

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 8 May 2024

Attendance list at end of document

The meeting started at 10.03 am and ended at 11.48 am

23 Minutes of the previous meeting

The minutes of the previous meeting held on 13 March 2024 were agreed and signed as a true record.

24 Declarations of interest

Minute 30. Review of taxi rank provision in East Devon and proposals for amendment. Councillor Tim Dumper, Other Registerable Interest, Councillor is a member of Exmouth Town Council, a member of the DCC East Devon Highways and Traffic Order Committee and Chair of Exmouth Transport Partnership.

25 Public Speaking

There were no members of the public registered to speak.

26 Matters of urgency

There were no matters of urgency.

27 Confidential/exempt item(s)

There were no confidential / exempt items.

28 Committee update report

The Licensing Officer presented the report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences.

The Licensing Manager highlighted the following points:

- A high number of Licensing Act 2003 applications, including Temporary Event Notices, had been received during the reporting period.
- The Gambling Commission annual return 2023 to 2024 had been submitted.
- It was noted that the Gambling Commission had confirmed that it is still considering the responses to the public consultations held in summer 2023. The Commission will not be in a position to amend Statutory Guidance to Local Authorities before the deadline for review of their Statement of Gambling Policy. The Commission had therefore advised Local Authorities to continue with reviewing their Statement of Gambling Policy. The Statement could be reviewed again when amended Statutory Guidance has been received.
- The reporting period had seen a slight drop in the number of taxi driver licences and a small increase in the number of taxi vehicle licences.
- Under the mandatory reporting requirements, two entries had been made to the National Register of Revocations, Refusals and Suspensions.

- Licensing Officers had attended the meeting of the East Devon Taxi Association held on 23 April 2024.
- At the time of writing the report, 29 street trading consents are in operation.
- Staffing levels have been addressed with the recruitment of an experienced previous Licensing Officer and recruitment to replace a current post holder is currently underway.

In response to a question from the Committee, the Licensing Officer advised that clearer door signage for taxis would be considered to make the operating company name more visible.

The Committee thanked the Licensing Manager and agreed to note the report.

29 **Hackney Carriage fare tariff review**

The Licensing Officer presented the report which asked the Committee to consider a request from the East Devon Taxi Association for an increase to the East Devon hackney carriage fare tariff. If approved, the Committee were asked to indicate their preferred option from the revised fare tariff tables set out in Appendix G of the report, and to authorise the publication of a public notice setting out the proposed fare tariff in a local newspaper and at the Council offices in line with the powers conferred by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

The report contained a suggested new fare tariff table based on the current method of calculating hackney carriage fare tariff increases. As previously agreed, a separate report would be brought to a future meeting with a view to implementing a fare setting formula in 2025 based on the Guildford Borough Council methodology.

The Committee's attention was drawn to the Department of Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England.

In presenting the report, the Licensing Officer also highlighted the costs of running a hackney carriage vehicle in East Devon [section 8] and the draft revised fare tables based on an increase of 5%, 10% or 15% [Appendix G].

Should the Committee agree to revise the fare tables, a public consultation, with a minimum period of 14 days, would be undertaken. If no objections are received, the revised fare tables would come into immediate effect. If objections are received, the matter would be brought back to the Committee for further consideration.

Questions and comments from the Committee included the following points:

- The very poor condition of the roads is seriously impacting taxi operators, and this should be taken up with Devon County Council.
- Taxi Association meetings are held in Exmouth which has the largest amount of trade although there are other operators in the rest of the district.
- Implementing the Guildford methodology would ensure that any future fare tariff increases take account of the frequency and magnitude of repairs, including cost of tyres.
- The fare tariff tables show the maximum costs which can be charged by taxi operators and not the costs which have to be charged to the public.
- There was discussion on the league table of fares as published in the Private Hire & Taxi Monthly magazine and how various factors such as the rural nature of the district and the resulting dead mileage can impact on the authority's position in the league table.
- The view was expressed that it is not the right time for a fare increase due to the on-going cost of living crisis and the impact on the travelling public.

- Regarding the cost of fuel, the current exceptional fuel prices surcharge, adopted in 2022, had been retained in the figures shown in the report. This enables an extra charge of 10p to be added to the fare when the price of fuel oil exceeds £1.75 per litre based on the latest available AA Fuel Price Report.
- A fare increase was needed due to year on year cost increases.

RESOLVED that:

1. The East Devon hackney carriage fare tariff be increased by 10% as shown in Appendix G on page 49 of the report.
2. The Council's powers under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 be exercised to move to public consultation on the proposed amendments to the East Devon hackney carriage fare tariff.
3. The requisite public notice of 14 days be given of the proposed amendments as required by Section 65 (2) of the Local Government (Miscellaneous Provisions) Act 1976.
4. If no written objection or representation is received relating to the notice given under Section 65 (2) of the Local Government (Miscellaneous Provisions) Act 1976 with the period specified in the notice, that the amended fare tariff be implemented with immediate effect.
5. If valid objection is received relating to the notice given under Section 65 (2) of the Local Government (Miscellaneous Provisions) Act 1976, the matter be returned to the Licensing and Enforcement Committee for further consideration.

30 **Review of taxi rank provision in East Devon and proposals for amendment**

The Committee considered the report which set out the request from Devon County Highways to undertake improvement and several amendments to taxi ranks within East Devon, following a review of taxi rank provision across the District Council area.

Most of the proposals from Devon County Highways are in respect of plans to upgrade the status of the ranks in local Traffic Regulation Orders to 'No Stopping At Any Time'. Several additional proposals related to recommendations for the amendment of existing taxi ranks as summarised in sections 1.2.2 to 1.2.5 of the report.

The Licensing Officer outlined the background to the matters set out in the report which had previously been considered by the Committee on 15 November 2023 and 13 March 2024. The Licensing Officer drew the Committee's attention to sections 1.2.9 to 1.2.11 of the report which set out the impact on EDDC's current powers of the Devon County Highways proposals to amend the relevant traffic orders.

Mr James Bench and Mr Matt Lake of Devon County Highways were in attendance to answer any questions.

Responses to questions and discussion included the following points:

- All East Devon hackney carriage drivers had been advised of the proposed amendments and most of the eight responses related to Exmouth.
- It was noted that any East Devon District Council licensed hackney carriage driver can use any rank in the district.
- Currently EDDC's powers enable the Council to prosecute drivers who contravene taxi rank regulations, and it was considered advisable for EDDC to retain such powers under licensing legislation.
- Devon County Highways was aware of the recommendations in the report. Should the recommendations be agreed, two consultations would be run in tandem, one by DCC for

the traffic order changes and one by EDDC for other changes to taxi ranks, with further discussion and work between the two authorities required.

- It was noted that the recommendations in the report, if agreed, would maintain the status quo.
- The Committee's attention was drawn to Proposal 3: Victoria Road, Exmouth and the proposal to remove one car space on the existing taxi rank to facilitate a time-limited disabled space. The East Devon Taxi Association's response to this proposal as part of the previous consultation was that this would disrupt the natural flow of the taxi rank and that a more appropriate solution would be to use the first space of the taxi rank on the Strand, as this is never used by taxis and would not disrupt the flow of the rank. An alternative proposal, which would be acceptable to DCC, would be to move the proposed disabled space to the western end of the taxi rank in Victoria Road [page 59 of the report] and this would be detailed in the DCC traffic order.

RESOLVED

1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to approve moving to public consultation on the proposed amendments of the existing taxi ranks as set out in 1.2.1 to 1.2.5 of the report.
2. That the requisite public notice be given of the proposed appointment as required by Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976.
3. That if no written objection or representation is received relating to the notice given under Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976 within the 28 day period following recommendation will be deemed appointed.
4. That following the appointment of the taxi ranks Devon County Council Highways Authority be requested to put in place the appropriate legal provisions and to mark out the ranks.
5. To indicate the support of East Devon District Council for the plans to upgrade the status of the ranks in Local Traffic Order Regulations, and to improve signage and markings as put forward by Devon County Council Licensing.

The Chair thanked Mr Bench and Mr Lake for attending the meeting.

31 Pavement Licensing update report

The Committee considered a report which set out the changes to the temporary pavement licensing regime under the Business & Planning Act 2020 and the impact of the changes to this regime made by the Levelling-Up and Regeneration Act 2023.

The Licensing Manager highlighted the key points as follows:

- The introduction of maximum standard capped fees for new and renewal applications at £500 and £350 respectively.
- An increase of the maximum term for which a licence can be granted has increased from 1 to 2 years.
- Consultation and determination periods have increased from 7 days to 14 days.
- Pavement licences will be issued with mandatory, national and local conditions.
- Members were asked to note that Devon County Council has now stopped issuing pavement licences due to an amendment of Section 115E (5) of the Highways Act.
- Members were also asked to note that a recommendation from the Committee to Cabinet will be required to set a level for the proposed fees increase and a further report to the Committee would follow to outline the proposals, together with a draft policy for consideration.

The Committee thanked the Licensing Manager for her report and noted the changes to temporary pavement licensing and proposed transitional arrangements and work plan as outlined in the report.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
V Bonetta
T Dumper
P Faithfull
S Gazzard
S Hawkins
Y Levine
S Westerman
J Whibley (Chair)

Councillors also present (for some or all the meeting)

I Barlow
R Collins

Officers in attendance:

Lee Staples
Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Manager
Giles Salter, Solicitor
Emily Westlake, Licensing Officer

Others in attendance:

James Bench, Devon County Highways
Matt Lake, Devon County Highways

Councillor apologies:

M Chapman
J Heath
R Jefferies

Chair

Date: