

Agenda for Licensing & Enforcement Committee

Wednesday, 18 February 2015; 9.30am



[Members of the Committee](#)

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

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- 1 Minutes for 19 November 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 (pages 7-22)

- 7 Beer Parish Council's request to remove the Taxi Rank in Fore Street, Beer (pages 23-29)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 19 November 2014

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.35am

*7 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 27 August 2014, were confirmed and signed as a true record.

*8 Declarations of interest

Councillor Steve Hall

Minute 96

Disclosable Pecuniary Interest – private hire licence holder

Councillor John O'Leary

Minute 9

Disclosable Pecuniary Interest – personal licence holder

*9 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

It was noted that the Sidmouth Folk Festival was again held this year between 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 had a debrief on each morning of the Folk Week to identify any issues from the previous 24 hours. 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.

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 scheduled to run at the premises and agreed to apply for a new premises licence.

Since the last report two premises licences have been suspended for failure to pay their annual fees. One of the premises was situated at Yarcombe and the other at Woodbury. John Tippin, Licensing Manager explained that a list of all those premises who had their licences suspended due to non payment of licensing fees had been circulated to members. There were a total of five on the list.

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

Members noted that the Government had introduced changes to the mandatory premises licence conditions made under the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 which came into effect on the 1 October 2014. 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.

2. Gambling Act 2005

Members were reminded 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

Notice of an appeal relating to 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

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. But the minutes of the bi-annual meeting between Members, Hackney Carriage Proprietors and Officers held on 30 October 2014 were attached to the report. The next meeting had been arranged for Wednesday 1 April 2015 at 2.30pm in the Council Chamber.

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. But to date the works had still not been started by Devon County Council. Councillor

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

Pauline Stott reported that it was anticipated that the County Council would start on this work in January at the same time as the new bus shelter.

A letter had been received by the District Council from Beer Parish Council requesting the removal of a single taxi rank in Beer and its conversion to general street parking. This issue was 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 research a report would be brought to the next meeting of the Committee. Also included would be a list of the locations of all taxi ranks in East Devon for members' information.

4. General Licensing including Animal Licensing and skin piercing
Members noted that the District Council had recently had two zoo applications pending. The first was for land outside the Greendale Farm Shop, Sidmouth Road, Farringdon and the second for Bicton College. The College was developing a business based on the college's new animal husbandry school. Following successful inspections carried out by a specially qualified vet nominated by the Department for Environment Food & Rural Affairs (DEFRA) the Council had been able to issue both licences.

The Council now had a total of six zoo licences in existence. These were at Crealy Park, Escot, Axe Valley Animal Park and World of Country Life, Greendale Farm Shop and Bicton College.

Members noted that November and December was 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 liaison required between the Licensing staff and the licence holders it was necessary to arrange for the 12 pet shops to be inspected by a vet and the 22 boarding establishment (kennels and catteries) to be inspected by officers.

5. Ongoing monitoring

The Chairman acknowledged the value of the update reports prepared by John Tippin. Licensing Manager for each meeting. The Chairman was aware of the ongoing work carried out through the budget process in monitoring the level of fees to ensure that these remained sufficient to recover the costs of the service. If this work indicated a need to increase fees, this would be the subject of a report to Cabinet, with Council then agreeing any increase. The Committee would be copied into any such proposal.

RESOLVED:

that the report be noted.

Attendance list

Councillors present

Steve Hall (Chairman)

Jim Knight (Vice Chairman)

Peter Burrows

Maddy Chapman

Steve Gazzard

Frances Newth
Ken Potter
Pauline Stott
Peter Sullivan
Tom Wright
Pat Graham
John O'Leary

Officers present

John Tippin, Licensing Manager
Neil MacDonald, Licensing Officer
Chris Lane, Democratic Services Officer

Apologies:

Councillors:

David Atkins
Bob Buxton
John Jeffery

Officers:

Giles Salter

Chairman Date

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 18 February 2015

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

Background Papers:

- County Council's Safeguarding Children Task Group, People's Scrutiny Committee review report in response to the Rotherham inquiry
- Letter dated 18 November 2014 from Baroness Kramer, the Minister of State for Department of Transport on importance of checks on taxi drivers
- Report of Inspection of Rotherham Metropolitan Borough Council

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 On 28 November 2014 an officer accompanied by an Environmental Health Officer attended premises in Axminster regarding noise complaints/issues. Following discussion it was discovered that the current leaseholder for the premises had handed back the lease following complaints about the operation of the premises. The current DPS and her partner had been offered the lease and were intending to take over the running of the business. A plan of action was agreed with the new lease holders and to date no further complaints have been received.

1.3.2 On 4 December 2014 the Licensing Manager and an officer attended a Police Partners Meeting held at Police Headquarters, Middlemoor, Exeter. The meeting involved representatives of all the Licensing Authorities in Devon and Cornwall meeting with the Police Licensing Teams to discuss licensing issues and operational practices across Devon and Cornwall.

1.3.3 On 5 December 2014 officers accompanied by the Police Licensing Officer attended premises in Colyton following complaints of late night 'lock ins' at weekends. A discussion was held with the licence holders and agreement was reached that Temporary Events Notices would be applied for over the Christmas period and consideration would be given for a full variation application to be submitted to extend the existing hours.

1.3.4 On 16 December 2014 an officer accompanied by an Environmental Health Officer, Police Licensing Officer and two Police Community Support Officers (PCSOs) attended premises in Axminster. These premises already have a history of noise and disorder complaints although none has been recorded recently. The meeting was held following alleged noise and disorder incidents at the premises over a period of two weekends. An action plan was agreed with the licence holders with one of the PCSOs being nominated as the lead contact locally.

1.3.5 Since the last report two premises licences have been suspended for failing to pay their annual fees - one in Newton Poppleford and the other at Exmouth. A list of suspended premises licences has been circulated to members of the Licensing and Enforcement Committee.

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**.

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 would 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 hearing was adjourned to allow a Sub Committee request to see evidence that a members’ club existed for each of the stores.

2.3.3 On 16 July 2014 the hearing reconvened following a visit by Councillors and Licensing officers to Tesco Axminster. 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 subsequently withdrawn).

2.3.4 On Friday 19 December 2014, an appeal hearing relating to the Honiton and Seaton applications was convened at the request of the clubs’ agent at Exeter Magistrates Court. Prior to the hearing taking place, the managers of both Tesco stores withdrew permission for gaming machines, requiring a permit, to be placed in either store. Both managers also clarified that the appeal application was neither submitted nor supported by the stores and had been undertaken solely by the original agent.

2.3.5 Following legal discussions at court, the appeal was dismissed by the magistrates who found that the agent did not to have the “locus standi” to make the appeal as he was not the applicant and therefore did not have the right to address the magistrates. The appeal could not be formally made because the agent had no proprietary rights or sufficient control of the premises to place the regulated machines. (Gambling Act 2005 s159 (5)).

2.3.6 These cases have attracted the Gambling Commission’s interest as they are believed to have been the first instances of a Council challenging the veracity of supermarket employees’ members’ clubs. The Commission has been supportive of the Council’s stand and sent a regional inspector to monitor the appeal hearing. As a result of the Council drawing attention to this country wide issue the Gambling Commission is seeking talks with the main supermarket chains to provide guidance.

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. The most recent being on Tuesday 20 January 2015 when Mr Jackson, Licensing Officer, represented the Council and discussed any issues taxi drivers had and provided an update to the taxi association of matters that had arisen.

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. Correspondence has recently been received from Devon County Council that the works to lower the rank will commence during February 2015.

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. A separate report on this has been prepared and will be presented to the Committee on the 18 February 2015.

3.5. Child Sexual Exploitation - Safeguarding Children

3.5.1 Members will recall that during the Licensing Manager's report to this committee on the 19 November he informed members that he had been invited to make a submission to the County Council's Safeguarding Children Task Group, People's Scrutiny Committee which was undertaking a review in response to the Rotherham inquiry. On the 23 December the group published an initial 27 page report. Reproduced below is a section of the report which specifically deals with the submissions made by licensing authorities. Should members wish to see the whole report the Licensing Manager has a copy.

“The Task Group contacted the 8 district and city licensing authorities in the County in relation to their taxi and private hire arrangements given the issues in Rotherham amongst an element of the taxi driving community. South Hams, Teignbridge and East Devon District Councils responded extremely positively to the request for information.

Licensing authorities need to ensure that a culture is not created where child sexual exploitation can grow. Police work with licensing authorities in terms of child sexual exploitation was reported to be in its infancy. Licensing authorities need to involve the police when drivers are suspected as being unlicensed. Legislation requires that the police should inform a council when they have knowledge that a taxi driver licensed by the council has been convicted of certain offences. This was reported to be seldom done - however there are many reasons for this failure and it was not always the fault of the police. For example some drivers may fail to admit to the police their occupation or taxi driving may only be part time and they have a 'day job'. Better liaison between the police and licensing authorities would be a great improvement.

Challenge needs to be made to businesses in terms of what they are doing to keep children safe. Taxi drivers, along with owners of guest houses, hotels etc need to be used as an invaluable intelligence on the ground in terms of identifying hotspots. The enhanced Disclosure and Barring Service is only as useful as the information the police feel they can

disclose. The police may hold intelligence that is insufficient to substantiate and therefore they may not disclose it to a local authority.”

- 3.5.2 By coincidence the Devon and Cornwall Constabulary hosted their annual Partner Agency Meeting on Thursday 4 December 2014 at the Police Headquarters, Middlemoor. These meetings are attended by licensing representatives from all the councils in the force area plus other parties including a representative from the Crime and Police Commissioner’s office. During the meeting we were informed that following Home Office guidance the police (Notified Occupation Co-ordinator) would no longer be informing relevant licensing authorities when they were investigating a taxi driver for serious crime. They would however continue to inform council’s if the taxi driver was subsequently convicted. This means that there is every possibility of a taxi driver being under investigation for a serious offence, for example rape but because the council was not made aware of the circumstances the driver could still be driving a taxi pending a court hearing. If the council were made aware they would have the option of suspending the licence pending the outcome of the police investigation.
- 3.5.3 The Home Office advice is in stark contrast to a letter dated 18 November 2014 received by all Licensing Authorities from Baroness Kramer, the Minister of State for the Department of Transport, which was expressing the importance of enhanced DBS checks for drivers and close liaison with the Police. The contrasting messages weren’t lost on those attending the meeting.
- 3.5.4 The Crime and Police Commissioner’s representative at the meeting was sympathetic to the concerns that the council licensing representatives voiced. Since the Partner Agency meeting the Devon Licensing Officers’ Group, which represents all the Devon councils together with Torbay and Plymouth, has written to the Crime and Police Commissioner asking him to intercede with both the Home Office and police to have the Home Office advice to the police reversed.
- 3.5.5 Our local concerns appear to have been mirrored more widely as the press release below from the Local Government Association was published on the 3 February 2015.

“Vital efforts to protect children from criminals hiding behind their position as taxi drivers to commit sex offences are being hampered by new restrictions on crucial background checks, councils warn.

The Local Government Association said police forces across the country are no longer providing information to councils on criminal investigations involving prospective taxi drivers because of a dispute between the Home Office and police on whether it is lawful.

Some councils have also been told by the Disclosure and Barring Service that they can no longer check whether a prospective taxi driver has been barred from working with children or vulnerable adults unless they work on a school transport contract.

It comes as government’s plans to extend the duration of taxi licences from one to three years will return to Parliament today as part of the Deregulation Bill.

The LGA is warning that forcing councils to issue longer licences without access to vital intelligence on applicants could put children and vulnerable people at greater risk of becoming victims of sex crimes, child sexual exploitation (CSE) and trafficking from organised gangs.

It is calling for the clauses in the Deregulation Bill to be deleted and a comprehensive reform of taxi and private hire vehicle licensing undertaken, based on the Law Commission's report last year.

The LGA also demands a guarantee from the Department of Transport and the Home Office that access to this vital information will be immediately returned and maintained in the future, without risk of it being removed again.

Cllr Ann Lucas OBE, Chair of the LGA's Safer and Stronger Communities Board, said: "Extending the length of taxi licences without ensuring councils can keep carrying out robust checks risks putting children and vulnerable people at risk.

"Recent child sex abuse cases in Rotherham and Rochdale are a stark reminder of the vulnerability of some passengers.

"CSE is a terrible crime with destructive and far reaching consequences for victims, their families, and society and councils are determined that nothing like this can be allowed to happen again. That is why we are extremely alarmed at actually being given less access to information about who is applying for a taxi licence."

3.6 Driving Licence Changes

- 3.6.1 In the last update report on the 19 November 2014 members were informed that from 1 January 2015 the counterpart of the driving licence would no longer be issued by the DVLA meaning that from that date where a person was in possession of the new style driving licence they would only be issued with the plastic card. Advice was given on government websites that from that date the counterpart could be destroyed. The demise of the counterpart would have had an impact on the licensing process for taxi drivers as the Licensing Authority would no longer be able to check endorsements shown on the counterpart. As explained in the previous report the Licensing Manager was exploring an alternative method of checking driving endorsements to ensure that drivers are fit and proper to hold a taxi driving licence. Early in the New Year the DVLA finally admitted that whilst they were developing software solutions to this issue for employers (haulage companies etc.), licensing authorities and car hire companies these would not be ready until much later this year. As a result the counterpart is still being issued and for the time being remains part of the driving licence. It is hoped that not too many drivers heeded government advice and destroyed their counterpart.

4.1 Sex Entertainment Venue Licensing

- 4.1.1 In 2010 the Policing and Crime Act 2009 classified lap and pole dancing clubs and similar venues as Sexual Entertainment Venues and gave local authorities in England and Wales the option to adopt the legislation to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. As a result the Council adopted the legislation requiring that all Sex Entertainment Venues within the district should be licensed.
- 4.1.2 At the time there was an existing Sexual Entertainment Venue operating in Exmouth and as a result of the Council's decision the operator was required to apply for a licence. An application was received in mid 2011 which resulted in the Council receiving five objections to the licence. On the 6 September 2011 a Sub Committee of this Committee considered the application and granted a Sexual Entertainment Venue licence for the business – 'Lush', The Q Club, 15 Elm Grove, Exmouth.
- 4.1.3 This licence was renewable every 12 months and has been renewed each year since then with an expiry date of the 31 January. In December 2014 the licence holder informed the Licensing Manager that he had permanently closed Lush and it was his intention to re-open in the Spring with a new format. He confirmed he no longer required a Sex Entertainment Venue licence. This was only one of a very few SEV licences in the whole of Devon.

5. General Licensing including Animal Licensing and Skin Piercing

5.1 Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics

5.1.1 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.

5.2 Animal Licensing

5.2.1 The past two to three months have been a very busy time for those of the team involved with animal licensing as all the Pet Shop and Animal Boarding licences come due for renewal on the 31 December. We have needed 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 members of the Environmental Health team. Unfortunately owing to reasons outside the Licensing Team's control many of the boarding establishments' renewal inspections were delayed causing delays with the issue of the renewed licences. Fortunately over the past few weeks we have been able to almost catch up.

5.2.2 Members may be interested to hear that we are currently dealing with a slightly unusual application for a Pet Shop licence. The application relates to business that has recently set up near Kentisbeare which farms Koi fish on an industrial scale. Whilst not strictly a shop its business style of selling the fish to the public requires it to be licensed as a Pet Shop.

5.3 Street Trading

5.3.1. 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.

5.3.2 At this time of year there is very little activity associated with this type of permission. However on the 1 April the application forms for pitches on Sidmouth Esplanade for the Folk Week will be released on the Council's website. After that bookings are taken on a strict first come first served principle so April tends to be quite busy.

6. Consultations and Partnership Working

6.1 Meeting between Members, Taxi Proprietors and Officers

6.1.1 The next taxi 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.

7. Website Licensing Pages

7.1 Members will be aware that the Council have been developing a new website. Over the past twelve months the Licensing Service has been playing a significant part in this task. Particularly the Licensing Support Officers and especially Emily Westlake who has played a very large part and it is very much down to her that I can report that all the licensing pages have now been published. This hasn't been the case of copying what was on our old site and pasting it into the new one. It has involved a complete rewrite of the pages. It has been done with no extra resources and everyone involved have had to continue with their 'day job' as well.

7.2 The Licensing Service currently has responsibility for 324 pages on the website and is the service with the largest number of 'operational pages' in the Council. This number of pages does highlight the broad spread of licensing regimes for which the service has responsibility. The service with the next highest number of pages is Housing with 309 followed by Planning Policy with 219. Democratic Services do have significantly more pages at 937 however a large number of these are agendas and minutes etc..

8. Star Performer Award

8.1 The Senior Management Team have recently considered the nominations for the Star Performer Award and it is my great pleasure to report that our Emily Westlake was selected as a Star Performer. This award is for members of staff who have gone the extra mile and achieved over and above what would normally be expected of them. This is certainly the case with Emily. Over the past two years she has worked far beyond what would normally be expected of a member of staff. Her achievements are too long to list here but it is significant to say that without her efforts our webpages could not have been completed so efficiently or timely nor would we be so advanced with the scanning and storage of the licensing files into the council's document management system.

9. Customer Service Excellence (Chartermark)

9.1 The Licensing Team has been re-awarded the Customer Service Excellence award for the sixth year following the annual inspection in December 2014. The team first received this award in November 2009. The assessor was extremely complementary of the standard the team continues to maintain and his report stated:

“East Devon District Council - Licensing Service were found to have a deep understanding of, and commitment to, Customer Service Excellence. The commitment was displayed from Senior Management levels through to operations and front line staff.”

9.2 He again commented that it is unusual to have an assessment that contains no partial compliances to the standard. He went further and awarded four 'Areas of Compliance Plus':

1. The excellent achievement of a corporate IIP Gold Stand is underpinned by Licensing Services approach to putting the customer at the heart of service delivery
2. Without question all staff are encouraged to actively involve themselves in the customer focussed culture of the Service. This they do whole heartedly with many examples of staff going the extra mile to identify and meet customer need. Staff attitude and approach is key to their success
3. The range, content and quality of communication is shown to take a large leap forward with the introduction of the new website
4. Partnership working is of a high standard and these arrangements have demonstrable benefits for customers. All partners met by our assessor were very complimentary on the leadership and support provided by Licensing Service

9.3 He also listed five areas of Good Practice:

- The Service provides a very confident and successful customer focussed approach to all parts of its operation. The needs and requirements of the customer are shown to be central to the way the Service undertakes its drive forward.
- The considerable work undertaken by staff to improve the Website, and fit with Licensing Service requirements, is to be commended.
- The emphasis by staff to assess and analyse the website customer journey, making use of a customer Focus Group, is also to be welcomed. To assess the outcomes and improvements at the 2015 Annual Review.
- The introduction of laptops and mobiles, as part of a corporate efficiency measure, should provide a more accessible and effective service for customers
- The Licensing customer surveys are excellent and can demonstrate how customers respond and interact with your provision.
- The extremely low number of formal complaints is a testimony to the highly professional approach of staff in their dealings with customers.

- There is a noticeable improvement to the quality of the reception area of the District Office, which also provides acceptable arrangements for private interview and touch screen information.

9.4 The assessor recorded some comments that were made to him during his assessment day and include:

- 'If we were given the same level of service we receive from East Devon Licensing across the whole of the County of Devon- life would be so much easier - Police Licensing Officer
- 'We feel extremely well briefed. Communication is second to none' - Chair, Council Licensing Committee
- 'The best team I have ever met and I have had dealings in many parts of the country' - Holiday Park Hospitality Manager

9.5 The Customer Service Excellence is an award for demonstrating the achievement of national standard for excellence in customer service for the United Kingdom public service sector. Introduced in 1991 as the Charter Mark, it was replaced in 2008 by the Customer Service Excellence standard and continues to be administered by the Cabinet Office. The Charter Mark was one of the consequences of a political initiative by the then Prime Minister, John Major to improve the face of government. The standard tests in great depth those areas that research has indicated are a priority for customers, with particular focus on delivery, timeliness, information, professionalism and staff attitude. There is also emphasis placed on developing customer insight, understanding the user's experience and robust measurement of service satisfaction.

10. Member Training

10.1 As part of the preparation for the new Council following the May elections the Licensing Manager is planning with Diana Vernon, Democratic Services Manager suitable training for new Councillors appointed to the Licensing and Enforcement Committee together with refresher training for those more experienced members. Initially a one day training seminar has been arranged for Monday 8 June 2015 at Sidmouth. Philip Kolvin, QC has been booked for the event. Some members will already have experience of hearing Philip. For those who haven't he is a leading licensing barrister and silk and was recently elected head of chambers for Cornerstone Barristers, London. He represents some of the biggest players in the leisure industry including the William Hill Organisation as well as numerous licensing authorities. He is a truly inspirational speaker in his field. He is also a planning specialist. Philip's full CV can be found on Cornerstone Barristers website [Philip Kolvin - Cornerstone Barristers](#). On the last occasion we had Philip in Devon in 2011 two training venues were arranged. The first in Plymouth and then a later one here at Sidmouth. After the Plymouth seminar the Chair of the Exeter City Council Licensing Committee commented: "Councillors going to Sidmouth are in for a treat. The session is intense, crammed full of useful detail and very expertly delivered. Yesterday in Plymouth was extremely worthwhile."

10.2 Whilst the day's programme has not been finalised it is anticipated that it will be similar to the one below although suggestions would be welcome. This first day is intended to provide Councillors with a good general grounding in their main role as committee members.

- | | |
|-----------|---|
| Session 1 | Quick overview of the Licensing Act 2003 |
| Session 2 | Strategies for Councillors |
| Session 3 | Best practice in Licensing Committee hearings |
| Session 4 | Councillor conduct |
| Session 5 | Planning the leisure economy |
| Session 6 | Pending changes |

- 10.3 It is envisaged that further short training sessions on specific areas of licensing, for example taxi or gambling licensing will be run following the Committee's quarterly meetings. Again suggestions would be welcomed.

Licensing Act 2003

Number of Current Licences and Notices Given

	Jan-14	Jan-15	Changes
Premises Licences	607	608	1
Club Premises Certificates	57	56	-1
Personal Licences	1,914	1,947	33
Temporary Event Notices including sale or supply of alcohol - includes late TENs	6,086	6,205	119
Temporary Event Notices Entertainment and/or Late Night Refreshment only - includes late TENs	604	615	11

Hearings

	Nov-14	Dec-14	Jan-15
Hearings where no agreed position has been reached	1	1	0
Hearings held to approve an agreed position	0	1	0

Applications Received and Notices Given

	Nov-14	Dec-14	Jan-15
Grant of a Premises Licence	2	2	0
Variation of a Premises Licence	2	1	2
Transfer of a Premises Licence	5	3	0
Change of Designated Premises Supervisor	8	11	4
Minor Variations	0	4	0
Grant of a Personal Licences	7	3	1
Personal Licence Change of name or address	5	5	1
Temporary Event Notices given	48	48	27

Gambling Act 2005

Number of Current Licences and Notices Given

	Jan-14	Jan-15	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

	Nov-14	Dec-14	Jan-15
Hearings	0	1	0

	Jan-14	Jan-15	Changes
<u>Premises Permits</u>			
Family Entertainment Centre	8	9	1
Prize Gaming Permit	1	1	0
Club Machine Permit	19	17	-2
Licensed Prem Machine Permit	13	13	0
Notification of Gaming Machines	99	98	-1
<u>Total</u>	140	138	-2

	Jan-14	Jan-15 Change
<u>Small Society Lotteries</u>	164	157 -7

Taxis**Number of Current Licences**

	Jan-14	Jan-15	Changes
Hackney Carriages	161	152	-9
Private Hire Vehicles	14	16	2
Hackney Carriage Drivers	200	192	-8
Private Hire Drivers	22	27	5
Private Hire Operators	11	14	3
<u>Total</u>	408	401	-7

Hearings

	Nov-14	Dec-14	Jan-15
Hearings	0	0	0

Applications Received

	Nov-14	Dec-14	Jan-15
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	5	4	12
Hackney Carriage Drivers Licence (including renewals)	11	2	6
Private Hire Vehicle Licence	0	0	5
Private Hire Vehicle Drivers Licence	2	3	1
Private Hire Operators Licence	0	0	1

EH Licensing**Number of Current
Licences**

	Jan-14	Jan-15	Changes
Animal Home Boarding	24	28	4
Kennels/Catteries	19	22	3
Pet Shops	10	12	2
Dangerous Wild Animals	2	1	-1
Zoo	4	6	2
Riding Establishments	9	10	1
Ear-Piercing	18	19	1
Electrolysis	15	16	1
Tattooing	14	15	1
Acupuncture	24	28	4
Scrap Metal Dealer - Mobile Collector	13	18	5
Scrap Metal Dealer - Site Licence	1	5	4
Sex Entertainment Venue	1	1	0
<u>TOTAL</u>	154	181	27

Hearings

	Nov-14	Dec-14	Jan-15
Hearings	0	0	0

Applications Received

	Nov-14	Dec-14	Jan-15
Animal Home Boarding	3	0	6
Kennels/Catteries	19	4	3
Pet Shops	4	1	2
Animal Breeding	0	0	0
Dangerous Wild Animals	0	0	0
Zoo	0	0	0
Ear-Piercing	0	0	0
Electrolysis	0	0	1
Riding Establishments	3	1	1
Acupuncture	0	1	0
Tattooing	2	0	0
Scrap Metal Dealer - Mobile Collector	0	0	0
Scrap Metal Dealer - Site Licence	0	0	0
Sex Entertainment Venue	0	0	0

General Licensing**Applications Received**

	Nov-14	Dec-14	Jan-15
Street Collections	56	3	8
House to House	5	2	0
Street Trading	0	0	0
Street Trading (Charitable)	0	0	0

Hearings

	Nov-14	Dec-14	Jan-15
Hearings	0	0	0

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 18 February 2015

Public Document: Yes

Exemption: None



Agenda item: 7

Subject: **Beer Parish Council's request to remove the Taxi Rank in Fore Street, Beer**

Purpose of report: The Licensing and Enforcement Committee is asked to consider a request from Beer Parish Council for the removal of Beer's only taxi rank in Fore Street so that it can be utilised as an additional general parking space.

Recommendation: **That the Committee consider the request from Beer Parish Council for removal of the Hackney Carriage rank in Fore Street, Beer and refuse it for the reasons set out in the report.**

Reason for recommendation: The District Council has a duty to provide taxi ranks for the Hackney Carriage trade in the district and licensed Hackney Carriages need ranks from which to operate. In addition the Highway Authority whose cooperation is needed for this change to happen has indicated that it is a very low priority and it would not be considered in the foreseeable future.

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

Financial implications: The financial implications of removing the Taxi rank are minimal being officer time, and £250 for a public notice.

Legal implications: The legal implications are contained within the report and require no further comment

Equalities impact: Medium Impact

Risk: Low Risk

Appendices:

Appendix A Copy of Beer Parish Council's letter requesting removal of the Beer taxi rank

Appendix B Extract from East Devon District Council Committee agenda dated 8 June 1987 approving the current Hackney Carriage rank in Fore Street, Beer

Appendix C Plan showing the location of the Fore Street rank in Beer

Background Papers:

- East Devon District Council Committee agenda dated 8 June 1987
- East Devon District Council Byelaw No 13A approved 30 November 1989

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

- 1 Explanation
- 1.1 The District Council's Licensing Manager has received a request from Beer Parish Council for removal of the taxi rank in Fore Street, Beer. This is the only rank in the village. A copy of the Parish Council's letter appears at Appendix A. The Parish Council's reason for this request is that the Council is of the opinion that a dedicated taxi rank in Beer is not necessary and that the space would be better utilised as an additional parking space. This is the second request of a similar nature received from the Parish Council in the last two years. The original request was made in April 2013 and on that occasion this committee resolved to refuse the request.
- 1.2 According to District Council's records the taxi rank in Fore Street, Beer which can only accommodate one vehicle has been in place since October 1987. It was approved by the District Council in June 1987 as a result of requests received from Hackney Carriage operators and the Parish Council. The rank has continued in use since 1987. Immediately behind the taxi rank is a single disabled parking bay. An extract from the District Council Committee minutes dated 8 June 1987 approving the current Hackney Carriage rank in Fore Street, Beer appears at **Appendix B**.
- 1.3 A plan showing the location of the Fore Street rank in Beer appears at **Appendix C**.
- 1.4 Under Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 the District Council can appoint stands (ranks) for hackney carriages either on public highways or private land and the stands can be for continual or part time use. The district council can also determine the number of hackney carriages that can use a stand and also has the power to vary the numbers. If the land is to be on the public highway the consent of the highway authority is required. It also requires that notice must be given to the Chief Officer of Police. Both the Highway Authority and the Police can object to the proposal.
- 1.5 Although the District Council has the responsibility to appoint ranks it has to be done with the approval of the highway authority (Devon County Council). Before a rank can come into use the highway authority needs to designate the rank with a traffic order and also have it signed and marked on the highway. It is understood that involves considerable cost. There is also a financial implication for the District Council including the cost of a public notice although this is small in comparison to that which would be incurred by the County Council.
- 1.6 The removal of a rank and converting it to an additional parking space necessitates a similar process and cost.
- 1.7 The District Council has a duty to provide taxi ranks for the Hackney Carriage trade in the district and licensed Hackney Carriages need ranks from which to operate. If this rank is removed there would be no legally enforceable hackney carriage ranks in Beer, meaning that there would be no spaces from which licensed hackney carriage drivers can operate their trade.
- 1.8 Whilst there is currently no Hackney Carriage operator based in Beer it is quite possible that one could set up in the future. As is the case in the whole of the District we have an aging population who are becoming more reliant on public transport. There is also the issue of the equalities legislation. Central government has been trying to progress the accessibility of taxis to the disabled and the accessibility of taxi ranks is part of that provision. Members will be aware of the enormous difficulties that we have faced over recent years to have new ranks located in East Devon towns and with the current economic situation that position is unlikely to improve. In the case of Seaton it took well over 5 years to eventually negotiate the location of the ranks and have Devon County Council mark them out. That was before the current severe squeeze on public funds.

- 1.9 Members will no doubt have some sympathy with the Parish Council's request however the removal of the rank may well be a short term benefit but in the long term the use of public transport including the use of taxis will undoubtedly increase needing the rank's reinstatement. Certainly the increased use of public transport is being encouraged. Given that any reinstatement of a rank in the future will not only be costly, experience, as evidenced previously, has shown that it takes a very long time for a new rank to come to fruition.
- 1.10 Beer is well served with car parks and on street parking and includes the large central car park adjacent to the Dolphin Hotel which can accommodate 208 vehicles and the Cliff Top car park further out of the centre which accommodates at least 300 vehicles. Coupled to this there are smaller car parks including the one in Fore Street (10 spaces) and on street parking available. Given the amount of parking there is, especially in the centre of Beer, it is difficult to see what advantage one extra space will provide especially when the cost and the likely future needs are taken into consideration.
- 1.11 The Licensing Team are currently consulting the Hackney Carriage trade over the possible loss of this rank. The results of the consultation will be available to members at the meeting on Wednesday 18 February. Potentially any licensed hackney carriage licensed with the District Council can use the rank (at present there are 152 licensed hackney carriage vehicles) but usually it would be the local operators based in Seaton who would operate in the Beer area. In the past Officers have discussed the Beer rank with local taxi operators. There is general agreement that the rank isn't heavily used however they have told us that it is popular as a dropping off and pickup point. It is very useful when it's busy because they know where there will be a safe area to stop and collect and if necessary wait for a customer. Also visiting taxis from other parts of the district that need to be in Beer for a short time whilst waiting for their return fare have the opportunity to ply for hire from the rank whilst they wait.

2 Devon County Highways Response

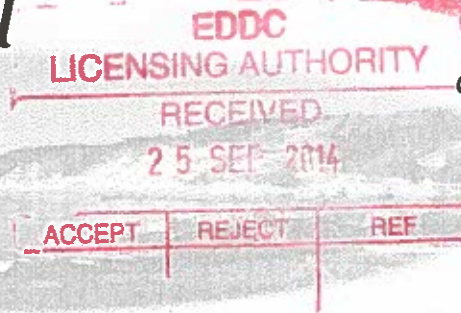
- 2.1 The Licensing Manager has sought the views of Devon County Highways. Mr Paul Wilson, Senior Highway Event Adviser has informed him that he was closely involved with the original designation of this rank. According to Mr Wilson the rank was instigated following very strong pressure by the Parish Council on the highways authority and the District Councillor in place at the time. In view of the Council's lobbying and pressure he is surprised that they are now the instigators of a request for it to be removed.
- 2.2 Following the Licensing Manager's enquires with the County Council Mr Wilson has discussed the position with Mr Brian Hoare, Devon County Neighbourhood Highway Engineer for the area. Mr Wilson has informed the Licensing Manager that they both agree that a change of designation for the taxi rank to a general parking space would be very low priority for the County and would only be considered if there was a need for a major review of on-street parking restrictions within Beer. It is understood that no review is considered necessary in the foreseeable future. Ten years ago the position would have been different but because of the current extreme budget position this change is of very low priority and certainly under current policy will not be considered in the near future. It was further explained that there are numerous other coastal towns in Devon with major highways issues to be resolved and are of a far higher priority.

3 Summary and Recommendation

- 3.1 Members have the option today of agreeing to the Beer Parish Council's request for the removal of the rank or alternatively deciding to retain it. It is the Licensing Manager's

opinion that the Committee has two issues to consider. The first being, whilst disregarding the ability of the highways authority to implement the Parish Council's request, should the committee agree to the removal of the rank having regard to all the circumstances. If the answer is not to approve the request there is no need to deliberate further. However if the Committee is minded to accede to the request then it is recommended that consideration be given to the County Council's stance on carrying out any changes to the traffic orders and remarking the road. It is the Licensing Manager's view that without the support of the Highway Authority any changes agreed by this committee would merely leave the taxi's rank's position in limbo. This would be an unsatisfactory situation. It would be neither a rank nor a designated parking space and the ability to enforce parking restrictions would be questionable. The taxi rank road markings would remain in place.

- 3.2 The Licensing Manager recommends that given all the circumstances explained in the report the Parish Council's request be refused until at least a full review of the traffic orders for Beer are considered by the Highways Authority. The Highway Authority whose cooperation is needed for this change to happen has indicated that it is a very low priority and certainly it would not be considered in the foreseeable future.



Mrs Annie Dallaway
Clerk to the Parish Council
Fairview
Southleigh
Colyton
Devon
EX24 6JA

Phone: 01297-680244

E. Devon World Heritage Coast

20 September 2014

John Tippin
Licensing Manager
East Devon District Council
Knowle
Sidmouth
Devon EX10 8HL

Dear Mr Tippin

Removal of licence for taxi rank in Beer

At a recent Parish Council meeting, Councillors once again discussed the removal of the licence for the taxi rank in Beer. As you are aware, the Parish Council has petitioned for the removal of the licence on two previous occasions but EDDC Licensing and Enforcement Committee decided that the taxi rank should remain.

I am writing to advise that Beer Parish Council would like the removal of the license for the taxi rank to be considered again. Councillors are firmly of the opinion that no dedicated taxi rank is necessary in Beer and that the space would be better utilised as a normal parking bay. In your letter of 28 June 2013, you reported that local taxi operators advised the committee that they use the rank to collect and drop off passengers and that the presence of the rank is very advantageous at busy times. The Parish Council would dispute this and the consensus of opinion is that the taxi rank has not been used for this purpose for many years. Previously, the Parish Council had requested that the bay be turned into a disabled bay but Councillors are now of the opinion that the bay would be best utilised as a normal parking bay.

As you rightly acknowledge in your letter of 28 June 2013, the Parish Council was in the process of considering a plan to partly pedestrianise the lower end of Fore Street. However, following public consultation, it was decided not to progress this initiative. Therefore, this matter need not complicate the implementation of any potential traffic orders.

EDDC Cllr Pook is fully aware of the views of the Parish Council regarding this matter and will be raising the matter with you.

