

Agenda for Licensing & Enforcement Committee

Wednesday, 19 November 2014; 9.30am



[Members of the Committee](#)

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

[View directions](#)

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- 1 Minutes for 27 August 2014 (pages 3-6)
- 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 - G (7-25)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 27 August 2014

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.30am

*4 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 11 June 2014, were confirmed and signed as a true record.

*5 Declarations of interest

Councillor Steve Hall

Minute 6

Disclosable Pecuniary Interest – private hire licence holder

Councillor John O’Leary

Minute 6

Disclosable Pecuniary Interest – personal licence holder

*6 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report and highlighted activities undertaken by the Licensing Service. Details of the work undertaken were included as appendices to the report.

Members raised and discussed a number of issues from the report:

1. Licensing Act 2003

Officers had completed visits to all the high risk premises in the District Council area for the year 2013/14 without any issues or concerns being found by the visiting officers. Visits to high risk premises for 2014/15 would commence with a completion date for all the visits being the end of March 2015.

On 28 May 2014 officers attended a joint agency pre-event meeting at Exmouth Town Hall for a proposed event on 2 August at Exmouth known as The Gusto Jamboree. The details of the event were discussed and suitable advice given. Councillor Pauline Stott requested that a sheet giving instructions for applicants to apply for events should be prepared for Councillors to be able to give to interested parties. The Licensing Manager agreed to prepare an instruction sheet for applicants, including input from the Environment and Street Scene services.

Officers had attended a number of other events throughout East Devon to give suitable advice and guidance to licensees during the quarter. The Chairman and Vice Chairman had undertaken their annual walkabout during Folk Festival week. Councillor Frances Newth reported that Sidmouth Ward Members had not received the phone numbers of the Sidmouth Folk Festival organisers this year. This

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

information was helpful in advising local residents who made complaints. John Tippin, Licensing Manager, agreed to ensure these numbers were available to Sidmouth Ward Members.

Gambling Act 2005

John Tippin, Licensing Manager, advised that on 14 May 2014 a Sub Committee hearing had been held to consider three applications for Club Gaming Machine permits for “staff social clubs” located at Tesco Stores in Honiton, Seaton and Axminster. The application had been adjourned to allow a Sub Committee request to see evidence that a members’ club existed for each of the stores, to include documents that evidenced there were elected officers, minutes of meetings and particularly an annual general meeting and at least two years of accounts.

On 16 July 2014 the hearing reconvened following a visit to Tesco, Axminster by Councillors Hall and Stott accompanied by the Licensing Manager and Steve Saunders, Licensing Officer. Additional documentation relating to the applications made by the clubs based at Honiton and Seaton was also supplied for consideration by the Sub Committee. Having considered all material and representations, the Sub Committee considered that the applicants at Honiton and Seaton were not members’ clubs pursuant to S266 of the Gambling Act 2005 and the applications relating to the stores at Honiton and Seaton were refused. The applications relating to the Axminster store was adjourned and subsequently withdrawn at the request of the applicant, Mr Richards

2. Taxis

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

There had been no Sub Committee hearings during the past quarter. Members were reminded that at a Sub Committee meeting an existing Hackney Carriage Driver’s licence had been revoked following a recent conviction. It was also reported that he had since appealed to the Magistrates Court. The appeal hearing was held on 30 July 2014 at the Exeter Magistrates Court. After the evidence was heard, the Magistrates upheld the decision of the Licensing Sub Committee and confirmed the revocation of the applicant’s Hackney Carriage driving licence. Councillor Steve Hall, Chairman, wished to thank Councillor Jim Knight, Vice Chairman, and Officers Giles Salter and Douglas Jackson for attending the appeal hearing.

Members noted that it was hoped that the work to lower the kerb stones at the new Strand taxi rank would be started shortly to coincide with other works at the Strand.

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

3. General Licensing including Animal Licensing and skin piercing
Members noted that the District Council had two zoo applications pending. The first was for land outside the Greendale Farm Shop, Sidmouth Road, Farringdon and the second for Bicton College, who were developing a business based on the college's new animal husbandry school. Prior to decision by the District Council on the grant of these licences, inspections were awaited from a specially qualified vet nominated by DEFRA.

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

Members noted that in recent months there had been an increased in interest from persons wanting to be registered as tattooists. In response to a question from Councillor Pauline Stott, the Licensing Manager agreed to provide Licensing & Enforcement Committee members with details of registered skin piercing premises in their ward so they could provide details of those premises still operating.

Members noted that the District Council currently licensed 17 mobile scrap metal dealers and 5 scrap metal dealer sites within East Devon – a total of 22. Under the new legislation recently introduced, the role of a motor salvage operator was merged into the scrap metal dealer function. A joint operation with partner agencies would be held in mid September. Unfortunately the extra funding made available to the Devon and Cornwall Police for additional work on the legislation has now been stopped.

The Sidmouth Folk Week has taken place for 2014 and all the seafront pitches were let. There had been positive feedback from the general public in relation to the street trading. The Licensing Manger wished to give particular mention to the assistance given by Street Scene to the Licensing Team on the lead up to and during the Folk Festival week. This included re-marking the pitches following last winters' storms, relocating refuse bins and benches to make room for the pitches and finally cleaning the Esplanade overnight throughout the week.

The Licensing Manager reminded Members that in the June update report an explanation was provided of the different types of collections that the public can encounter on the streets – both legal and illegal collections. He had been invited to meetings with the police at Honiton and Exmouth, the main subjects of which were direct debit canvassing companies generally called face to face collections and the operations relating to the state of periodicals. Both these 'business models' were legal if done correctly however especially in the case of the sale of periodicals the Licensing Team and police were coming across operators and individuals who 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.

After many months of seeking police support to attempt to eradicate some of these unscrupulous operators it now appeared in the case of Honiton and Exmouth that the police were taking notice.

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

4. Consultation and Partnership working

The next taxi liaison meeting with the taxi trade will be held on Thursday 30 October 2014 commencing at 2.30pm in the Council Chamber, Knowle, Sidmouth.

RESOLVED:

that the report be noted.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
David Atkins
Bob Buxton
Peter Burrows
Steve Gazzard
Frances Newth
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright
Pat Graham
John O’Leary

Officers present

John Tippin, Licensing Manager
Chris Lane, Democratic Services Officer

Apologies:

Councillors:
Maddy Chapman
John Jeffery

Chairman Date

Report to: **Licensing and Enforcement Committee**



Date of Meeting: 19 November 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

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 30 October 2014 between Members, Taxi Proprietors and Officers
- Appendix G - New Licensing Act 2003 Mandatory Conditions

Background Papers:

- None

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 The visits to the premises identified as high risk in our area continue to be made and are on course for completion by the end of March 2015.

1.3 Enforcement

1.3.1 The Sidmouth Folk Week was again held this year between the 1 and 8 August 2014. Officers were involved in checking both licensed premises and the trade stalls along the Esplanade on Sidmouth Sea Front. The festival was well run and did not cause any licensing issues. The event organisers held a debrief meeting on each morning of the Folk Week to identify any issues during the previous 24 hours. One of the Licensing Team generally attends these meetings. Both the Chairman and Vice Chairman made a personal visit viewing the trade stalls along the Esplanade and calling at several of the premises licensed by the Folk Festival.

1.3.2 On 6 August an officer attended the Honiton Agricultural Show held outside Honiton where checks were made on the 10 venues at the showground who had served Temporary Event Notices on the Licensing Authority. These venues were found to be in order.

1.3.3 On the evening of 8 August officers attended the Blackdown Hills Beer Festival held at Cherry Hayes Farm at Smeathorpe near Honiton. The event has been held for a number of years and was found to be well run and no licensing issues were found.

1.3.4 On 12 August 2014 an officer attended premises in Seaton with an Environmental Health Officer where a meeting was held with the area manager (representing the brewery who are the licence holders) and the new tenants following complaints of noise and disturbance associated with an extension of hours held under a temporary event notice. There was also an allegation that the Designated Premises Supervisor had left the premises. An agreement was reached about future events/TENs at the premises and it was confirmed that the DPS was still responsible for the premises but had been away for a few days.

1.3.5 On 14 August 2014 officers accompanied an Environmental Health Officer to two licensed premises in the Sidmouth area both relating to music noise complaints during the Folk Week. A Discussion was held about the way forward during next year's event to alleviate further complaints.

1.3.6 On 16 September 2014 a multi-agency de-brief was held at the EDDC Offices for the 2014 Folk Week. All the relevant authorities attended and it was a useful meeting for both the authorities and the event organisers.

1.3.7 On 23 October 2014 officers attended a private members club in Exmouth following complaints about how the premises were being run. Following discussions the club submitted a temporary event notice for an event they were scheduled to run at the premises and agreed to apply for a new premises licence. The licence application was required as the club had moved to a commercial type club and could no longer be run under a Club Premises Certificate.

1.3.8 Since the last report two premises licences have been suspended for failing to pay their annual fees. One of the premises is situated at Yarcombe and the other at Woodbury.

1.4 Hearings

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

1.5 New Mandatory Conditions

- 1.5.1 The Government have introduced changes to the mandatory premises licence conditions made under the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 ('the Order'), which came into effect on the 1 October 2014.
- 1.5.2 The Order effectively amends the current mandatory conditions created in 2010 which related to irresponsible drinks promotions, provision of free drinking water, an age verification process and the provision of small/minimum measures.
- 1.5.3 The new conditions that will apply to all relevant premises licences are reproduced in **Appendix G**.
- 1.5.4 Members should note that the small measures mandatory condition numbered 4 in the Appendix is unchanged in respect of the size of measures that must be available. **However, changes have been made to the requirement of making customers aware of the availability of these measures.** On this point, the Home Office guidance states:
 "As well as making the drinks available in the above measures, the responsible person must also make their availability clear on menus, price lists or other printed material, and ensure that these are available to customers on the premises (for example, at the bar).
 Where a customer orders a drink listed above but does not specify the alcohol measure, the customer should be made aware of the range of measures available. This can be either verbally or by ensuring they have seen the printed materials on which their availability is listed. If the responsible person is satisfied that the customer has been made, and continues to be, aware of the range of measures available, the responsible person does not need to repeat that information in relation to each sale."
- 1.5.5 This should hopefully provide some small measure of clarity to how far it is expected that the premises must go in bringing this matter to a customer's attention.

1.6 De-regulation Update

- 1.6.1 The latest round of the government's de-regulation of aspects of the Licensing Act 2003 took effect on the 1 October. This removed the requirement for a licence for:
- amplified live music in alcohol-licensed premises or a workplace between 08.00 and 23.00 before an audience of up to 200 people (now increased to 500);
 - unamplified live music played in any venue between 08.00 and 23.00 (no audience limit);
 - plays or performances of dance between 08.00 and 23.00 before an audience of up to 500 people;
 - an indoor sporting event between 08.00 and 23.00 before an audience of up to 1,000 people.

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**.

2.3.2 On 14 May 2014 a Sub Committee hearing was held to consider three applications for Club Gaming Machine permits for "staff social clubs" located at Tesco Stores in Honiton, Seaton and Axminster. If granted the permits allow up to three gaming machines of either Category B, C or D to be sited in each of the staff canteen rooms at the stores. The applications were made by a gaming machine supplier who holds a machine supplier's operator's licence issued by the Gambling Commission. The hearing was adjourned to allow a Sub Committee request to see evidence that a members' club existed for each of the stores, to include documents that evidenced there were elected officers, minutes of meetings and particularly an annual general meeting and at least two years of accounts.

2.3.3 On 16 July 2014 the hearing reconvened following a visit by Councillors Hall and Stott accompanied by the Licensing Manager and Steve Saunders (Licensing Officer) to Tesco Axminster. Additional documentation relating to the applications made by the club's based at Honiton and Seaton was also supplied for consideration by the Sub Committee. Having considered all material and representations, the Sub Committee considered that the applicants at Honiton and Seaton were not members' clubs pursuant to S.266 of the Gambling Act 2005 and the applications relating to the stores at Honiton and Seaton were refused. The application relating to the Axminster store was adjourned at the request of the applicant's agent, Mr Richards

2.3.4 Following a request from the applicant's agent, Mr Richards, for the Axminster application was deferred the Sub Committee agreed an adjournment to a date to be fixed. Mr Richards has subsequently requested for this application to be withdrawn.

2.3.5 Notice of an appeal relating to the Honiton and Seaton applications has since been received from the applicants' agent, Mr Richards, and an initial hearing was held at Exeter Magistrates Court on 6 October 2014. A date for the full appeal to hear the cases has been set for Friday 19 December 2014.

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 no Sub Committee hearings during the past quarter.

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 (November 2014) the work still has not been started by the County Council.

3.4.2 Beer – A letter has been received by the District Council from Beer Parish Council requesting the removal of the single taxi rank in Beer and its conversion to general street parking. The issue is being researched to include consultation with the highways authority and taxi and Private Hire operators who trade in that part of Devon. Following completion of our research a report will be brought to your next meeting for decision.

3.4.3 The re-licensing period for hackney vehicles and drivers has just passed, 1 November 2014 and during the period running up to that date the Licensing Team has been very busy with the renewals of all the drivers and vehicles. The number of vehicles and drivers re-licensed will rise further in the coming weeks as there are always those who leave it to the last minute to re licence. Officers are in the process of following these up.

3.5. Child Sexual Exploitation Review - Safeguarding Children Task Group, People's Scrutiny Committee, Devon County Council

3.5.1 The County Council's Safeguarding Children Task Group have invite representation from all Devon taxi licensing teams as part of a review into Child Sexual Exploitation (CSE) being undertaken by the group of elected members of Devon County Council. This group is undertaking the work in response to the Rotherham inquiry. Each licensing authority was invited to answer 9 questions which are listed below. The Licensing Manager has replied.

1. How many taxi and private hire licenses are currently valid in your area?
2. How many applications are received each year / percentage rejected?
3. How many licences are withdrawn or suspended each year?
4. Do you liaise with others, who, how often, what value does it give?
5. What criteria needs to be fulfilled to be granted a license?
6. What procedures and checks do you carry out?
7. Is the advanced DBS check comprehensive enough?
8. Do you have any suggestions how partners including the County Council and the Police could work more effectively?
9. Do you have national / international intelligence as well as regional sharing?

3.6 Driving Licence Changes

3.6.1 From 1 January 2015 the counterpart of the driving licence will no longer be issued by the DVLA which means from that date where a person is in possession of the new style driving licence they will only be issued with the plastic card. This will impact on the licensing process for taxi drivers as the Licensing Authority will no longer be able to view endorsements on the counterpart. Additional checks will need to be made to ensure that drivers are fit and proper persons to hold one of these licences. It will be necessary to introduce a process to check for endorsements on driving licences. The Licensing Manager was currently exploring this. There will be a small cost to do the check. This is a national issue not only for taxi licensing authorities but for employers who employ staff to drive including District Councils. Fortunately there are several solutions and it is now just a matter of making the best choice.

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 At your last meeting in August members were advised that the District Council had two zoo applications pending grant. These were for land located outside the Greendale Farm Shop, Sidmouth Road, Farringdon and for Bicton College which is developing a business based on the college's new animal husbandry school. I am pleased to report following successful inspections carried out by a specially qualified vet nominated by the Department for Environment Food & Rural Affairs (DEFRA) the Council has been able to issue both licences.

4.2.2 The Council now has a total of six zoo licences in existence. These are at Crealy Adventure Park, Escot, Axe Valley Bird and Animal Park, World of Country Life at Exmouth, Greendale Farm Shop and Bicton College.

4.2.3 The administration behind the licensing of this type of venue is extremely time consuming and compounded by the number of detailed freedom of information requests we have to action relating to zoo licences.

4.2.4 November and December is always a busy time for animal licensing in the Council as all the Pet Shop and Animal Boarding licences come due for renewal on the 31 December. In addition to the paperwork and the liaison that is required between the Licensing staff and the licence holders we need to arrange for the 12 pet shops to be inspected by a vet and the 22 boarding establishments (kennels and catteries) to be inspected by officers.

4.3 **Street Trading**

4.3.1. 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 consents issued, the number of hearings held and the number of applications received.

4.3.2 At this time of year there is very little activity associated with this type of permission.

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 30 October 2014 (during the autumn half term) 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 Wednesday 1 April 2015 (during the Easter holidays) commencing at 1430 hour in the Council Chamber, Knowle, Sidmouth. The Committee's Chairman and Vice Chairman normally attend these meetings.

6. Licensing Newsletter

6.1 The Licensing Service is in the process of preparing a licensing newsletter for publication before Christmas. It will include information for licence holders to explain the new Licensing Act 2003 mandatory conditions and the de-regulation update. When published it will be circulated to all District Council members as well as to the licensing trade in the District.

7. Councillors' Licensing Reference Documentation

7.1 Members will be aware that they have the ability to access a members' area through Office 365. In the next few weeks the Democratic Services Team have agreed to work with the Licensing Team to create a Licensing folder within this area with the intention of providing for members' information a licensing reference section. The links to documents to be included in the area so far are listed below. However if members identify any other documents they feel would usefully be available please tell us and we will try to provide it.

- The Council's Licensing Act 2003 policy document
- The Licensing Act 2003 Guidance issued by government under Section 183 of the Act
- The Council's Gambling Act 2005 policy document
- Guidance to licensing authorities issued by the Gambling Commission
- The Council's Street Trading Policy document
- The Council's Sex Establishment Licensing Policy document
- The Council's Licensing Service Enforcement Policy document
- The Council's Licensing fees list (some are set by central government)

7.2 Previously much of this information was provided in the form of a folder to members. By providing access through 365 it will ensure that members will always have access to the most up to date document version.

Licensing Act 2003

Number of Current Licences and Notices Given

	Oct-13	Oct-14	Changes
Premises Licences	596	607	11
Club Premises Certificates	57	57	0
Personal Licences	1,799	1,914	115
Temporary Event Notices including sale or supply of alcohol - includes late TENs	5,396	6,086	690
Temporary Event Notices Entertainment and/or Late Night Refreshment only - includes late TENs	530	604	74

Hearings

	Aug-14	Sep-14	Oct-14
Hearings where no agreed position has been reached	1	0	0
Hearings held to approve an agreed position	1	0	0

Applications Received and Notices Given

	Aug-14	Sep-14	Oct-14
Grant of a Premises Licence	1	2	2
Variation of a Premises Licence	0	2	1
Transfer of a Premises Licence	2	3	4
Change of Designated Premises Supervisor	4	12	6
Minor Variations	1	3	1
Grant of a Personal Licences	10	15	1
Personal Licence Change of name or address	4	5	7
Temporary Event Notices given	59	51	81

Gambling Act 2005

Number of Current Licences and Notices Given

	Oct-13	Oct-14	Changes
<u>Premises Licences</u>			
Adult Gaming Centre	4	4	0
Betting	9	10	1
Bingo	1	1	0
<u>Total</u>	14	15	1

Hearings

	Aug-14	Sep-14	Oct-14
Hearings	1	0	1

	Oct-13	Oct-14	Changes
<u>Premises Permits</u>			
Family Entertainment Centre	9	9	0
Prize Gaming Permit	1	1	0
Club Machine Permit	21	18	-3
Licensed Prem Machine Permit	13	15	2
Notification of Gaming Machines	92	92	0
<u>Total</u>	136	135	-1

	Oct-13	Oct-14 Change
<u>Small Society Lotteries</u>	164	163 -1

Taxis

Number of Current Licences

	Oct-13	Oct-14	Changes
Hackney Carriages	149	152	3
Private Hire Vehicles	14	15	1
Hackney Carriage Drivers	186	179	-7
Private Hire Drivers	21	22	1
Private Hire Operators	11	13	2
<u>Total</u>	381	381	0

Hearings

	Aug-14	Sep-14	Oct-14
Hearings	0	0	0

Applications Received

	Aug-14	Sep-14	Oct-14
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	4	28	149
Hackney Carriage Drivers Licence (including renewals)	3	33	152
Private Hire Vehicle Licence	0	2	1
Private Hire Vehicle Drivers Licence	0	1	3
Private Hire Operators Licence	0	1	1

