2014 (page 2-5)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

### **Part A Matters for Decision**

- 6 **Committee Update – Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing, Including Apps A - E** (page 6-16)

[Recording the meeting](#)

[Decision making and equalities](#)

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\*14 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised

proceeded to Sub Committee and licences granted with no appeals against the decision.

Members noted that the Home Office had announced the introduction of a ban on selling alcohol below the combined price of the duty and VAT. The ban needed Parliamentary approval but it was intended that it would come into force on 6 April 2014 as an additional mandatory condition on the licence. Responsibility for complying with the new condition would apply to the Premises Licence Holder, Designated Premises supervisor or Personal Licence Holder. The ban would prevent businesses from selling alcohol at heavily discounted prices and aimed to reduce excessive alcohol consumption and its associated impact on alcohol related crime and harm to health.

According to Cambridge University research published in December the introduction of 24 hour drinking as part of the Licensing Act 2003, had failed to reduce rates of alcohol-related violence. The Act, which came into effect in November 2005, was based on the belief that staggered closing times would see drinkers emptying into the streets at different times, making confrontation and violence less likely. But, the researchers found that there was no difference between rates of violent crime in February 2004 and December 2007.

## 2. Gambling Act 2005

Members noted that a programme of visits to licensed premises and other premises where gaming was permitted continued. It was reported that no Gambling Act offences had been detected; a result that confirmed that regular inspections were a valuable tool to ensure compliance.

## 3. Taxis

The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as has happened with the Licensing Act. Close liaison is maintained with partner agencies and the taxi trade to ensure the principles of consistency, transparency and proportionality are maintained.

The Licensing Manager reported that there had been no recent combined operations involving licensing officers, and other agencies as they had proved difficult to arrange in the current climate. However, Devon & Cornwall Constabulary remained keen to cooperate with joint multi agency taxi checks when resources allowed. In support of the new Scrap Metal Dealer legislation the police intend to carry out checks with Council Licensing Officers to detect unlicensed dealers and it was anticipated that this would also be an opportunity to check and inspect taxi and Private Hire vehicles.

\*14 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised

Members noted that the work to lower the kerb stones at the new Strand taxi rank had still not been completed by Devon County Council. John Tippin, Licensing Manager informed members that lowering of the pavement at one end of the rank had been delayed by an objection by Exmouth Town Council to the proposed design of the new shelter at Rolle Street. It was hoped that a new design for the shelter could be agreed shortly to enable work on the Taxi Rank to start.

4. General Licensing including Animal Licensing and skin piercing  
The Committee noted that since the last update report in November, the Scrap Metal Dealers Act 2013 had come into force on 1 December 2013. The Council had received 15 applications for mobile Scrap Metal Collector's licences and 7 applications for scrap Metal Dealer site licences. However, one of these applicants has since closed their business in East Devon.

A combined police and Council operation involving the Vehicle Inspectorate (VOSA), East Devon and Exeter City Licensing Officers took place on Wednesday 22 January 2014 on the Exeter outskirts where vehicles thought to be carrying scrap were stopped. Although there were no offences disclosed involving collectors operating in the East Devon area, however it will have acted as a warning to the trade and showed that the authorities were prepared to use their new powers. Further checks were planned in more central parts of Devon and Cornwall in the coming weeks.

Street Trading applications were traditionally low at this time of year, the main part of work starting when the application forms for the Folk Festival pitches on the Esplanade were released. It was planned that these would be available from 1 April 2014.

5. LGA proposal to comprehensively review licensing laws  
The Licensing Manager advised that the Local Government Association had published a proposal that the Government undertook a comprehensive review of the licensing legislation to determine what could be scrapped or amended and consolidated. Members noted that it would be interesting to see how this developed.

6. Licensing & Enforcement Committee and sub Committee Meeting

The Licensing Manager reported that due to some recent dates clashing with Development Management Committee it had been proposed to change the day for Licensing & Enforcement Sub and Committee meetings to Wednesdays. Starting after the Council's Annual Meeting in May. This proposal had been included in the proposed timetable of Council meetings to be considered for approval by Council.

7. Customer Service Excellence (Chartermark)

The Licensing Manager reported that the Licensing Team had been re-awarded the Customer Service Excellence award for the fifth year following the annual inspection in November 2013. The assessor was extremely complimentary of the standard the team continued to maintain and again commented that it was very unusual to have an assessment that contained no partial compliances to the standard.

- \*14 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised

Members wished to congratulate the Licensing Manager and his team on the achievement of the Customer Service Excellence Award for the fifth successive year, particularly as the Licensing service was run on a cost neutral basis.

**RESOLVED** that the report be noted.

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

**Report to:** **Licensing and Enforcement Committee**



**Date of Meeting:** 11 June 2014

**Public Document:** Yes

**Exemption:** None

**Agenda item:** 6

**Subject:** **Committee Update -  
Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing**

**Purpose of report:** The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi legislation together with other general licensing matters.

**Recommendation:** **That the report be noted**

**Reason for recommendation:** To keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

**Officer:** John Tippin, Licensing Manager, Ext. 2787, jtippin@eastdevon.gov.uk

**Financial implications:** There are no financial implications.

**Legal implications:** There are no legal implications requiring comment.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:**

**Appendices:**

- Appendix A - Licensing Act 2003 Licensing Statistics
- Appendix B - Gambling Act 2005 Licensing Statistics
- Appendix C - Taxis Licensing Statistics
- Appendix D - Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics
- Appendix E - Charitable Collections and Street Trading Licensing Statistics
- Appendix F - Minutes of meeting dated 3 April 2014 between Members, Taxi Proprietors and Officers

**Background Papers:**

- East Devon District Council Street Collections Policy
- The Police, Factories etc (Miscellaneous Provisions) Act 1916
- The House to House Collections Act 1939
- House to House Collections Regulations 1947 (as amended)
- Letter dated 28.01.2014 to the Chief Constable relating to Kevin Wright

**Link to Council Plan:** Living in, working in, enjoying and funding this outstanding place

## 1 Licensing Act 2003

### 1.1 Applications Received, Licences Issued and Notices Given

1.1.1 The numbers of applications received, licences issued and notices given since the last update report to the Committee are set out in **Appendix A**.

### 1.2 Premises Risk Ratings

1.2.1 Visits to all the high risk premises in our area have been completed for the year 2013/2014 without any issues or concerns being found by the visiting officers. Visits to high risk premises for 2014/2015 will now commence with a completion date for all the visits being the end of March 2015.

### 1.3 Enforcement

1.3.1 On 4 February 2014 an officer accompanied by the Police Licensing Officer checked three licensed premises in the Exmouth Town area that had recently been subject of licensing applications and whose proposed operation had been cause for concern by local residents. In particular the CCTV systems in all three premises were checked and advice given.

1.3.2 On 4 April 2014 officers attended two premises in Budleigh Salterton following information that the layout of the premises had been changed without the required authority under the Licensing Act 2003 being obtained. It was found that both premises had been altered and both licence holders were requested to submit variation applications to regularise the plans to that of the current layout of the premises.

1.3.3 On 16 April 2014 an officer attended a meeting at Westpoint together with the Police and other interested parties following an issue raised by the police of concerns of disorder and drunken behaviour at a recent event held at the premises. Following discussion it was agreed that the Police Licensing Officer would attend to monitor the next event of this type to be held probably in 2015.

1.3.4 Officers continue to attend Licensees Association Meetings in the East Devon area being Exmouth, Seaton, Sidvale and Axminster. These meetings are a good forum for exchange of ideas and information between licensees and the Licensing Authority and invariably at the end of the meetings the officer is approached for information/advice/opinion on local licensing issues. These also provide a good channel to pass on changes to legislation for example the recent implementation of minimum pricing for alcohol.

1.3.5 Officers are still offering thirty minute advice slots for applicants who need guidance and advice for licensing applications. These slots are very popular and the demand from applicants is fairly high. These advice slots are coupled with pre-event meetings that officers organise and run and these are mainly held for the larger scale events. Examples of recent advice/meetings held are the Honiton Sausage & Cider Festival, Blackdown Hills Beer Festival, events to be held at Bicton College and the proposed resurrection of the Caribbean Night.

### 1.4 Hearings

1.4.1 The numbers of hearings held since the last update report to Committee are set out in **Appendix A**.

## 2 Gambling Act 2005

### 2.1 Applications Received, Licences Issued and Notices Given

2.1.1 The numbers of applications received, licences issued and notices given since the last update report to the Committee are set out in **Appendix B**.

### 2.2 Enforcement

2.2.1 The programme of visits to licensed premises and other premises where gaming is permitted continues. It is still the case that no Gambling Act offences have been detected, a result which is pleasing and confirms that regular inspections are a valuable tool to ensure compliance.

### 2.3 Hearings

2.3.1 The numbers of hearings held since the last update report to Committee are set out in **Appendix B**.

## 3. Taxis

### 3.1 Applications Received and Licences Issued

3.1.1 The numbers of applications received and licences issued since the last update report to the Committee are set out in **Appendix C**.

### 3.2 Enforcement

3.2.1 The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles as we have used with the Licensing Act. Close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

3.2.2 A Licensing Officer usually attends all meetings of the local taxi trade associations. There are at least two of these meetings annually.

### 3.3 Hearings

3.3.1 There have been three Sub Committee hearings during the past quarter (all in March).

- The first hearing related to an applicant with a recent conviction, and in this instance his Hackney Carriage drivers licence was revoked. He has since appealed to the Magistrates Court and this appeal is ongoing, with a date to be fixed for hearing.
- The second hearing was an application to licence a Hackney Carriage that fell outside the District Council's policy in that it was more than four years old from the date of first registration, and on this occasion the licence was granted as the vehicle was in exceptional condition.
- The third application was of a similar nature to the second except that it related to the licensing of a Private Hire vehicle. This again was more than four years old and again the licence was granted as the vehicle was considered by the Sub Committee to be in exceptional condition.

### 3.4 Taxi Rank Update

3.4.1 Exmouth – As the Committee has been aware the Exmouth Taxi Association and some taxi drivers from the Exmouth area have been unhappy with the new Strand rank provided as a result of the regeneration scheme in the town. The main issue being the lowering of the pavement at one end of the rank. Devon County Council has advised that they wanted the works to coincide with other works at the Strand, and it is hoped that this has reached a



resolution and the works will commence as soon as possible. To date (May 2014) the work still has not been started by the County Council.

#### 4. General Licensing including Animal Licensing and Skin Piercing

##### **4.1 Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics**

4.1.1 The statistics relating to animal, skin piercing and scrap metal dealer licensing and registrations since the last update report to Committee are set out in **Appendix D**. These statistics include, where relevant, the numbers of licences issued, the number of hearings held and the number of applications received.

##### **4.2 Animal Licensing**

4.2.1 On the 4 April 2014 a Notice of Intention to apply for a zoo licence was received by the Council from Bicton College. This is the first step in the process of the college obtaining a licence to keep a zoo. Public notices of this intention have been posted outside the college and in both a local newspaper and the London Gazette. There will now follow a two month long opportunity for various responsible authorities and local residents to make representations. At the close of the two month consultation period the College is then able to apply for a zoo licence. Once an application is received the Licensing Service will liaise with DEFRA who will appoint a government authorised inspector to carry out an inspection prior to a decision by the District Council on the grant of a licence.

4.2.2 Currently the District Council has pending a second zoo application. This is for land located outside the Greendale Farm Shop, Sidmouth Road, Farringdon. This application has already gone through the two month consultation period and we are currently waiting for an inspection to be carried out by a government nominated inspector.

4.2.3 There are already four zoo licences in existence in East Devon. These are at Crealy Adventure Park, Escot, Axe Valley Bird and Animal Park and the World of Country Life.

##### **4.3 Scrap Metal Dealers**

4.3.1 Following the successful combined police and Council operation on Wednesday 22 January 2014 on the Exeter outskirts there have been further checks conducted in more central parts of Devon and Cornwall along with a joint agency operation being held on the A30 north of Honiton on 24 March 2014. Licensing staff, working in conjunction with police officers and other agencies were involved in stopping and checking 55 vehicles during the morning with 4 scrap dealer sites being visited and inspected in the afternoon. On this occasion one unlicensed scrap dealer was reported at the roadside. His load of scrap metal was disclaimed and sold with the proceeds being placed in police funds.

4.3.2 These joint agency operations led to an increase over the following weeks of unlicensed scrap metal collectors contacting the licensing authority. The Council has issued 15 collectors licences and 4 further applications pending issue.

##### **4.4 Street Trading**

4.4.1. The statistics relating to street trading since the last update report to Committee are set out in **Appendix E**. These statistics include, where relevant, the numbers of permits issued, the number of hearings held and the number of applications received.

4.4.2 As planned earlier in the year the application forms for pitches on the Esplanade at Sidmouth during Sidmouth Folk Week were made available on the Council's website on the 1 April. This has proved very popular and we have already been oversubscribed for all the available 60 pitches. We are now running a waiting list should any consents be returned before the event.

## **4.5 Charitable and other collections**

4.5.1 Over recent years all Councils have seen changes to the type and extent of collections being carried out in town and city centres throughout the country. Councils have the authority to control and 'police' certain types of 'charitable collections' but not others. Collecting for charity or other good causes on a public street is illegal unless approved by the District Council. The different types of collection/fund raising are explained below.

### **4.5.2 Charitable Street Collections**

The Police, Factories etc (Miscellaneous Provisions) Act 1916 requires anyone who collects money or sells articles for the benefit of charitable purposes in any street or public place to obtain a permit from the Council. This Council has a set of regulations to control street collections agreed by the Council and a [Street Collection Policy](#) approved by the Licensing and Enforcement Committee in March 2007. This is the type of collection run by charities and local organisations often on a Saturday morning where members of the organisation collect on the street with collecting tins. These collections are permitted by the Council by the issue of a permit which require the submission to the Council of a financial return within one month of the collection. This type of collection seldom causes issues. Link to

### **4.5.3 House to House Collections**

The House to House Collections Act 1939 together with the House to House Collections Regulations 1947 (as amended) empower Councils to control house to house collections. Items that can be collected under this authority includes money and any other property. As an example these may be a collection experienced by many householders where plastic collecting bags are put through the letter box for unwanted clothing to be left out for collection. The clothing is then sold and the proceeds after the recovery of costs are used for charitable purposes. Again these types of collection seldom cause serious issues although in recent year there has been an increase in the numbers of organisations linked to eastern European countries making collections. This has given rise to suspicions that some of the proceeds may have been siphoned away from the charities they purport to support. In the past this Council has refused one application for a house to house permit which related to a Romanian company which failed to pass on sufficient of its take to the charity.

### **4.5.4 Direct Debit Collecting (Face to Face)**

In recent years there has been a new but legal type of operation carried out on our streets. There are various forms of face-to-face (F2F) fundraising – that is, the personal solicitation in public places of committed gifts to charities and good causes, transmitted by Direct Debit or Standing Order – no money changes hands on the street. When encountered on the street these operators may be annoying however provided this fund raising is done correctly and they follow the agreed process as advocated by the Charity Commission this type of operation requires no approval from the Council. Fortunately some operators do try to work with Councils to avoid operating on days the Council has granted Street Collection permits.

### **4.5.5 Sale of Periodicals**

The sale of periodicals and newspapers is exempt from Street Trading controls and some businesses or organisations have in recent years made use of this exemption to raise money for charity. The best example of this is the Big Issue where those selling the periodical benefit from each sale. This is quite legal and is well supported. Unfortunately there are some operators and individuals who have used this exemption to their own advantage with little or none of the proceeds from the sale of so called periodicals being passed to the charity they purport to support.

- 4.5.6 The best example of this is a man called Kevin Wright who used to live in the Exeter area and first came to attention when he set up an appeal in 2005 after his son, Bobby - then aged three - was diagnosed with neuroblastoma, an aggressive form of cancer. Fortunately his son made a remarkable recovery. Unfortunately Wright did not stop there with his money raising and went on to defraud numerous charities with his Health Truth News publication and his Kids Integrated Cancer Treatment (KICT) charity. Eventually Wright, 50 who had moved to Staffordshire from Devon, was convicted of 10 counts of theft and two of fraud at Nottingham Crown Court in August 2013. Although convicted and serving a prison sentence his 'charities' are still operating around the country including the West Country. To read more about this case put 'Kevin Wright' into Google – there are a number of press reports including ones from the Express and Echo and the Mail.
- 4.5.7 Over recent months other copy cat 'charitable style' operations have appeared. One of these is called MJM Publishing and has been seen operating in East Devon including Exmouth, Budleigh Salterton, Honiton and Sidmouth. They have been collecting tins but when challenged produce a publication which they claim to be selling for charity in a similar manner to the Big Issue. However it is widely believed that this organisation is a clone of Health Truth News. One of those selling the MJM publication was recognised as a former collector in Sidmouth for the Kids Against Cancer 'charity' when Kevin Wright was running it. MJM Publishing claim to be collecting for Railway Children.co.uk and Homeless Children.co.uk. One of the MJM publications refers readers to a website – [helphomelesschildren.co.uk](http://helphomelesschildren.co.uk). The website is incomplete.
- 4.5.8 Council's have neither the resources nor the investigation powers to investigate these operations and have to rely on the police. However with the exception of the Nottingham Constabulary police forces around Britain have seemed reluctant to commit resources to what seems to be a country wide issue. The Devon Licensing Officers Group has repeatedly asked the Devon and Cornwall Constabulary to investigate these operations in particular those operations linked to Kevin Wright. A meeting was held with detectives in September 2012 and in January 2014 the Licensing Officer Group wrote to the Chief Constable asking for police action. That letter was acknowledged but the police have taken no further action.
- 4.5.9 Regrettably the issues explained in paragraphs 4.4.5 to 4.4.8 are only likely to increase whilst those running the scams are left alone. It is only with police perseverance that they can be stopped. Licensing Officers throughout Devon, Torbay and Plymouth regularly receive information about these 'collectors' and are keen to work with the police.

## 5. Consultations and Partnership Working

### 5.1 Meeting between Members, Taxi Proprietors and Officers

- 5.1.1 A taxi liaison meeting with the taxi trade was held on Thursday 3 April 2014 and commenced at 1430 hours in the Council Chamber, Knowle, Sidmouth. A copy of the minutes of that meeting appears at (**Appendix F**).
- 5.1.2 The next liaison meeting has been arranged for Thursday 30 October 2014 (during the Autumn half term) commencing at 1430 hour in the Council Chamber, Knowle, Sidmouth. The Committee's Chairman and Vice Chairman normally attend these meetings.

## General Licensing

### Number of Current Permits

	<b>Apr-13</b>	<b>Apr-14</b>	<b>Changes</b>
Street Collections	54	85	31
Street Collection cancellations	2	0	-2
House to House	3	8	5
Street Trading	50	23	-27
Street Trading (Charitable)	0	7	7
<u>Total</u>	109	123	14

### Hearings

	<b>Feb-14</b>	<b>Mar-14</b>	<b>Apr-14</b>
Hearings	0	0	0

### Applications Received

	<b>Feb-14</b>	<b>Mar-14</b>	<b>Apr-14</b>
Street Collections	25	20	4
House to House	0	0	0
Street Trading	0	1	23
Street Trading (Charitable)	1	1	0

**East Devon District Council**

**Report of a meeting between Members, Taxi Proprietors and  
Officers held at Knowle, Sidmouth on Thursday 3 April 2014**

**Present:**

**Councillors**

Steve Hall

Jim Knight

**Taxi Proprietors**

Nina Peters

Brian Bailey

Mrs Bailey

Charlie Stone

**EDDC Officers**

John Tippin - Licensing Manager

Douglas Jackson Licensing Officer

Steve Saunders Licensing Officer

The meeting started at 1432 and ended at 1630 hours

**1. Apologies**

Apologies from AJ Hill, Adrian Phillips, George Shorters, Steve Glover & Dave Lean

**2. To receive the report of the meeting held 31 October 2013**

**3. Matters Arising**

It was pointed out that minutes and agendas for the taxi meetings were always put on the EDDC web site as soon as possible after the meetings.

**4. Exmouth Rank**

Mr Jackson gave an update to the group that no progress had been made by Devon County Council on completing the works on the Strand taxi rank. Mr Bailey asked if that related to the dropped kerbs and he received confirmation that it did. The meeting was advised that the Council was still waiting for the work to be completed by the County Council. Officers from EDDC had been in contact, but there was no date given for the work to start.

Mr Bailey asked if there was any chance that the Victoria Road rank could be extended as it was originally proposed that the rank was to accommodate four vehicles. Mr Jackson said that at the site meeting when Paul Wilson (DCC) was present the current layout to accommodate four vehicles was agreed. At the time Paul Wilson indicated that a further extension of the rank would be very unlikely.

Mr Bailey said there was a need for more ranks in Victoria Road, and Cllr Knight said that the best way forward was for the taxi drivers to contact their County Councillor, in this case Cllr Wragg to gain her support.

Mr Bailey said asked if EDDC would support further ranks in Victoria Road. Mr Tippin said more ranks at that location would be very useful. Mr Tippin also stated that as from 1 April 2014 responsibility for street parking moved from EDDC to DCC so they are now responsible for the on street parking regulations. Therefore the enforcement officers would be employed directly by Devon County Council.

## **5. Licensing Fees**

Mr Tippin said that licensing fees for hackney carriage and private hire licensing were not going to rise for the second year running.

## **6. Updates/DBS checks**

Mr Jackson explained that to retain its registration with the Disclosure & Barring Service the new rules meant that the Council were required to carry out a minimum of 100 DBS checks annually. The Council would struggle to qualify each year to reach that number and therefore the Council had investigated an alternative system that will now provide an online checking service. Although having only been in use for a few weeks it is already proving much quicker and efficient with some replies being returned within around 48 hours. The new system required applicants to now complete the DBS check on line via an outside agency and then produce the required documentation to the licensing office and pay the fee. There was a facility at the Council offices where an applicant could use one of the computers in the public area to complete the check. The applicant then needed to pay the fee to the licensing service and produce the required documentation for a Licensing Officer to check. There are now no paper DBS checks forms as they should be done online. These can be done on any computer linked to the Internet or if the applicant has no access to a computer they can use one in the Reception area at the Knowle Offices at Sidmouth. A guidance sheet was handed out to those attending the meeting. Further copies are available from the Licensing Office.

## **7. Wheelchair Accessible Vehicles (WAVs)**

Mr Jackson informed the meeting that there were now 5 wheelchair accessible vehicles licensed as hackney carriage in the district.

**8. Video Surveillance in Licensed Vehicles and Safety in General**

Mr Jackson asked if there was still no need for video surveillance in licensed vehicles. All stated that there were no problems and that at this stage it was not required. Mr Tippin informed the meeting that there was a private members bill relating to video surveillance in taxis currently being considered by Parliament. Therefore there might be some changes in the future.

**9. Taxi Roof Signs and how they are placed on vehicles**

This was an issue previously raised by Mr AJ Hill at the last taxi meeting, that he had seen up to 6 cars with roof signs on the angle to the car instead of being shown straight ahead, was this lawful or regulated. There was also a report that roof signs had different coloured bulbs in them making them different to the corporate sign. It was explained that this issue was being looked at and would be the subject of new taxi conditions in the future.

**10. Safety of drivers and vehicles in general**

Mr Jackson asked if there were any safety issues at the moment. The answer was no, everything seemed to be ok.

**11. New Taxi and Private Hire Conditions**

Mr Jackson informed the meeting that there were new conditions for taxi and private hire being researched. Once a proper draft had been prepared they will be circulated to enable a full consultation.

**12 Any Other Business**

- (a) Mr Bailey talked of the EDDC policy in relation to vehicles and a need to incorporate smaller sized engines as better engineering and design is becoming available. Mr Tippin replied that he was looking into this and would come up with an answer after he had carried out further research.

Charlie Stone asked about the licensing of a 07 plated car recently. The vehicle being beyond the four year age policy that had been agreed by this Council. There followed a lively debate in relation to this matter from all in the meeting.

Mr Tippin explained that the policy was not to licence vehicles that were over four years old but case law had shown that the Council must be prepared to make exceptions to a policy if special circumstances apply. For example if a vehicle was in exceptional condition with a full service history from new etc. Any exception to policy cannot be made at officer level but the applicant and vehicle must appear before a sub committee with any relevant paperwork showing that the vehicle was in exceptional condition i.e. service records, work done on vehicle, mileage etc. Cllr Hall explained that only four vehicles, to his knowledge, two hackneys and two private hire vehicles had been

licensed in this way over recent years. Mr Tippin re iterated that the vehicle must be exceptional in its condition and usually the Sub Committee would be looking for more than a vehicle being in exceptional condition – examples being with full service history , one owner etc. Charlie Stone and Brian Bailey thought it was wrong to licence older vehicles, as they had to abide by the four year rule, and other reasons. It was agreed that any proposed new policy would look into the age of vehicles to be licensed as taxis and private hire.

- (b) Mr Tippin gave an update of the Law Commission review of taxi legislation.
- (c) Cllr Hall informed the meeting that the licensing service had retained the Customer Service Excellence Award for the third year running.

### **13. Date of Next Meeting**

The date of the next meeting – Thursday 30 October 2014 commencing at 2.30 pm in the Council Chamber, Knowle, Sidmouth