I would be grateful if you could arrange for the Parish Council's request to be considered by the EDDC Licensing and Enforcement Committee at the earliest opportunity.

Please contact me if you would like any further information.

Yours sincerely

Annie Dallaway
Clerk to Beer Parish Council

Cc Cllr Geoff Pook

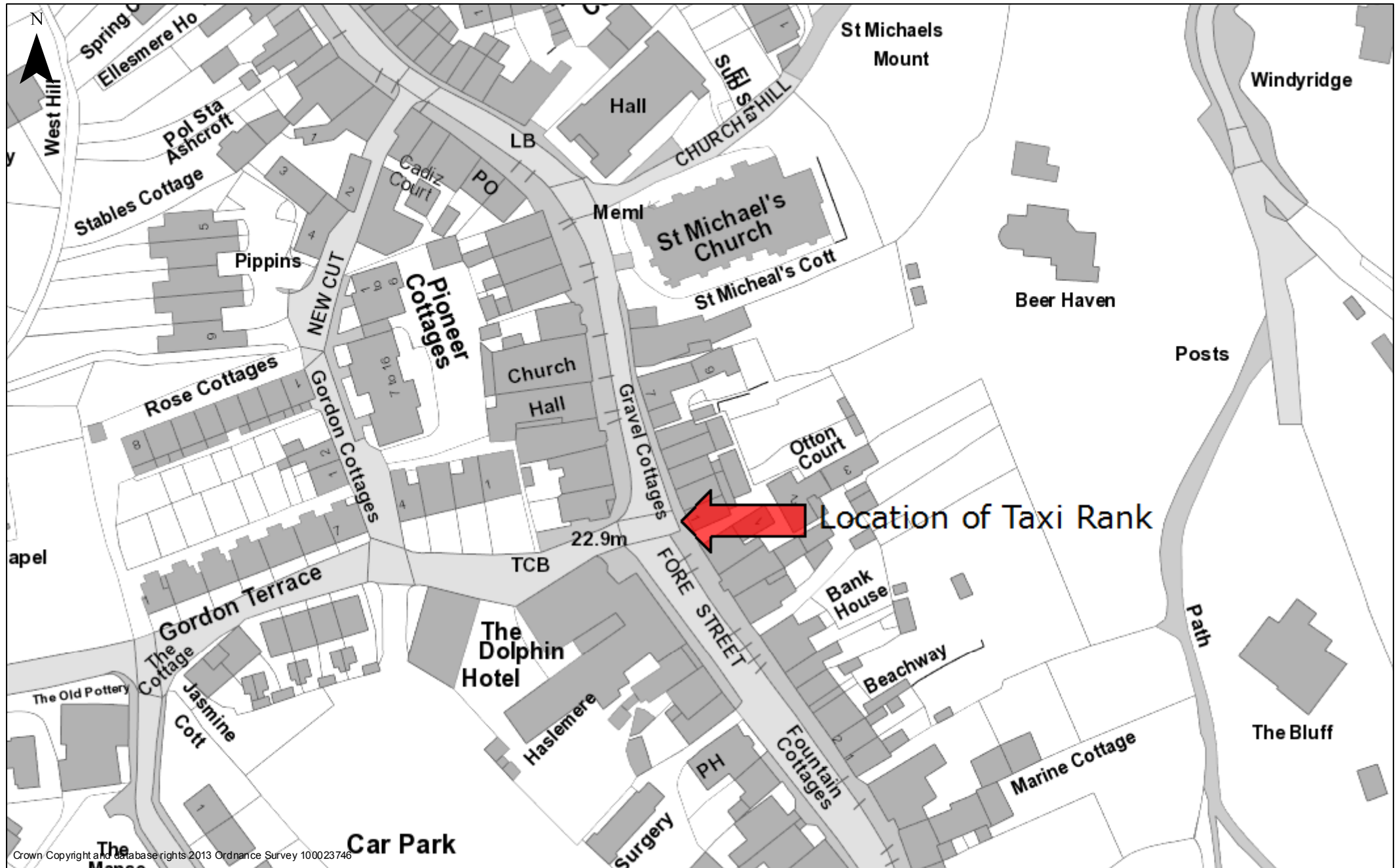
8/6/81

PROPOSED HACKNEY CARRIAGE RANKS: BEER, OTTERY ST MARY AND SEATON

Consideration was given to a report on requests received from the hackney carriage operators and parish councils for the establishment of hackney carriage ranks in Beer, Ottery St Mary and Seaton.

Members noted that Devon County Council had been able to identify three sites, which in their opinion, would satisfy the needs of the hackney carriage operators and had been agreed by the East and Mid Devon Highways Sub-Committee.

- RESOLVED (a) that (in accordance with the Terms of Reference of Standing Committees regarding major policy matters) the Policy Committee be recommended that the site identified by Devon County Council for a single vehicle hackney carriage rank opposite the Dolphin Hotel, Beer where existing seasonal 'No Waiting' restrictions apply, be approved and that the necessary byelaws be made accordingly.
- (b) that a meeting be held with representatives of Seaton Town Council to discuss the positioning of a hackney carriage rank in Seaton.
- (c) that a site meeting be held with Ottery St Mary Town Council and the Local Chamber of Commerce to discuss the siting of a hackney carriage rank in Ottery St Mary.



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