EH Licensing

Number of Current Licences

	Oct-13	Oct-14	Changes
Animal Home Boarding	21	28	7
Kennels/Catteries	20	22	2
Pet Shops	12	12	0
Dangerous Wild Animals	2	1	-1
Zoo	4	6	2
Riding Establishments	10	10	0
Ear-Piercing	18	19	1
Electrolysis	15	16	1
Tattooing	13	15	2
Acupuncture	26	27	1
Scrap Metal Dealer - Mobile Collector	0	18	18
Scrap Metal Dealer - Site Licence	0	5	5
Sex Entertainment Venue	1	1	0
<u>TOTAL</u>	142	180	38

Hearings

	Aug-14	Sep-14	Oct-14
Hearings	0	0	0

Applications Received

	Aug-14	Sep-14	Oct-14
Animal Home Boarding	5	1	1
Kennels/Catteries	0	0	0
Pet Shops	0	0	2
Animal Breeding	0	1	1
Dangerous Wild Animals	0	0	0
Zoo	0	0	1
Ear-Piercing	1	0	0
Electrolysis	1	0	0
Riding Establishments	2	1	1
Acupuncture	0	0	0
Tattooing	1	0	0
Scrap Metal Dealer - Mobile Collector	0	1	0
Scrap Metal Dealer - Site Licence	0	0	1
Sex Entertainment Venue	0	0	0

General Licensing

Applications Received

	Aug-14	Sep-14	Oct-14
Street Collections	19	4	8
House to House	1	1	2
Street Trading	44	5	1
Street Trading (Charitable)	0	1	0

Hearings

	Aug-14	Sep-14	Oct-14
Hearings	0	0	0

East Devon District Council**Report of a meeting between Members, Taxi Proprietors and Officers held at Knowle, Sidmouth on Thursday 30 October 2014****Present:****Councillors**

Steve Hall – Chair, Licensing and Enforcement Ctte

Jim Knight – V. Chair, L & E Committee

Geoff Pook, District Councillor for Beer

Taxi Proprietors

Nina Peters

Charlie Stone

Alistair Layland

Steve Glover

Francesca Small

Alison Walker

EDDC Officers

John Tippin - Licensing Manager

Douglas Jackson Licensing Officer

The meeting started at 1435 and ended at 1615 hours

1. Apologies

Apologies from AJ Hill, Brian Bailey and Mike Sampson

2. To receive the report of the meeting held 3 April 2014**3. Matters Arising**

Charlie Stone was still perturbed at a 07 plate being licensed, against the policy of being not more than four years old from the date of registration on licensing, and was still unsure of what the expression “exceptional circumstances” meant in relation to the vehicles condition. Mr Tippin stated that all cases were to be judged on their merits, it was up to the applicant to show that the vehicle is exceptional prior to licensing. Mr Jackson explained

that the taxi policy was being reviewed with an addition to the policy, to be considered, stating that vehicles over four years old had to be the subject of an AA or RAC enhanced report if an applicant wanted to licence a vehicle over four years old, that would be the starting point for the process and the vehicles condition would be judged on all other factors as well before being considered for licensing.

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.

At a meeting with the Exmouth taxi association meeting a few weeks previously, Mr Jackson had told the meeting he would try to get an update in relation to DCC policy/advice on parking issues for taxi drivers and the ranks. Since then he had been in contact with DCC, Mr Hardacre, the parking appeals team manager, who could not attend the meeting but had provided some advice which is summarised below and read to the meeting.

“The enforcement officers are mostly the same as those employed by East Devon with some newer faces. The enforcement protocols for taxis have not changed at all since the service has been brought in house. We are now consistently enforcing taxi ranks/bus stops in the same manner on a County wide basis.

To avoid getting a Penalty Charge Notice:

Drivers must remain with their vehicles whilst waiting on a “no waiting except taxis rank” and be available for immediate hire. If our CEO’s see an unoccupied taxi on a rank, they will give at most 5 minutes observation to see if the driver returns, before issuing a PCN.

Drivers must not leave their cars unattended on a ‘no stopping except taxi’s rank’ at any time. Park legally elsewhere if a natural or refreshment break needed.

If a pre-arranged collection of a fare has been agreed, the taxi should pick them up from the agreed address at a specified time, and not leave their car unattended on a rank whilst they walk to meet their fare and bring them back to the taxi, e.g. picking up a customer with their shopping from a local supermarket. Exemptions apply to allow picking up of passengers and shopping from double yellow lines where there are no kerb markings indicating a ban on loading.

Do not pick up/drop off passengers on school keep clear markings. You have no exemption to do so.

It is also worth pointing out, that any vehicle is actually exempted to stop on a no waiting taxi rank to drop off or pick up passengers. This should not take more than 2 minutes unless dealing with an elderly or disabled passenger, in

which case it's allowed for as long as it takes to get them in/out, but no longer. CEO's will give a short observation period to see if this exemption is applicable and if not they will then issue a PCN to the vehicle if it remains parked on the rank. We can send the PCN via the post if the vehicle drive away before the ticket can be fixed to the vehicles.

Cllr Pook, representing Beer Parish Council was also at the meeting and wanted to give an update in relation to the Beer taxi rank. He stated that the rank was under used with the Parish Council and residents wanting it to be removed and it to revert to street parking. He stated that local people had told him they had not seen taxis on the rank and the owner of the Dolphin Hotel says that no one uses it. Mr Tippin stated that this meeting was not a decision making forum, the rank would be discussed at the relevant Licensing Committee meeting after consultation with Devon County Council who dealt with all the traffic orders. Mr Tippin explained that it was a procedure that would cost money to change. Cllr Knight thought that this procedure had to be advertised in the London Gazette (Not confirmed). The taxi drivers at the meeting gave a mixed response to the rank's use, as most of them seldom operate in that area of East Devon.

5. Driving Licence Changes Update

Mr Tippin said that as from 1/10/2014 the need to display a tax disc had gone, and as from 1/1/2015 the counterpart of the driving licence would no longer be issued. This would impact on the Licensing process as the Licensing Authority could no longer view endorsements on the driving licence. Additional checks will need to be made to ensure that drivers are fit and proper persons to hold a hackney carriage drivers licence. A process would have to be introduced to check endorsements on a driving licence by the authority. The Licensing Manager was currently exploring this. There would be a small cost to do this check. EU nationals and other countries driving licences will also have to be looked at in relation to the issue of a hackney licence.

6. Updates/DBS checks

Mr Jackson gave an update on the new DBS procedure which seemed to be working well, the meeting was reminded that the applicant had to do the DBS on line and then contact the licensing office with the fee and relevant documentation to ensure the application is completed. The checks seemed to be very quick with some coming back in twenty four hours.

7. Wheelchair Accessible Vehicles (WAVs)

Mr Jackson informed the meeting that there is still a need to licence more WAV s, they are thinly spread across the region two in Axminster two in Sidmouth and two in Exmouth. DCC use local operators with WAVs for the school runs etc.

8. Video Surveillance in Licensed Vehicles Update

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.

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

This was an issue previously raised by Mr AJ Hill. Operators were asked to place them correctly on the vehicle. An operator stated there were two licensed East Devon hackney vehicles working at the Exeter airport that did not appear to have any roof signs. Mr Jackson said he would address this issue.

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. Mr Jackson stated MOT test certificate advisories were causing a problem and that if they showed worrying faults then the licence may be suspended until defects were rectified.

11. New Taxi and Private Hire Conditions

Mr Jackson informed the meeting that he was working on preparing a draft new Taxi and Private Hire policy. Once a full draft had been prepared they will be circulated to enable full consultation before the Council's Licensing and Enforcement Committee would be asked to agree it.

12. Any Other Business

Councillor Hall explained to the meeting that Devon County Council was carrying out a Child Sexual Exploitation Review in the light of what happened in Rotherham. All District Councils in Devon had been invited to take part. Mr Tippin informed the meeting that DCC had asked the council to explain what checks we used to ensure that our drivers were fit and proper and to ensure that what happened in Rotherham wouldn't happen in Devon. They are trying to raise public awareness in relation to the protection of young people from harm; the overriding factor is to be vigilant.

13. Date of Next Meeting

The date of the next meeting – Wednesday 1 April 2015 commencing at 2.30 pm in the Council Chamber, Knowle, Sidmouth.

Appendix G

New Licensing Act 2003 Mandatory Conditions

Irresponsible drinks promotions (**Amended Condition**)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Potable water (**Amended Condition**)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification (**Amended Condition**)

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Minimum measures (Amended Condition)

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”