

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 17 July 2024

Attendance list at end of document

The meeting started at 10.02 am and ended at 10.58 am

1 Minutes of the previous meeting

The minutes of the previous meeting held on 8 May 2024 were agreed and signed as a correct record.

2 Declarations of interest

There were no declarations of interest.

3 Public Speaking

There were no members of the public registered to speak.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential / exempt items.

6 Committee Update – Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing

The Licensing Officer, Mr Lee Staples, 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, for the period 8 May to 8 July 2024.

The following points from the report were highlighted to Members:

- During the reporting period, 231 applications were received and processed under the Licensing Act 2003.
- A Devon wide working group is currently drafting a pavement licensing policy to be used by Local Authorities across the county following the Levelling Up & Regeneration Act 2023 coming into force on 31 March 2024.
- Based on advice from the Gambling Commission, officers had undertaken a summary review of the Statement of Gambling Policy [minute 8 refers].
- With regard to taxi and private hire licensing, there had been a slight drop in the issue of hackney carriage driver licences, private hire drivers, vehicles and operators during the reporting period. There had been a slight increase in the number of hackney carriage vehicle licences issued.
- Four referrals to the Licensing & Enforcement Sub Committee for taxi matters had been made during the reporting period.

- An open consultation is currently underway regarding the potential tax impacts of recent High Court judgements on transport legislation in the private hire sector and its passengers.
- At the time of the report, 29 street trading consents were in operation.
- A new Licensing Support Officer was appointed on 1 July 2024.

Responses to questions from Members and discussion included the following points:

- The new pavement licensing policy would include issues such as keeping premises clean and tidy and the storing of furniture. It was noted that a uniform approach was needed with clear definitions for pavement licence holders. Complaints regarding premises in East Devon could be addressed by the Licensing team under enforcement powers.
- The emerging pavement licensing policy would be brought to the Committee at a future date as it would be helpful to have Members' comments.
- Following discussion on comparative figures for Licensing Act 2003 applications in previous reporting periods, it was agreed that these would be included in future reports.
- The Licensing team advised that it is aware of the new 'Martyn's Law' and has looked at the training. Most of the businesses in East Devon fall into the small businesses tier. The Licensing Team is awaiting further information from the Government and would be contacting all licensed premises as information becomes available.

The Committee thanked officers for their work and agreed to note the contents of the update report.

7 **Hackney carriage fare review update**

The Licensing Officer, Mrs Emily Westlake, presented the report which was to advise the Committee that the new Hackney Carriage Table of Maximum Fares, agreed by the Licensing & Enforcement Committee at a meeting on 8 May 2024, came into effect on 18 June 2024 following the statutory advertisement and public consultation period and, following the receipt and subsequent withdrawal of an objection.

The Committee was advised that an email was sent to all East Devon hackney carriage proprietors on 19 June 2024 to inform them that the revised Table of Maximum Fares had come into operation and that all hackney carriage meters must be re-calibrated to the new fares at their earliest convenience and no later than 1 October 2024.

In response to questions from Members, the following points were noted:

- There had been a few concerns among members of the taxi trade with regard to the fare increase, but overall there was consensus that the increase was necessary.
- The fares are the maximum which may be charged. Proprietors may decide to charge less and it would be up to the driver to explain any lower charges to customers.
- It was noted that the authority is currently at a relatively high position in the league table of fares, partly due to the high level of dead mileage. The agreed introduction of the Guildford Method would take factors such as dead mileage and inflation into account when calculating fares in the future.
- A report on the introduction of the Guildford Method would be brought to the Committee at its November meeting.

The Committee thanked officers for their work and noted the content of the report and the new Hackney Carriage Table of Maximum Fares.

8 **Draft Statement of Gambling Policy 2025- 2028**

The report was presented by the Licensing Officer, Mr Lee Staples. The Council's current Statement of Licensing Policy under the Gambling Act 2005 was written in 2021

and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025.

The report included a draft policy which had been reviewed and updated to reflect changes in national guidance and feedback from the Gambling Commission, but a further, more in depth review of the Policy was proposed to be undertaken once the Gambling Commission had completed updating its guidance to Local Authorities.

The report asked the Committee to consider a proposal to consult with statutory consultees, in order to obtain their views on the proposed draft Statement of Licensing Policy attached to the report.

Discussion and responses to questions from Members included the following points:

- It was not yet known whether there would be further changes in the national guidance from the Gambling Commission following the recent change in Government.
- When the updated national guidance is received, a much wider full public consultation would be held, to include members and representatives of the gambling industry.

RESOLVED

1. That having considered the draft Statement of Licensing Policy, the Committee approved the sharing of the draft Policy with the statutory consultees as set out at Appendix B to the report.
2. That the draft Policy document be returned to the Licensing and Enforcement Committee for further consideration following consultation with the statutory consultees.

Attendance List

Councillors present:

I Barlow
K Bloxham (Vice-Chair)
M Chapman
T Dumper
J Heath
Y Levine
C Nicholas
J Whibley (Chair)

Councillors also present (for some or all the meeting)

R Collins

Officers in attendance:

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

Councillor apologies:

O Davey
S Gazzard
T McCollum

Chair

Date: