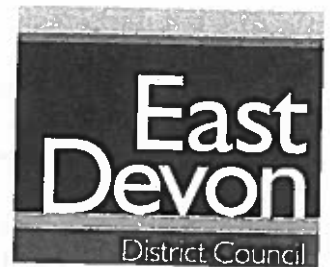


Date 31 August 2010
Contact number: 01395 517544
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To:

Members of the Licensing & Enforcement Committee
(Councillors David Atkins, Ray Bloxham, Roger Boote, Chris Gibbings,
Pat Graham, Steve Hall, May Hardy, John Humphreys, ~~John Jeffery~~,
Jim Knight, Ann Liverton, Barry Nicholson, Ken Potter, Pauline Stott,
Mark Williamson)

Head of Legal, Licensing & Democratic Services
Assistant Solicitor
Licensing Manager
Licensing Officer

Meeting of the Licensing & Enforcement Committee

Tuesday 7 September 2010 at 9.30am in the Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting when items listed under Part A of the agenda are being considered. For the benefit of Councillors and members of the public a hearing loop system will be in use in the Council Chamber.

AGENDA

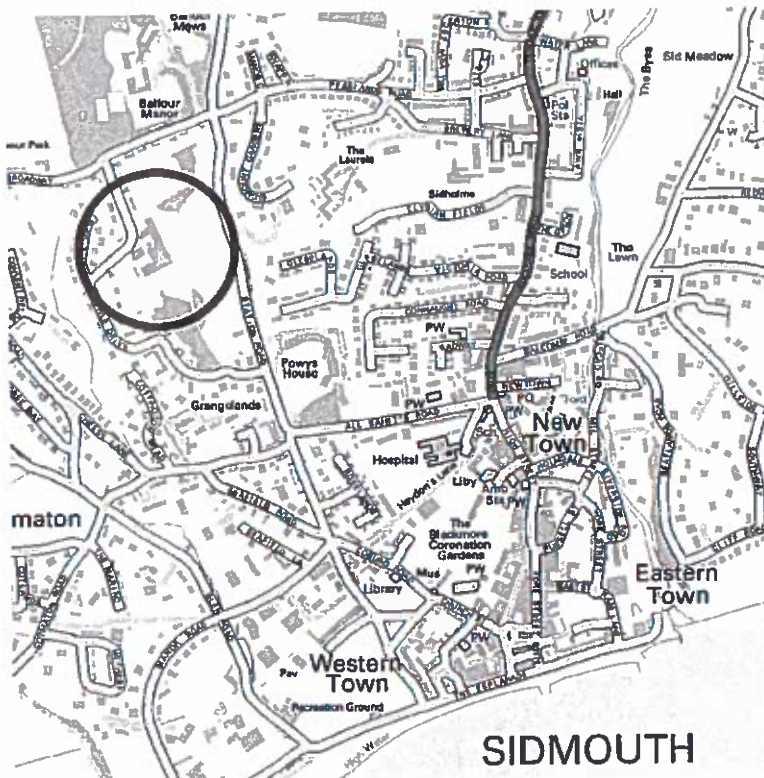
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|--|---------|
| 1 To confirm the minutes of the meeting held on 8 June 2010 subject to the additional information "that the Committee had been given a demonstration of a new device to detect alcohol on breath or in bottles of apparently innocuous liquids. It had been advised that the device would help the Police and would support the Licensing objectives and the requirements of the Child Protection Act" being added to minute *4. | 3 - 5 |
| 2 To receive any apologies for absence. | |
| 3 To receive any declarations of interests relating to items on the agenda. | |
| 4 To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting). | |
| 5 To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way). | |
| 6 Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing. | 6 - 16 |
| 7. Licensing Act 2003 – Minimum Standards for CCTV on Premises Licences and Club Premises Certificates. | 17 – 26 |
| 8. Licensing Act 2003 – To seek approval to consult on the draft Licensing Policy. | 27 - 66 |
| 9. Government consultation on possible changes to the Licensing Act 2003. | 67 - 69 |
| 10. Proposed Hackney Carriage Fare Tariff Changes. | 70 - 84 |

Members remember!

- You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless
 - a) you have obtained a dispensation from the Council's Standards Committee or
 - b) where Para 12(2) of the member Code of Conduct applies. [Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain for these purposes, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.]
- The Code states that any member of the Executive Board or other decision-making committee or joint committee or sub-committee attending Overview and Scrutiny committees has a prejudicial interest in any business where that member was a member of the committee at the relevant time and present when the decision was made or other action was taken (whether or not implemented). Members with prejudicial interests should declare them and are allowed to remain in the meeting for the limited purposes set out in the Code para 12(2) – see previous paragraph. You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Popleford – 157

The following buses all terminate at the Triangle in Sidmouth, From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387
Please check your local timetable for times.

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Information for Visitors:

Please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time. The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee

Held at Knowle, Sidmouth on Tuesday, 8 June 2010

Present:

Councillors:

Chris Gibbings (Chairman)
Steve Hall (Vice Chairman)

Roger Boote
Pat Graham
May Hardy
Jim Knight
Ann Liverton

Barry Nicholson
Ken Potter
Pauline Stott
Mark Williamson

Officers:

John Tippin, Licensing Manager
Giles Salter, Assistant Solicitor
Chris Lane, Democratic Services Officer
Neil McDonald – Licensing Officer
David Campbell-Devon & Cornwall Constabulary Legal Advisor
Karen Mobbs-Police Licensing Officer
Barry Sleight-Police Licensing Officer
Nick Farrell-Police Crime Prevention & CCTV Officer
Sgt Richard Crosby-Police Community Safety Team

Apologies:

Councillors:
David Atkins
Ray Bloxham
John Jeffery

The meeting started at 9.30 am and ended at 11.30 am.

***1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 2 March 2010, were confirmed and signed as a true record.

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

Consideration was given to the report of the Licensing Manager, which provided Members with 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.

Members noted that 3 minor variations had been rejected by the Licensing Authority following consultation with the Police, Environmental Health and on one application members of the public who lived near the premises. These applications had related to the inclusion of live and recorded music onto the premises licences. One application had been

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

re-submitted with additional conditions offered and a second with live music being removed from the application

With regard to taxis, Members noted that there was currently a fleet of 211 licensed vehicles in East Devon 175 of which were Hackney Carriages and 36 were Private Hire vehicles. There were 226 licensed Hackney Carriage Drivers and 50 Licensed Private Hire Drivers. There were also 17 licensed Private Hire Operators. Members noted the report of the Taxi Liaison meeting held on 7 April 2010.

Councillor Jim Knight raised an issue over the night time only rank in Fore Street, Seaton which had been marked by Devon County Council in a manner which effectively prevented loading and unloading by lorries for nearby businesses. It was confirmed that this was not the intention and that no enforcement action would take place against lorries lawfully loading and unloading. Devon County Council would be approached to change the markings they had made.

RESOLVED that the report be noted.

*3 **Licensing Act 2003 – An Explanation of the New Mandatory Conditions for Premises Licences and Club Premises Certificates**

Consideration was given to the report of the Licensing Manager, which set out an explanation of the new mandatory conditions for premises licences and club premises certificates. Members noted that as part of its drive to promote socially responsible drinking and to reduce the harm associated with excessive alcohol consumption, the last Government had introduced a number of new mandatory conditions to be attached to premises licences and club premises certificates. These had been introduced through the Policing and Crime Act 2009.

RESOLVED that the report be noted;

*4 **CCTV Minimum Recording Standards Briefing by Devon & Cornwall Force Solicitor**

Members received a briefing from the David Campbell, Devon & Cornwall Force Legal Advisor on the possible adoption by the Licensing Authority of a minimum standard for CCTV systems within Exmouth and rural East Devon. Also the possible re-instatement of the 'Chief Officer of Police' as an Authority that must be satisfied when a licensing condition in a Premises Licence and Club Certificate required the installation and use of CCTV.

It was noted that there were 205 licensed premises with CCTV conditions on their licences and of these there were 136 with conditions that required CCTV to be installed and operational on their premises.

During discussions, the following points and questions were noted:

- That if a premises CCTV broke down then the business should be expected to report if immediately rather than the current 7 days. The 7 days was in the conditions for a licence to give a premises reasonable time to get it fixed;
- Why was there no national standard for CCTV images? There were national guidelines and under the Licensing Act 2003 it was up to the Local Authority to determine terms and conditions for each premises licence in its area;

*4

CCTV Minimum Recording Standards Briefing by Devon & Cornwall Force Solicitor

- Who monitored CCTV systems? It was the responsibility of both the District Council as Licensing Authority and Devon & Cornwall Constabulary;
- That there was a requirement for a premise to supply CCTV footage to the police if required. The police had the power to seize CCTV equipment if necessary;
- That firms did not always notify the police if their CCTV system was no longer working;
- That CCTV was a good management tool for a business;
- Did the Licensing authority and Devon & Cornwall Constabulary liaise closely on licensing issues? Yes there was a very good working relationship between the two. There were regular monthly meeting between the Local Authority and Devon & Cornwall Constabulary Licensing Officers;
- That some sporting clubs needed to be licensed, it depended on the premises;
- That if requested by the Police it was the responsibility of the premise licence holder to provide a backed up copy of any CCTV footage that they required. This could cause a problem if a licence holder was unfamiliar with the recording equipment;
- That a minimum size of image for CCTV equipment installed should be insisted upon, so images were sufficient to provide for a prosecution, if required.

The Licensing Manager confirmed that a report would be presented to a future meeting of the Committee on the issues raised at the meeting by the Devon and Cornwall Constabulary.

RESOLVED

that the report be noted.

Chairman Date

Agenda Item 6

Licensing & Enforcement Committee

7 September 2010

JT/NM/DJ/JL

Committee Update -

Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing

Summary

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

a) Reasons for Recommendation

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

b) Alternative Options

Not Applicable

c) Risk Considerations

Failure to provide an efficient licensing service may result in complaints or legal challenges being made against the Licensing Authority.

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

Not Applicable

1 Licensing Act 2003

1.1 Licences Issued and Notices Given

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

1.1.2 The Licensing Manager has now sent out a letter to all Premises Licence Holders and Designated Premises Supervisors explaining the new licensing mandatory

conditions and how they will affect the running of licensed premises. The licensing office has received a number of calls from licence holders seeking clarification of the new conditions.

1.2 Premises Risk Ratings

1.2.1 The list of premises for the 2010/2011 year under the premises risk rating system has been completed and the licensing team will now start working towards completing the visits by 31 March 2011.

1.2.2 The amended points system outlined in the last report has now removed most of the hotels previously listed under the 'higher risk' bracket but the number of high risk premises that will need to be visited during the 2010/2011 year still stands at 89 premises.

1.3 Enforcement

1.3.1 A co-ordinated multi agency approach to complaints received has secured swift resolutions without the need for formal enforcement action.

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 Applications Received and Notices Given

1.5.1 The numbers of applications received and notices given are set out in **Appendix A**.

1.5.2 Licensing Officers attended the Sound City Festival held over weekend of 16 & 17 July at Escot Park, Ottery St Mary. The festival run by Beat Up Music Ltd featured two concerts on a Friday and a Saturday evening featuring James Morrison and JLS respectively. The concerts were a great success but there were serious issues regarding vehicle access and parking at the site. A de-brief will be held with the organisers but the Police and the Highways Authority have already had a pre-meeting to discuss the traffic issues.

1.5.3 Licensing Officers have been heavily involved in multi agency visits for the Folk Festival licensed venues during Folk week held at Sidmouth between 30 July and 3 August. Both the Chairman and Vice Chairman of the Licensing and Enforcement Committee took part in a 'walk about' during the festival week meeting stall holders on the seafront and venue managers. The festival was held without any serious issues and appeared well run and organised. The Folk Week Production Manager has since e-mailed the Licensing Team expressing his appreciation and thanks for the help given to him during the week and praising the relationship of all the authorities involved with the licensing of the Folk Week.

1.5.4 There are two upcoming events taking place during August this year. These are the Caribbean Night to be held at Knowle Arena, Sidmouth on Saturday 14 and the Beautiful Days Music Festival to be held at Escot Park, Ottery between 20 and 22. Licensing Officers will be attending both events and a verbal report will be made at the meeting.



2 Gambling Act 2005

2.1 Licences Issued and Notices Given

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

2.2 Premises Inspections and Risk Ratings

2.2.1 A scheme of inspection, report and risk assessment is still under development in consultation with the Gambling Commission and Partner Agencies.

2.3 Enforcement

2.3.1 Members will recall that there were concerns about the window display at the premises known as the 'Dove', Dove Lane, Sidmouth.

2.3.2 The premises are no longer being used as an adult gaming centre. The shop that now occupies the site sells accessories for water sports activities.

2.3.3 The premises licence holder has not yet returned the premises licence for surrender.

2.3.4 It is anticipated that the licence holder will not pay the annual licence fee of £1000 due before 14 October and so the premises licence will automatically be revoked (see section 193(1) Gambling Act 2005).

2.4 Hearings

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

2.5 Applications & Notifications received

2.5.1 The numbers of applications and notifications received since the last update report to Committee are set out in **Appendix B**.

3 Taxis

3.1 Licences Issued

3.1.1 The numbers of Licences issued since the last update report to 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 Officers continue to plan and carry out enforcement operations within the district with the police and other partner agencies. One such operation has just been completed on 1 July 2010 when, East Devon District Council licensing officers, along with officers from the Council's Fraud Investigation team, VOSA and the police carried out a joint multi agency operation relating to taxi, private hire and novelty vehicles use at a Prom night in Exmouth. The vehicles were all checked after passengers had been taken to their destinations, thereby ensuring the proms night went ahead with minimum disruption. A total of 9 vehicles were checked. Four EDDC licensed taxis were checked, one was defect free, and two were given delayed prohibitions in relation to minor defects by VOSA. These have since been rectified. One vehicle was given a delayed prohibition by VOSA however the Licensing Officer at the scene considered that one of the defects, a seat belt in the rear of the taxi was not working, would put fare paying passengers at risk, and therefore he issued an immediate prohibition. These defects have since been rectified. Two stretch limousines and one Hummer vehicle (stretched) were checked and were defect free. Another stretch limousine was given a delayed prohibition. A de commissioned fire engine, licensed with another authority was also dealt with by the police for still having its blue emergency lights fitted, an offence which is contrary to regulation 16 of the Road Vehicles Lighting Regs. 1989. None of the stretched limousines operate from within East Devon which does cause concern owing to the difficulties of following up the enforcement to ensure we are not in the same position the following year. We do liaise with our colleagues in the other Councils.

3.2.3 Further multi agency checks are planned for the autumn.

3.3 Hearings

3.3.1 Since the last update report to Committee there has been two hearings in relation to hackney carriage and private hire issues. These were:

- (a) An application by a hackney carriage operator from Exmouth to licence a vehicle that did not conform to EDDC licensing conditions in relation to the minimum engine cubic capacity requirement. The applicant was seeking to licence a 1248 cubic capacity vehicle when the minimum required by this authority is 1300cc. On this occasion the licence was granted however due to the size of the vehicle and engine the Sub Committee only licensed it to carry three passengers instead of the usual four.
- (b) A second hearing was heard in relation to a hackney carriage driver to review his suitability to hold a licence following allegations made against him. The Sub Committee hearing on this occasion suspended his hackney carriage driver licence for 3 months, pending further enquiries.

3.4 Applications received

3.4.1 The number of applications received since the last update report to Committee is set out in **Appendix C**.

3.5 Taxi Rank Update

3.5.1 **Exmouth** – There has been no change since the last report in relation to the rank situation in Exmouth. The enhancement



of the town centre is progressing, and there have been parking difficulties at the temporary rank in Rolle Street outside Tesco, with members of the public seeming to park there to shop. The Council's Civil Enforcement Officers are aware and are taking action. The local Police have also been informed of the problems at the rank and have been asked to monitor it when possible. The temporary rank is only there until November 2010, when the new rank in the Strand will be put into place. When that happens together with the other new ranks that have been provided the current rank space issues should be addressed.

- 3.5.2 **Honiton** – Devon County Council have completed the temporary marking of the new Honiton ranks, which is to be followed by the line gang who will complete the works. This is hoped to be in the very near future, therefore making the new ranks legal and useable by the local taxi trade. As members will recall this will at last provide a much needed increase in rank space from two to seven. A further communication by Devon County Council to East Devon District Council licensing officers on 4 August 2010 stated that everything was in place to permanently mark out and the ranks which would be operative within 6 weeks.

4. General Licensing including Animal Licensing and Skin Piercing

- 4.1.1 At the end of last year (2009) the Licensing Service took over the administration of additional licensing functions from the Environmental Health Service. This followed recommendations of the internal audit team after an inspection of both the Licensing Service and the Environmental Health's licensing function. The Licensing Service is now responsible for the licensing administration for the Council's animal welfare and skin piercing licensing functions. Although the Licensing Service has only recently taken over this role the Licensing and Enforcement Committee has had responsibility for the animal welfare and skin piercing licensing functions ever since the committee was created.

4.2 Animal and Skin Piercing Licensing Statistics

- 4.2.1 The statistics relating to street trading 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. Street Trading

- 5.1.1 Applications for street trading during this year's Sidmouth Folk Festival resulted in permits for all sixty pitches being issued for all eight days except one pitch was still available for one day only.
- 5.1.2 The four pitches available for itinerant traders proved to be popular and there were only few days when all four pitches were not occupied.
- 5.1.3 An officer from Devon County Council's Trading Standards Office with assistance from members of the Council's Licensing Team seized a quantity of dangerous goods from a trader with a street trading permit, and another quantity of dangerous goods from a certificated pedlar.
- 5.1.4 Expressions of interest from traders for permits for next year's Folk Festival have already been received.



Consideration will be given to increasing the permit fees for 2011.

5.2 Street Trading Statistics

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

6. Consultations and Partnership Working

6.1 Meeting between Members, Taxi Proprietors and Officers

- 6.1.1 The next liaison meeting has been arranged for Wednesday 27 October 2010 at 1400 hours in the Council Chamber. The Committee's Chairman and Vice Chairman normally attend these meetings.

6.2 Officers and Taxi Trade Representatives Tariff Liaison Group

- 6.2.1 Following the last meeting between Members, Taxi Proprietors and Officers on the 7 April 2010 a meeting has been held between officers and Hackney Carriage trade representatives to discuss the taxi trade's request for a tariff increase as the current tariff has remained unchanged since November 2007. The trade put forward certain proposals for a tariff increase which forms the basis of a report to be put to members of this Committee. If an increase is agreed the trade have asked that it is not introduced until December this year.

6.3 Licensing Association Meetings (relating to Licensing Act 2003)

- 6.3.1 Officers from the Licensing Team continue to attend licensing association meetings around the district on a semi regular basis to provide advice and consult. Members will be aware that the tri-annual review of the Council's Licensing Act 2003 Policy is currently in progress. Over the next few months Licensing Officers will be attending the association meetings to consult the trade on the draft Policy.

Legal Implications

There are no legal implications requiring comment.

Financial Implications

The financial implications are as indicated within the report.

John Tippin Ext. 2787
Licensing Manager

Licensing and Enforcement Committee
7 September 2010



Licensing Act 2003Licences Issued and Notices Given

	Jul-10	Apr-10	Changes
Premises Licences	593	596	-3
Club Premises Certificates	62	62	0
Personal Licences	1,435	1,414	21
Temporary Event Notices including sale or supply of alcohol	3,032	2,852	180
Temporary Event Notices Entertainment and/or Late Night Refreshment only	265	252	13

Hearings

	May-10	Jun-10	Jul-10
Hearings where no agreed position has been reached	1	0	0
Hearings held to approve an agreed position	0	2	0

Applications Received and Notices Given

	May-10	Jun-10	Jul-10
Grant of a Premises Licence	2	4	1
Variation of a Premises Licence	0	0	0
Transfer of a Premises Licence	1	2	1
Change of Designated Premises Supervisor	9	5	9
Minor Variations	1	2	3
Grant of a Personal Licences	7	11	7
Personal Licence Change of name or address	3	0	1
Temporary Event Notices given	89	79	84

Gambling Act 2005Licences Issued and Notices Given

	Jul-10	Apr-10	Changes
Premises Licences	14	14	0
Small Society Lotteries	194	191	3

Hearings

	May-10	Jun-10	Jul-10
Hearings held	0	0	0

Applications Received and Notices Given

	May-10	Jun-10	Jul-10
Applications for a Permit	4	1	0
Application for a Licence	0	0	0
Notification of Intent to have Gaming Machines	4	4	6
Occasional Use Notices (Point to Point Betting)	0	0	0

TaxisLicences Issued

	Jul-10	Apr-10	Changes
Hackney Carriages	175	175	0
Private Hire Vehicles	27	36	9
Hackney Carriage Drivers	230	226	4
Private Hire Drivers	39	50	-11
Private Hire Operators	14	17	-3

Hearings

	May-10	Jun-10	Jul-10
Hearings	0	0	2

Applications Received

	May-10	Jun-10	Jul-10
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	2	4	4
Hackney Carriage Drivers Licence (including renewals)	2	2	2
Private Hire Vehicle Licence	14	12	2
Private Hire Vehicle Drivers Licence	14	12	1
Private Hire Operators Licence	9	5	0

EH Licensing

Licences Issued

	Jul-10	Apr-10	Changes
Animal Home Boarding	4	0	4
Kennels/Catterys	2	0	2
Ear-Piercing	2	0	2
Electrolysis	2	0	2
Riding Establishments	1	0	1
Tattooing	1	0	1
<u>TOTAL</u>	12		

Hearings

	May-10	Jun-10	Jul-10
Hearings	0	0	0

Applications Received

	May-10	Jun-10	Jul-10

General Licensing**Permits Issued**

	Jul-10	Apr-10	Changes
Street Collections	200	171	29
Street Collection cancellations	1	15	29
House to House	0	8	8
Street Trading	80	0	80
Street Trading (Charitable)	4	3	1

Hearings

	May-10	Jun-10	Jul-10
Hearings	0	0	0

Applications Received

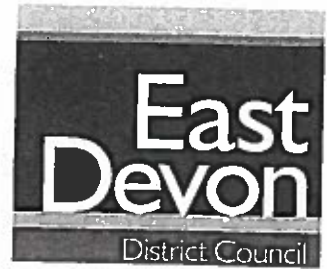
	May-10	Jun-10	Jul-10

Agenda Item 7

Licensing & Enforcement Committee

7 September 2010

NMcD/JT



Licensing Act 2003 – Minimum Standards for CCTV on Premises Licences and Club Premises Certificates

Summary

The report sets out an update of the police request for a minimum standard for CCTV and their request for the re-instatement of the 'Chief Officer of Police' as an authority that must be satisfied when a licensing condition in a Premises licence or Club certificate requires the installation and use of CCTV.

Recommendation

That the Committee note the report and

- (1) agree the draft CCTV standards policy at Appendix C
- (2) decide whether to re-instate the 'Chief Officer of Police' as an authority that must be satisfied when a licensing condition in a Premises licence or Club certificate requires the installation and use of CCTV

a) Reasons for Recommendation

The Authority's current conditions relating to CCTV standards on Premises Licences and Club Certificates are vague and the required standard needs more explicit explanation.

b) Alternative Options

None

c) Risk Considerations

N/A

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

N/A

1 Explanation

- 1.1 Members will recall that at their last meeting on the 8 June 2010 they received a briefing from David Campbell, Devon & Cornwall Force Legal Advisor on the possible adoption by the Licensing Authority of a minimum standard for CCTV systems within Exmouth and rural East Devon. Also a request for the possible re-instatement of the 'Chief Officer of Police' as an authority that must be satisfied

when a licensing condition in a Premises licence or Club certificate requires the installation and use of CCTV.

- 1.2 It was noted that there were 205 licensed premises with CCTV conditions on their licences and of these there were approximately 136 with conditions that required CCTV to be installed and operational on their premises.
- 1.3 A Copy of the current CCTV Conditions placed on licences by the Licensing Authority is available at **Appendix A** of this report.
- 1.4 The Police have provided a copy of their minimum CCTV standards which is available at **Appendix B**.
- 1.5 However the local police licensing section have indicated that this minimum standard may not be enforced on all premises with a requirement for CCTV and have quoted that a small corner shop/off licence may be allowed a reduced system and will be judged on an individual basis with a system deemed as fit for purpose.
- 1.6 If a minimum standard is not always enforced then it ceases to be a minimum standard and the issue is likely to become messy. In an attempt to avoid this situation and also to be supportive of the police request the District Council's Licensing Team has carried out further research and compiled an alternative CCTV minimum standard policy document which is available at **Appendix C**. This standard includes most of what the police have requested in respect of the quality of CCTV supplied and fitted but allows flexibility on the system required.
- 1.7 If the Committee agrees the policy at **Appendix C** the intention is that it will apply to all Premises licences and Club Premises certificates issued or varied (not minor variation) following the adoption of the policy. This would include where applicants offer the installation of CCTV within their Operating Schedule at the time of application or where agreed by way of mediation or where imposed by a Sub Committee. The policy is not intended to apply in retrospect where no application has been made but holders of existing licences and certificates that require the maintenance and use of CCTV will be encouraged to comply with the policy as soon as possible. However the policy could be applied to an existing licence or certificate in retrospect as an outcome to a review.
- 1.8 Due to summer leave of the police staff involved in CCTV matters the alternative CCTV minimum standard document has not been viewed by the police so they have not been able to comment. However they will be consulted prior to the meeting on the 7 September and a verbal report will be given.
- 1.9 The Police have also requested the re-instatement of the 'Chief Officer of Police' as an authority that must be satisfied when a licensing condition in a Premises licence or Club certificate requires the installation and use of CCTV. Originally when the courts administered the alcohol licensing regime whenever a CCTV condition was attached to a licence the court would place a condition on the licence requiring 'the CCTV to be installed, operated and maintained to the satisfaction of the Chief Officer of Police'. It will be appreciate that at the time the police were the only enforcing authority for alcohol licensing.

- 1.10 On the introduction of the Licensing Act 2003 the conditions already on the alcohol licences issued by the courts were transferred without alteration onto the licences issued by the District Council. However where new or varied licences had a new CCTV condition placed on it the practice became to attach this condition or one very similar: 'CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police'. Subsequently the view was taken that as the licence was issued by the District Council it should be the Licensing Authority who should 'be satisfied' and the words 'and the Chief Officer of Police' were removed. The logic behind this was that if the police were not satisfied and could not persuade the licence holder to comply they would need to ask for a review in exactly the same way as they would have to even if the Chief Officer of Police was named on the licence as someone to be satisfied.
- 1.11 It is a matter for members whether they wish to re instated the former wording to include 'the Chief Officer of Police'. The Police appear to believe that having their approval included in with the CCTV condition will give them more authority when dealing with licence holders who are not satisfying the Police CCTV requirements.

2. Cost of CCTV Systems

- 2.1 Obviously the costs of installing a CCTV system will vary depending on the size of the premises, type of operation and other risk factors. However as an estimate of costs the police have indicated that the minimum cost of a 4 x camera system together with a suitable DVD recorder would be approximately £700.00. They have pointed out that there are so many variables as to size of location, amount of rooms to cover, car parks etc. however a night club could be into £5-6,000 and upwards.

3 Proposal

- 3.1 If the alternative CCTV policy is acceptable to members it is proposed that it will be included within this year's Licensing Policy Review and that it will then become part of the Licensing Authority's licensing policy.
- 3.2 It would be possible to convert paragraphs numbers 1 to 13 in the policy into conditions on relevant licences. However having all these conditions on a licence might appear over kill given that in many cases adding this number of conditions to a licence would often more than double the number of conditions on the licence. An alternative solution is to amend the existing conditions we have been in the practice of using but extend the main condition to require that CCTV be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. The CCTV conditions would then be as shown in **Appendix D**.

Legal Implications

CCTV conditions may be applied where necessary and proportionate to promote the licensing objectives or where offered through the applicant's operating schedule. Members should consider the reasonableness and effectiveness of the conditions proposed.

As the report indicates, it was previously the practice of the Licensing Authority to include the police as a body that had to be



satisfied as to the installation, maintenance and operation of the CCTV. Reintroducing the practice would give the police some control of CCTV operation and formerly recognise the need for both the licensing authority and the police to be satisfied over compliance.

Financial Implications

No additional financial implication.

Appendices

Appendix A – Current CCTV Conditions in use on EDDC licences

Appendix B – Police minimum standards for CCTV

Appendix C – Alternative minimum CCTV Policy

Appendix D – District Council's proposed CCTV conditions

Background Papers

Letter dated 6 May 2010 from Supt Kennedy and accompanying documentation requesting the Licensing Authority to consider a CCTV standards policy.

Neil McDonald Ext 2611
Licensing Officer

Licensing & Enforcement Committee
7 September 2010

John Tippin Ext 2787
Licensing Manager

Licensing & Enforcement Committee
7 September 2010



APPENDIX A

District Council's current CCTV recommended conditions

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed within 7 days and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.

Police Recommended Minimum Requirements for CCTV Systems in Licensed Premises

CCTV must be installed, operated and maintained to the satisfaction of the Chief Officer of Police and Licensing Authority. These standards are subject to review by the Police and Licensing Authority and may be updated to reflect current changes in technology

1 – Minimum of one high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.

2 – Minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises. This camera will provide evidence of identification.

3 – There must be sufficient cameras to cope with the normal operating illumination, located within the premises to cover all public areas. These cameras will provide evidence of recognition.

4 – Lighting in the foyer and outside must be of sufficient brightness to complement the quality of the camera images.

5. In addition to the control equipment, it is recommended that an additional high-resolution 15-inch monitor be sited at or near the bar, foyer or cash till. This will be at the discretion of the Chief Officer of Police and Licensing Authority.

6 – All equipment shall have constant time/date generation.

Recording System

7 - A digital multiplex recorder will be installed and meet the following requirements.

8 - The unit shall have an on board CD/DVD re-writer and USB port for evidence recovery.

9 - If a CD/DVD is used to transfer the image from a CCTV systems hard drive then a write once CD-R/DVD-R medium must be used. The disc containing the recorded images must be capable of windows 2000 professional or Windows XP playback.

10 - The images must be capable of forward, reverse, pause and slow motion at full screen resolution.

11 - The system must be capable of producing single images.

12 - There shall be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of the Police or authorised officer.



13 - The license holder will allow periodic police inspection to ensure satisfactory operation.

14 - A4 sized warning signs shall be fitted in public areas of the premise and in all entries.

15 - Recordings must be kept for a minimum of 14 days. Recording media should be set to 25 frames per second.

16 - Recordings of incidents occurring at the premises must be made secure and held for possible police inspection.

17 - The Chief Officer of police may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.

18 - The Designated Premises Supervisor or Premises licence Holder must be able to demonstrate that they have devised a recording management system that prevent recordings being tampered with, stolen, misplaced or failure to record. Recording equipment shall be housed in a secure room/cabinet where access is restricted and operation is strictly limited to authorised persons.

19 - Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.

20 - In the event of a system malfunction, the Designated Premises Supervisor or Premises licence Holder must immediately notify the Licensing Authority or Chief Officer of police. Details of this malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The licensing authority and Chief Officer of police must be notified when the system is again operational.



CCTV Standards Policy

Where the provision of CCTV system is a requirement of the conditions of either a Premises licence or a Club Premises certificate, whether these are placed on the licence/certificate as offered by the applicant's Operating Schedule or imposed following a Sub Committee hearing, the system must comply with at least the Licensing Authority's CCTV minimum standard. This has been set in consultation with the police to ensure that the systems provide a tool to prevent criminal and anti-social behaviour and to ensure that the images provided by the systems meet the recognition and identification standards necessary for the detection and prevention of crime and disorder.

The Minimum Standard

1. All installed CCTV systems must be of an evidential standard and installed and operated to the satisfaction of the Licensing Authority and the Police. It should cover all areas to which the public have access, excluding, where relevant, the inside of toilets. Images must be recorded at a frame rate no less than 25 frames per second. All cameras located on entrances must be able to produce images of an evidential standard as defined by the Home Office Guidance Manual. Entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises. They should be high resolution colour cameras complete with an auto iris vari-focal lens. Cameras in the main areas of the premises must be able to cope with the extreme lighting conditions that may be present. The cameras, recording equipment and all ancillaries should be maintained according to the manufacturers' instructions to ensure that the standard of the image is not compromised.
2. The numbers of cameras located within the premises and where appropriate for external coverage must be appropriate for the type of licensing activity carried out at the premises. The numbers of cameras, locations and views provided by these cameras must be to the satisfaction of the Licensing Authority and Police. All cameras must provide evidence of identification and be correctly maintained.
3. Where, to satisfy the Licensing Authority and the Police, there is a requirement to provide external cameras for coverage of entrances they must be a high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing.
4. In all areas where cameras are operating including externally the lighting must be of sufficient brightness to complement the quality of the camera images.
5. The CCTV recordings must be stored on a digital multiplex recorder with either an on board CD/DVD re-writer and/or a USB port for evidence recovery.
6. The system must be capable of producing single images and forward, reverse, pause and slow motion at full screen resolution.
7. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.



8. Recordings of incidents occurring at the premises must be made secure and held for possible inspection.
9. All equipment shall have constant time/date generation.
10. Unless otherwise agreed in writing by the Licensing Authority there must be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of the police including the creation of evidential discs. Where an exemption to this requirement is agreed in writing then the evidence requested must be provided no later than 48 hours after the request.
11. The Designated Premises Supervisor or Premises licence holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment must be housed in a secure room/cabinet where access is restricted and the operation is strictly limited to authorised persons.
12. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
13. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.

This policy applies to all Premises licences and Club Premises certificates issued or varied (not minor variation) following the Licensing Authority's adoption of the policy on the 7 September 2010. Holders of existing licences and certificates that require the maintenance and use of CCTV are encouraged to comply with the policy as soon as possible.



District Council's proposed CCTV conditions

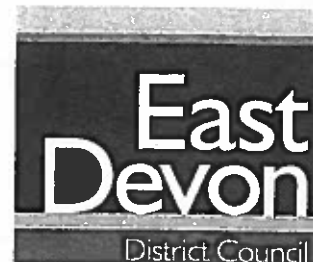
1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.
2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.
3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.

Agenda Item 8

Licensing & Enforcement Committee

7 September 2010

JT



Licensing Act 2003 – To seek approval to consult on the draft Licensing Policy

Summary

This report updates the Licensing & Enforcement Committee on the tri-annual review of the Council's Licensing Act 2003 Policy and seeks approval to commence the consultation process on the draft policy which has been updated in the light of recent changes in legislation and experience over the past three years.

Recommendation

That the Committee consider this draft Statement of Licensing Policy (attached as Appendix B) and give approval for the Licensing Service to start the formal public consultation process that is required by the legislation.

a) Reasons for Recommendation

It is a legal requirement of the Act for Council to determine a Licensing Policy in order to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and facilities and the provision of late night refreshment. The Policy was last reviewed in 2007 and re-adopted in December that year. It must be reviewed at least every three years and therefore an amended Policy must be adopted by the 7 January 2011.

b) Alternative Options

None

c) Risk Considerations

If the Policy is not properly adopted by the District Council the Authority will be liable to legal challenge which if successful could entail heavy costs being awarded against the District Council.

d) Policy and Budgetary Considerations

None

e) Date for Review of Decision

December 2013 or earlier. Currently the Licensing Act 2003 requires that the Policy must be reviewed at least every three years although if there is a need identified it can be reviewed earlier. The new government has a proposal to amend this requirement meaning that in the future there may be a less onerous consultation timetable.

Background and Proposed Draft Amendments to the Existing Policy

- 1.1 Under the Licensing Act 2003, it is the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published Policy then provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation. Council adopted the current Policy on the 12 December 2007.
- 1.2 In the initial stages of preparing the first Policy document in 2004 there was national criticism of the inconsistency of draft licensing policies. In Devon we avoided this criticism as the Devon Licensing Officers' Group worked together to prepare a template draft Policy suitable as a base draft for all Devon Councils including Plymouth. This Council's current Policy is based on that template.
- 1.3 The Act requires that the Licensing Authority review its Licensing Policy every three years. The Council's present policy will expire on the 6 January 2011 and therefore the Authority is under a duty to have reviewed and published a fresh policy by that date.
- 1.4 Over the past three years the current policy has been kept under review by the Licensing Service. We have also been part of a review of the original draft Policy template developed by the Devon Licensing Officers' Group. As a result a number of small changes have been proposed to reflect current practices and updated guidance under section 182 of the Licensing Act issued over the past three years. There is however little change to the main aim and purpose of the current policy document first adopted in 2004.
- 1.5 The adopted policy must set out the authority's general approach to licence applications and may only be determined following consultation with the following parties:
- The Chief Officer of Police, Devon & Cornwall Constabulary;
 - Devon & Somerset Fire & Rescue Service;
 - Members of the licensed trade in the area;
 - The local community.
- 1.6 In addition to these groups, it is proposed to circulate invitations more widely to take part in the draft Policy consultation to include all Responsible Authorities, Council Members, the business community, Town and Parish Councils, the Community Safety Partnership and the Devon Primary Care Trust. A more comprehensive list appears at **Appendix A**. The Policy will also be published on the Licensing Service's dedicated web pages and web users will be invited to comment online.
- 1.7 The consultation and publication timetable for the Policy is:
- 7 September 2010 - Revised policy circulated for consultation
 - 12 November 2010 - Consultation period ends
 - 23 November 2010 - Result of consultation reported to L & E Cttee
 - 8 December 2010 - Licensing Policy taken to Council for adoption
- 1.8 The draft Policy takes account of Local Authorities Coordinators of Regulatory Services (Lacors) guidance and revised Government Guidance issued under S182 of the



Licensing Act 2003 (March 2010). A copy of the draft policy appears at **Appendix B**. The additions are entered in the document in red in bold type but for those who are reading in black and white the additions are also underlined.

- 1.9 The existing Policy (2008-2011) has worked well for the last three years so only minor amendments are being proposed for 2011-2014. In summary, apart from moving the dates forward and emphasis specific parts of the existing policy and legislation, the main proposals are:
- Section 3 - The licensing objectives. This area of the draft policy has been updated with various new measures including the prevention of open bottles or other drink containers being carried from premises; ensuring digital CCTV systems comply with Home Office guidance and how to obtain this guidance; zero tolerance drugs policies; monitoring of capacity levels; measures to supervise beer gardens and smoking areas; a stronger stance on the protection of children etc..
 - Section 6 (Subsections 6.1 & 6.2) about licensing hours has been redrafted to more clearly reflect the current legislation and to re-emphasise that there is no presumption for longer opening hours.
 - Section 8 (Subsections 8.8, 8.9 & 8.10) – a reemphasis on the protection of children in relation to films and theatres and to formally name the Children & Young People’s Services of Devon County Council as being competent to advise the Licensing Authority on matters relating to the protection of children from harm.
 - Section 12 (12.7) and 22 (22.3) an explanation of the effects of the EU Services Directive on the exemption for the service of applications and notices on Responsible Authorities where applications and notices are served on line in accordance with the EU Directive.
 - Section 12 (12. & 12.10) an improved explanation on the review procedure.
 - Section 15 (15.1, 15.2 & 15.3) a completely new section on anti social behaviour.
 - Section 16 (16.1,16.2 & 16.3 This section sets out the standard of CCTV that the Authority expects when attaching conditions to licences and certificates requiring the provision on CCTV at the premises whilst they are open.
 - Appendix B (Glossary of Terms). The definition of who is an ‘Interested Party’ has been updated to include ‘An elected councillor of the Licensing Authority’. (Members will be aware Section 33 of the Policing and Crime Act 2009 that received Royal Assent in November 2009 amended the Licensing Act allowing District Councillors to independently make comment on licensing applications and apply for reviews.

1.10 The legislation requires that publication of the policy takes place by 7 January 2011.

Legal Implications

These are included within the report.

Financial Implications

Consideration needs to be given to the cost of consultation – staff costs and postage. The financial implications on failing to adopt the policy resulting in possible legal challenge are already contained in the report.



Appendices

- List of key Organisations and individuals that we intend to consult
- Draft Licensing Policy prepared for consultation

Appendix A
Appendix B

Background Papers

- Licensing Act 2003
- Guidance issued by the Secretary of State for the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 – March 2010 Edition
- East Devon District Council's Policy Statement adopted in December 2007

John Tippin Ext 2787
Licensing Manager

Licensing & Enforcement Committee
7 September 2010



East Devon District Council

Licensing Policy Document – Licensing Act 2003

Key Organisations and individuals that we intend to consult

- All premises licensed under the 2003 Act in East Devon district
- British Beer & Pub Association
- Licensees Associations
- Chambers of Commerce within East Devon area
- Devon & Cornwall Constabulary (Chief Officer of Police)
- Devon & Cornwall Police Authority
- Devon Child Protection Committee
- Devon Primary Care Trust
- Devon & Somerset Fire & Rescue Service
- East Devon District Council - Clerks to Town and Parish Councils
- East Devon District Council – Property & Economic Development
- East Devon District Council – Environmental Health Service
- East Devon District Council Councillors
- Equity
- Health & Safety Executive, Plymouth
- Live Music Forum
- National Licensing Specialist Solicitors
- Solicitors within East Devon area
- The Exmouth Society
- Weights and Measures (Trading Standards)
- Maritime and Coast Guard Agency
- Environment Agency

Copies of the Policy will also be made available for comment to the following locations:

- Information Points and CABs within East Devon area
- Libraries within East Devon area

EAST DEVON DISTRICT COUNCIL



**DRAFT
LICENSING
POLICY**

**LIQUOR, PUBLIC ENTERTAINMENT
& LATE NIGHT REFRESHMENTS**

**UNDER THE
LICENSING ACT 2003**

**For the period
7 January 2011 to 6 January 2014**



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FOREWORD

This foreword does not form part of the policy and is for information purposes only.

Welcome to East Devon District Council's Licensing Policy draft statement for 2011 - 2014. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. The Licensing Authority will keep the policy statement under constant review and make such revisions to it, as it considers appropriate. Where revisions are made, the licensing authority shall publish a statement of revisions or a revised licensing policy statement.

This is the second review of our Licensing Policy and following a public consultation Full Council is scheduled to consider the revised policy for approval and adoption in December 2010, to be effective from the 7 January 2011 for the following three years. Whilst much of the document has remained unchanged, amendments to the current law and new laws, have all had an impact on the policy.

The key reasons for review are:

- To update the document in accordance with amended Government Guidance and changes in legislation
- A re-arrangement of sections to avoid duplication
- The removal of redundant sections
- The rewording of text to provide better clarification

The entertainment industry within the District is a major contributor to the economy of East Devon. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer.

Some local residents may be affected by an increase in the concentration of entertainment uses and experience longer hours of operation. It is the duty of the licence operator to ensure that their licensable activity does not unduly affect these residents and the licensing objectives are met.

However, equally, commercial operators of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

The Act is intended to match greater freedom and flexibility within sensible boundaries, with tough and uncompromising powers for the police, courts and licensing authorities to deal with any individuals or businesses failing to be socially responsible and abusing these freedoms.

The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. East Devon District Council, in adopting this Licensing Policy, recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of well run entertainment premises to the local economy and vibrancy of the District. To achieve this aim the Council is committed to partnership working with police, fire service, local businesses, licensing trade, residents and others, towards the promotion of the objectives as set out in this policy.



This policy provides information and guidance to licence applicants, interested parties and responsible authorities on the general approach that the Licensing Authority will take in terms of licensing. Although each application will be considered individually on its own merits, the Council in adopting this licensing policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account in making an appropriate decision.

In accordance with the statutory procedures, a review of this policy will take place periodically to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to alcohol and entertainment at central and local government level.

In the preparation and publication of this policy East Devon District Council as the Licensing Authority has had regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003, including the amended guidance published 30 March 2010.

Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

We would encourage all those involved in the licensed trade, residents, community and faith groups to take time to read this consultation document and put forward representations whether in support or against, of any aspect contained within this draft Licensing Policy. A feedback form has been devised to assist you. A copy of the feedback form together with all the consultation documents may be viewed at the licensing page of the Council website or by contacting the Licensing Team via email to licensing@eastdevon.gov.uk on by telephone to 01395 517410/517411.

Should you have any questions or queries about this document you may write to the Licensing Service at:

East Devon Licensing Authority
Council Offices
Knowle
SIDMOUTH
EX10 8HL

Or contact us by:
Phone: 01395 517410/517411
Email: licensing@eastdevon.gov.uk



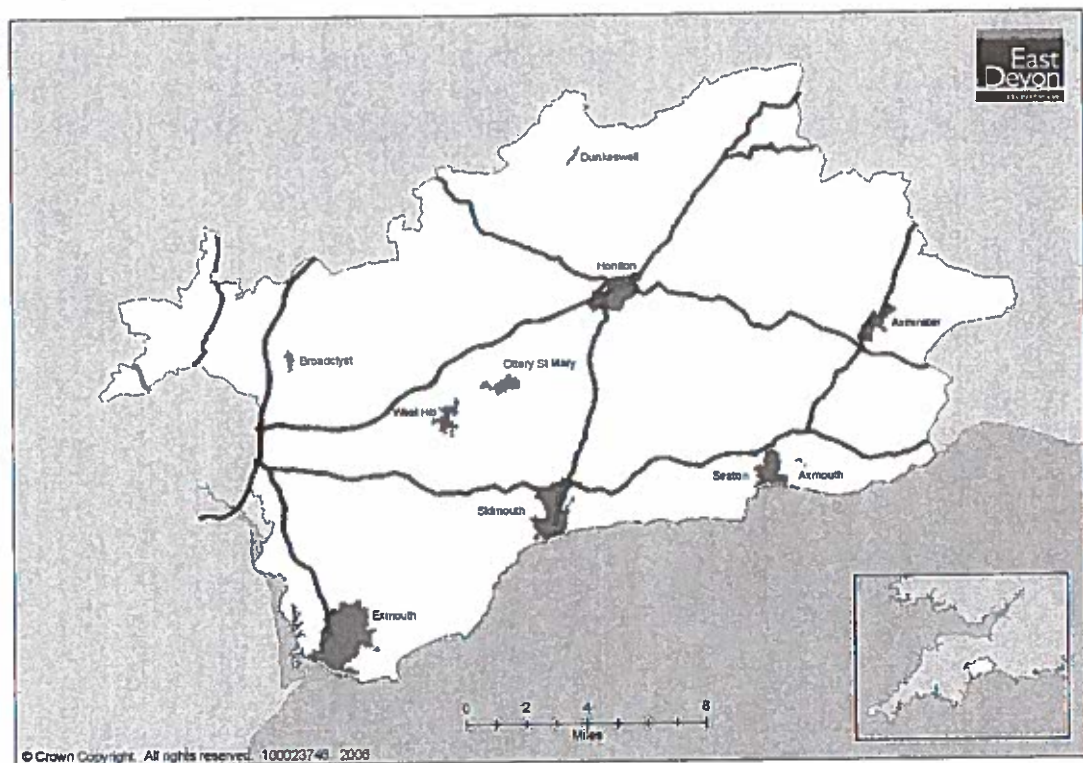
The Geographical Area

East Devon is one of eight Devon districts and, in population terms, it is the largest in the County.

The District has a dispersed and mainly rural population. The rural nature of the area is emphasised by the low population density of 1.67 per hectare (the England and Wales average is 3.4). The District is fully parished with 68 Town and Parish Councils. Areas of Outstanding Natural Beauty and the World Heritage Coast cover a high proportion of the District.

The main settlements comprise the coastal resorts of Exmouth (Devon's largest town – population 35,762), Budleigh Salterton, Sidmouth and Seaton. In the mainly rural inland area the settlements comprise Honiton, Ottery St Mary, and Axminster. There are numerous villages and hamlets.

The District's population currently stands at 135,643: 63,900 males and 68,900 females. The black and ethnic minority population of East Devon is considerably small – only 2.5% (3400 people described their ethnic group as non-white in the 2006 ethnicity census, with Mixed race being the single largest grouping at 1,100). East Devon also has a high percent of elderly residents with 34% of the population over 60 years of age.



The East Devon population is set to grow over the next few years, projected to reach 145,800 in 2016 although this is less than had been projected before the recession. Currently those in 60 to 64 year age band form the largest age group in the district.

The entertainment industry within the District is a major contributor to the economy of East Devon. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer.



Statement of Licensing Policy

1. Introduction and Scope

- 1.1 This Statement of Licensing Policy is based upon the Licensing Act 2003 ("the Act") and is in line with the Department of Culture, Media and Sport (DCMS) Guidance to local authorities and takes effect from the 7 January 2011.
- 1.2 The policy relates to all those licensing activities identified as falling within the provisions of the Act wherever they take place, namely: -
- Retail sale of alcohol
 - Supply of alcohol to club members
 - Provision of 'regulated entertainment' - to the public, to club members or with a view to profit
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
 - The supply of hot food and/or hot drink from any premises including food stalls between 11.00 pm and 5.00 am [Late Night Refreshment].
 - **Provision of facilities for enabling persons to take part in entertainment consisting of:**
 - **Making music;**
 - **Dancing;**
 - **Entertainment of a similar description to making music or for dancing.**
- 1.3 The Licensing Act 2003, section 5 requires a licensing authority to prepare and publish a Statement of Licensing Policy every three years.
- 1.4 Such a policy must be published before the authority carries out any function in respect of individual applications made under the act.
- 1.5 The purpose of this policy document is to assist the licensing authority in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.
- 1.6 **To achieve the licensing objectives the Council will use its full range of powers and engage all relevant responsibilities including its planning and environmental health controls, crime and disorder policies and powers. The authority will enter appropriate partnership arrangements, working closely with the police, the fire authority, trading standards, local businesses, community representatives and local people in meeting these objectives. Neighbouring authorities**



and town and parish councils will be consulted where appropriate.

- 1.7 The licensing authority will keep the policy statement under constant review and make such revisions it feels appropriate. Where revisions are made, the licensing authority will publish a statement of revisions or a revised licensing policy statement. **Any major changes, unless they are the result of legislation changes will normally be preceded by public consultation.**
- 1.8 The Act makes provision for the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshments (premises licence), the supply of alcohol or the provision of regulated entertainment in certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notice).

2. Consultation

- 2.1 Before determining this policy statement the licensing authority has consulted with the following: -
- the chief officer of police
 - the fire authority
 - persons/bodies representative of local premises licence holders
 - persons/bodies representative of local club premises certificate holders
 - persons/bodies representative of local personal licences
 - persons/bodies representative of businesses and residents in the area
- 2.2 Proper weight has been given to the views of all consulted prior to this policy statement taking effect.
- 2.3 **Unless changed by future legislation** the policy statement will remain in existence for a maximum period of 3 years and will then be subject to review and further consultation.

The licensing authority may consult beyond the statutory requirements, and seek comments from particular bodies or representatives of groups associated with the entertainment industry, the legal profession, health authority and the welfare of children. Those consulted include a body competent to advise on child protection, Weights and Measures (Trading Standards), Health and Safety Executive, Environmental Health, Planning and Building Control, Maritime and Coast Guard Agency and the Environment Agency.

Please note: The text within the shaded boxes is intended to provide information on the legal framework and statutory guidance but does not form part of the policy itself.

3. Licensing Objectives and Related Legislation

- 3.1 The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. These are: -
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance and
 - the protection of children from harm
- 3.2 These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives. The legislation requires if there are no relevant representations then an application must be granted and will be subject only to mandatory conditions and conditions consistent with the applicant's operating schedule.
- 3.3 A Licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 3.4 The Licensing Authority requires applicants to address the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, and the nature of the location and the needs of the local community. The kind of standards that the local authority will expect to see are those which take into account measures including:
- 3.4.1 **Prevention of Crime and Disorder –**
- The use of toughened glass/polycarbonate or other plastic/non glass bottles/receptacles
 - Measures to prevent open bottles and other drinks containers being carried from premises
 - Restrictions on drinks promotions
 - Measures to prevent binge drinking
 - Marketing promotions that do not encourage excessive consumption and should be socially responsible.
 - Participation in pubwatch schemes or licensee associations and attendance at meetings
 - Use of the appropriate number of security personnel and stewards ensuring effective control of venue at all times
 - Training staff in crime prevention measures
 - Search procedures
 - Use of CCTV inside and outside the premises ensuring that digital systems comply with Home Office guidance and the Authority's own CCTV policy
 - Lighting
 - For new premises, designing out crime
 - Quality of supervision and surveillance in premises
 - Regular checks by staff of all public areas including toilets
 - Assessment of customer profiles ensuring effective management of customers both inside and in outside smoking/external seating areas
 - Anti-discrimination policies and unlawful practices including homophobia and racism
 - And any other measures deemed appropriate

3.4.2 Public Safety –

- Promotion of sensible drinking
- Awareness and measures to prevent 'drink spiking'
- Zero tolerance drug policies including the appropriate use of searching/amnesty boxes to combat drug crime
- Monitoring capacities to a safe level with management controls ensuring safe capacities are maintained particularly with premises with more than one floor or zone (including electronic counting where necessary)
- Special arrangements for large events
- Security Personnel/Stewards
- Traffic Management
- Crowd Management
- Noise exposure
- Customer profile
- Physical environment of premises
- Use of special effects
- Ventilation and temperature
- Removal of glass/bottles to prevent use as weapon

3.4.3 Prevention of Public Nuisance –

- The nature of the activities
- The location of premises and character of the surrounding area in relation to the proximity to residential and other noise sensitive premises
- Latest admission times
- Provision of welfare facilities for example toilets
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Odour and light nuisance
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and night clubs etc
- Disposal of waste, particularly glass
- Use and maintenance of plant, including air extraction and ventilation systems
- Litter collection in vicinity including discarded flyers and other promotional material
- Noise from deliveries/collections
- Traffic Management
- Measures to supervise customers' use of beer gardens, smoking and external seating areas

3.4.4 Protection of Children from Harm –

- Limitation of access dependent on nature of activities
- Use of British Board of Film Classification for film exhibition



- Robust proof of age provisions to include prevention of under 18's entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form on a photo driving licence, passport or accredited photo ID card bearing the PASS hologram
- Adoption of the Challenge 21 philosophy
- Requirements for accompanying adults
- Full range of soft drinks

These lists are not exhaustive

3.5 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council's Environmental Health Department, local businesses and local people towards the promotion of the objectives as outlined.

3.6 When making licensing decisions, the licensing authority is bound to apply: -

3.7 Legislation

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Equality Act 2010 (When in force)

The Council, when making decisions, has a duty to do all that it reasonably can to prevent crime and disorder, under Section 17 of the Crime and Disorder Act 1998.

The Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate business to operate their premises without unnecessary restraint.

Public authorities have a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

3.8 The licensing authority will also have regard to other legislation, strategies, policies and guidance in its decision making including: -

3.8.1 Legislation

- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- The Anti-Social Behaviour Act 2003
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990



- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006

3.8.2 Strategies

- **Safe . Sensible. Social. The next steps in the National Alcohol Strategy**
- 'Safer Clubbing'
- LACORS/TSI Code of Best Practice on Test Purchasing
-
- East & Mid Devon Community Safety Partnership Plan 2008-11

3.8.3 Policies

- Regulatory Compliance Code and the Hampton Principles
- Local Plan
- Local Transport Plan
- Enforcement Policies of each Responsible Authority

3.8.4 Guidance

- Guidance to Health and Safety at Outdoor Events (Purple Book)
- **Working together on Firework Displays**
- **Managing Crowds Safely**
- **The Guide for Small to Medium Places of Assembly**
- **The Guide for Large Places of Assembly**
- Guide to Fire Precautions in Entertainments and Like Premises
- Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)
- Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- The District Council's guidance/policy in relation to noise nuisance etc.
- Lacors's policy on large events
- Security Industry Authority's guidance on security at large outdoor events

3.9 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

3.10 The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the District, attracts tourists and visitors and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

3.11 The licensing authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the infrastructure and police resources to cope with the influx of people, particularly at night.

3.12 In determining a licence application the overriding principle adopted by the licensing authority is that each application will be determined on its merits **in the context of the four licensing objectives, and that unless relevant representations are received from Responsible Authorities or Interested Parties, there is no provision for**



the Authority to impose conditions on a licence other than mandatory conditions or those proposed within an application. At present there is no provision for the Licensing Authority itself to make representations, and in the absence of relevant representations in respect of an application, the Authority is obliged to issue the licence on the terms sought.

4. Conditions

- 4.1 Licensing relates to the control of licensed premises and other events within the terms of the Act and any conditions, which may be attached to licences, and the various other permissions, which will focus on matters falling within the control of individual licence holders.
- 4.2 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities in the vicinity. In this regard the licensing authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.
- 4.3 Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.
- 4.4 The licensing authority will avoid imposing disproportionate and over burdensome conditions on premises. The licensing authority does not propose to implement standard conditions on licences across the board but instead, if its discretion is engaged, will attach conditions as appropriate given the circumstances of each individual case.
- 4.5 Conditions will cover the licensing objectives: -
- crime and disorder
 - public safety
 - public nuisance
 - protection of children from harm.
- 4.6 Following relevant representations the licensing authority may impose conditions where existing legislation does not provide adequately for the promotion of the four licensing objectives.
- 4.7 Applicants are encouraged to volunteer their own conditions by way of an operating schedule. The terms of a premises licence and any conditions attached should be clear, not just clear to those having specialised knowledge of licensing, such as the licensing authority or the manager of the premises but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all. The Licensing Authority's experience has shown that many conditions that have been volunteered have been vague, uncertain, imprecise and unenforceable. As an aid to applicants or their representatives to ensure that the operating schedules that are offered are spelt out in clear terms the Licensing Authority has formulated a menu of



common conditions which applicants are invited to use when formulating their operating schedules. Further conditions are available in Annex D to the Guidance issued under Section 182 of the Licensing Act 2003 available on the DCMS website at [http://www.culture.gov.uk/what we do/alcohol and entertainment/default.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx)

Licensing conditions may only relate to the promotion of the licensing objectives, and to matters which the licence holder can be reasonably expected to control in relation to the carrying on of licensable activities, and these are likely to relate to the premises themselves and the immediate vicinity of those premises.

Conditions will only be attached that are practical, achievable and necessary for the promotion of the licensing objectives and if already provided for in other legislation, they will not be considered necessary in the context of the licensing law.

The Act enables the authority to impose such conditions as are necessary upon premises which have the potential to cause danger to visitors, disturbance to neighbours, crime or harm to children. However, many premises operate without such risks and the authority will reflect this by adopting a lighter touch to the imposition of conditions.

The Authority's menu of conditions suitable for use in Operating Schedules is available on the Licensing pages of the District Council's website at www.eastdevon.gov.uk. Alternatively copies are available from the Council's Licensing Office by emailing licensing@eastdevon.gov.uk or telephoning 01395 517410

- 4.8 Where a responsible authority or interested party considers the conditions volunteered by an applicant to be inadequate and makes representation to the Licensing Authority then the authority may, following a hearing, attach further conditions or amend volunteered conditions if it is considered appropriate to promote the licensing objectives.

5. Cumulative Impact

- 5.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 5.2 The licensing authority may receive representations from either a responsible authority or an interested party (see glossary), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application. The onus is on any person or organisation making such representations to prove



any assertion that the addition of the premises concerned would cause the cumulative impact claimed.

- 5.3 The licensing authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.
- 5.4 In determining whether to adopt a 'saturation' policy for a particular area the licensing authority may, among other things: -
- gather evidence or identification of serious and chronic concern from a responsible authority or local residents about nuisance and disorder
 - identify the area from which problems are arising and the boundaries of that area
 - make an assessment of the causes
 - adopt a policy about future applications for premises within that area.
- 5.5 If a 'saturation' policy is adopted it will be reviewed regularly to assess if it is needed any longer or should be expanded.
- 5.6 Where there is evidence that a particular area of the District is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.

As such the licensing authority may take into account matters such as: -

- The character of the surrounding area
 - The impact of the licence on the surrounding area, both individually and cumulatively with existing licences
 - The nature and character of the proposed operation.
- 5.7 The licensing authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include: -
- planning controls
 - ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
 - powers to designate parts of the District as places where alcohol may not be consumed publicly
 - confiscation of alcohol in designated areas
 - police enforcement of the law with regard to disorder and anti-social behaviour
 - police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
 - the power of police, local businesses or residents to demand a review of the licence



- enforcement action against those selling alcohol to people who are already drunk.

5.8 The licensing authority may address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the District.

Where the number, type and density of licensed premises are unusually high, serious problems of nuisance and disorder have sometimes arisen or have begun to arise outside or some distance from the licensed premises. This has been described as the cumulative impact of the increasing capacity of all premises taken together.

It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these cases than the usual impact from customers of individual premises.

In these circumstances, a licensing authority may receive representations from a responsible authority or interested party that an area is becoming saturated with certain premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. Such representation would need to be based on evidence.

This might be creating exceptional problems of disorder and nuisance over and above the impact from any individual premises. If this is the case it might lead the licensing authority to consider, through consultation, if adopting a special policy not to grant further licences would be one solution in helping to control the problem.

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the evening economy in towns and city centres.

6. Licensing Hours

6.1 The licensing authority will deal with the issue of licensing hours on the individual merits of each application. **When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Interested Parties on the basis of the licensing objectives.** However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

6.2 There is no presumption within the Act for longer opening hours **over objections from local residents and businesses located in the vicinity of licensed premises but the licensing authority will consider licensing hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to**



local residents. Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operational schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

- 6.3 In considering relevant representations, the licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 6.4 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.
- 6.5 The Licensing Authority does not seek to adopt fixed terminal hours in designated areas (known as "Zoning"), as this can lead to the significant movement of people across boundaries in search of premises opening later.
- 6.6 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

Fixed and artificially early closing times promote, in the case of sales of alcohol, rapid binge drinking close to closing times and are **considered** a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously.

This creates excessive pressures at places where fast food is sold or public or private transport is provided.

This in turn can produce friction, particularly between young people, and gives rise to disorder and peaks of noise and other nuisance.

7. Authorisation to Sell Alcohol

- 7.1 Where premises are licensed to sell or supply alcohol the licensing authority will expect a Personal Licence Holder to normally be present on the premises at all times when there are sales or the supply of alcohol taking place. However if arrangements are made in advance a Personal Licence holder may authorise another person to sell alcohol.
- 7.2 The Licensing Authority will expect the Personal Licence holder who authorises another person to sell alcohol to ensure that:



- (a) the person is authorised in writing by the Personal Licence holder on whose behalf the person is selling or supplying alcohol;
 - (b) the authorisation should specify the acts that may be carried out by the authorised person;
 - (c) the person should be clearly identifiable;
 - (d) there is in place sensible arrangements on a reasonably regular basis for the Personal Licence holder to monitor the activities that they have authorised.
- 7.3 The Designated Premises Supervisor remains responsible for the day to day running of any premises licensed to sell alcohol.

8. Children and Licensed Premises

- 8.1 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm.
- 8.2 When deciding whether or not to limit access to children the licensing authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children include premises: -
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place
 - with a known association with drug taking or dealing
 - where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises**
- 8.3 In such circumstances as listed in paragraph 8.2 above the licensing authority would expect for the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule, then if relevant representation are made the licensing authority will consider making such restrictions as are deemed necessary to meet the licensing objectives.
- 8.4 Conditions may be imposed, if not covered in other legislation, on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances
- 8.5 The options available for limiting access by children would include: -
- a limit on the hours when children may be present
 - a limitation or exclusion when certain activities are taking place
 - the requirement to be accompanied by an adult
 - access may be limited to parts of the premises but not the whole
 - an age limitation (for under 18s).
- 8.6 The licensing authority will not impose any condition which specifically requires access for children to be provided at any

premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

8.7 The licensing authority will take strong measures to protect children where any licence holder is convicted of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances it may sometimes be necessary to impose a complete ban, or require limitations on the hours when children may be present, age limitations or conditions requiring an accompanying adult, exclusions during certain activities of persons under 18.

8.8 In relation to exhibition of films, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification.

8.9 In relation to theatrical entertainment, it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary where entertainment is provided specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

8.10 The Licensing Authority recognises Children & Young People's Services of Devon County Council as being competent to advise on matters relating to the protection of children from harm.

9. Enforcement

9.1 The licensing authority has established protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

9.2 In general, action will only be taken in accordance with agreed enforcement principles and in line with the licensing authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

10. Integrating Strategies and the Avoidance of Duplication

10.1 By consulting widely prior to this policy statement being published, the licensing authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

10.2 The licensing authority will integrate its various strategies to achieve the licensing objectives in the interests of clarity for applicants and effective determination.

10.3 Where any protocols to be agreed with the police identify a particular need to disperse people from town centres swiftly



and safely to avoid concentrations which lead to disorder and disturbance the licensing authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

- 10.4 The licensing authority's Licensing Committee will keep itself informed and consider wider issues which may need to be given due consideration when making licensing decisions. These issues may include:-
- needs of the local tourist economy
 - cultural strategy for the area
 - employment situation in the area and the need for new investment and employment where appropriate
- 10.5 The licensing authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there should be clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.
- 10.6 This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators. For example Health & Safety at Work etc Act 1974, Environmental Protection Act 1990, Disability Discrimination Act 1995, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005.

11. Other Legislation

- 11.1 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.
- 11.2 In reaching a decision on whether or not to grant a licence, the licensing authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 11.3 The grant of a licence does not imply the approval of other legislative requirements.

12. The Licensing Process and Delegation of Functions

- 12.1 The powers of the Licensing Authority under the Act may be carried out by the Authority's Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing and Enforcement Committee will consist of between 10 and 15 elected members of the Council and will establish sub committees consisting of 3 members of the committee. The Council's delegation of functions follow the DCMS Guidance issued under Section 182 of the Licensing Act. A list of delegations is available from the Licensing Authority.



- 12.2 Many of the licensing procedures will be largely administrative and un-contentious. In the interests of efficiency and effectiveness officers will generally carry these out.
- 12.3 Where there are no representations on an application to the grant of a premises licence or club premises certificate these matters will be dealt with by officers in order to speed matters through the system and in the interests of efficiency and cost.
- 12.4 Delegated officers can decide whether representations should be rejected in that they are frivolous or vexatious. Such decisions cannot be appealed in the magistrates' courts but can be challenged by way of a judicial review.
- 12.5 Applications where there are relevant representations will be dealt with by a committee or a subcommittee of the licensing authority, as will any relevant application for the review of a licence.
- 12.6 The licensing authority will expect individual applicants to address the licensing objectives in their operational schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 12.7 **Except where complete applications are made online in accordance with the EU Services Directive all applicants will be required to copy their applications to the responsible authorities. Full details of which are available in the licensing pages of the Authority's website or from its Licensing Service.**
- 12.8 When determining applications, the licensing authority will have regard to any guidance issued by the DCMS. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community.
- 12.9 **Responsible Authorities or Interested Parties may lodge an application for review of a licence/certificate with the Licensing Authority at any time. Where a Review application is made, the Licensing Authority encourages all parties to work in partnership to achieve the promotion of the licensing objectives. The Licensing Authority expects that Responsible Authorities will give licence holders early warning, where possible, of any concerns identified at a premises.**
- 12.10 Decisions made by the licensing committee can be appealed to the magistrates' court within 21 days. Applicants, responsible authorities and interested parties all have the right of appeal. Delegation of functions follow the DCMS Guidance issued under Section 182 of the Licensing Act.

13. Cultural Strategy

- 13.1 The licensing authority recognises that, as part of implementing its cultural strategy, proper account will be taken of the need to encourage and promote entertainment including live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.



- 13.2 The licensing authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interest of the community.
- 13.3 In the exercise of its licensing functions the Licensing Authority will ensure that it does not apply direct or indirect measures that deter live music (in particular those promoting performances that can be classified as “non rock”, pop, modern music or similar music forms), dancing and theatre by imposing disproportionate licensing conditions.**
- 13.4 The impact of this policy on regulated entertainment, particularly live music and dancing, will be monitored. Where there is an indication that such events are being deterred by licensing requirements the policy will be revisited with a view to investigating how the situation might be improved.
- 13.5 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the Licensing Authority’s wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.**

14. Drugs

- 14.1 The licensing authority recognises that drug use is not something that is relevant to all licensed premises. However, if relevant representations are made special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. The conditions to be imposed in such cases may be taken from the DCMS pool of conditions that takes into account the report “Safer Clubbing” issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the local Drugs Action Team and the Police.

15. Anti Social Behaviour

- 15.1 A minority of consumers will behave badly and unlawfully once away from premises, and licence holders’ co-operation is sought in minimising this behaviour in the vicinity of premises.**
The Licensing Authority recognises that the Act is not a cure-all for anti-social behaviour. There is a range of other strategies for addressing these problems, for example;
- **Planning controls**
 - **Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly**
 - **Powers of Police and Local Authorities under the Anti-Social Behaviour Act**
 - **Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices**
 - **The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk**
 - **Confiscation of alcohol from adults and children in designated areas**



- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate
- Promotion of positive activities.

This list may be supplemented by other local initiatives that similarly address these problems.

15.2 The Licensing Authority is aware of and will support the use of sections 40 and 41 of the Anti-Social Behaviour Act 2003. These powers allow the closure, by authorised Environmental Health Officers, of premises causing public noise nuisance.

15.3 The Authority is also aware and will support the use by police of the issue of written directions under Section 27 of the Violent Crime Reduction Act 2006, whereby a person may receive, a '48 hour' ban from a specific area. [A breach of two or more of the 'Section 27 directions can result in the anti-social behaviour order process being invoked.]

16 CCTV Standards Policy

16.1 Where the provision of CCTV system is a requirement of the conditions of either a Premises licence or a Club Premises certificate, whether these are placed on the licence/certificate as offered by the applicant's Operating Schedule or imposed following a Sub Committee hearing, the system must comply with at least the Licensing Authority's CCTV minimum standard. This has been set in consultation with the police to ensure that the systems provide a tool to prevent criminal and anti-social behaviour and to ensure that the images provided by the systems meet the recognition and identification standards necessary for the detection and prevention of crime and disorder.

16.2 The Minimum Standard

- (1) All installed CCTV systems must be of an evidential standard and installed and operated to the satisfaction of the Licensing Authority and the Police. It should cover all areas to which the public have access, excluding, where relevant, the inside of toilets. Images must be recorded at a frame rate no less than 6 frames per second. All cameras located on entrances must be able to produce images of an evidential standard as defined by the Home Office Guidance Manual or any guidance replacing it. Entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises. They should be high-resolution colour cameras complete with an auto iris vari-focal lens. Cameras in the main areas of the premises must be able to cope with the extreme lighting conditions that may be present. The cameras, recording equipment and all ancillaries should be maintained according to the manufacturers' instructions to ensure that the standard of the image is not compromised.



- (2) The numbers of cameras located within the premises and where appropriate for external coverage must be appropriate for the type of licensing activity carried out at the premises. The numbers of cameras, locations and views provided by these cameras must be to the satisfaction of the Licensing Authority and Police. All cameras must provide evidence of identification and be correctly maintained.
- (3) Where, to satisfy the Licensing Authority and the Police, there is a requirement to provide an external camera for coverage of entrances it must be a high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing.
- (4) In all areas where cameras are operating including externally the lighting must be of sufficient brightness to complement the quality of the camera images.
- (5) The CCTV recordings must be stored on a digital multiplex recorder with either an on board CD/DVD re-writer and/or a USB port for evidence recovery.
- (6) The system must be capable of producing single images and forward, reverse, pause and slow motion at full screen resolution.
- (7) CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per minute.
- (8) Recordings of incidents occurring at the premises must be made secure and held for possible inspection.
- (9) All equipment shall have constant time/date generation.
- (10) Unless otherwise agreed in writing by the Licensing Authority there must be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of the police including the creation of evidential discs. Where an exemption to this requirement is agreed in writing then the evidence requested must be provided no later than 48 hours after the request.
- (11) The Designated Premises Supervisor or Premises licence holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment must be housed in a secure room/cabinet where access is restricted and the operation is strictly limited to authorised persons.
- (12) The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.

(13) A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.

16.3 This policy applies to all Premises licences and Club Premises certificates issued or varied (not minor variation) following the Licensing Authority's adoption of the policy on the 7 September 2010. Holders of existing licences and certificates that require the maintenance and use of CCTV are encouraged to comply with the policy as soon as possible.

17. Door Supervisors

17.1 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must comply with the Private Security Industry Act 2001 and the Violent Crime Reduction Act 2006 and any successive legislation.

17.2 The Licensing Authority having regard to advice from relevant responsible authorities may consider that certain premises require strict supervision for exceptional reasons relating to the licensing objectives to prevent crime and disorder and public nuisance. In such cases, if relevant representations are made the Licensing Authority may impose a condition that licensed supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

Overcrowding is a matter for public safety but it can lead to disorder and violence. Where this is an issue consideration will be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

18. Control of Consumers

18.1 The District Council has adopted the relevant powers to designate parts of the District as places where alcohol may not be consumed publicly. The licensing authority will keep this under review.

18.2 'Pub Watch' schemes or Licensee Associations will be promoted by the licensing authority. This is intended to promote and encourage public safety and the reduction of crime.

18.3 The licensing authority will continue to liaise with the police licensing section and the Fire & Rescue Service to inspect licensed premises. This joint partnership approach is intended to maximise the potential for controlling crime, disorder and hazards at premises and to ensure compliance with relevant conditions as appropriate.

19. Nuisance

19.1 To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the



measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

The Licensing Act does not exempt licence holders from their statutory obligations under the Environmental Protection Act 1990. But in certain circumstances where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to imposing conditions. (See DCMS pool of conditions in the Guidance Issued under Section 182 of the Licensing act 2003.)

The Licensing Authority can only attach conditions if there have been relevant representations and only then if such conditions are deemed necessary, proportionate and reasonable and are not already contained within the applicant's operating schedule.

20. Capacity

- 20.1 Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

21. Vessels

- 21.1 The licensing authority will give particular weight to the views of the Maritime and Coastguard Agency when considering applications for premises licences in respect of vessels. Where, in the opinion of the licensing authority, any of the four objectives are undermined and this cannot be resolved through the imposition of conditions, the application will be refused.

22. Temporary Event Notices (TENs)

- 22.1 Some small-scale events, depending on the circumstances, may be held under the authority of a TEN. There are various restrictions in relation to the number of TENs for individuals and premises and event organisers are strongly advised to obtain advice well in advance of the event.
- 22.2 The Police can object to a TEN only where they consider the event is likely to undermine the Crime Prevention objective. No other person or body may object.



- 22.3 The Act requires a TEN to be served upon the Licensing Authority and the police not less than 10 working days prior to the event. (Not including the day of service or the first day of the event.) **Where a TEN is served online it is the Licensing Authority's responsibility to serve a copy on the Police.** In practice **10 working days** is unlikely to be sufficient to allow any concerns to be resolved and organisers are advised to serve notice giving as much notice as possible. In the event that a hearing is held and a Counter Notice prohibiting it is issued by the Licensing Authority it is unlikely that there will be sufficient time for any appeal to be heard by the Magistrates Court unless substantially more than the ten working days is allowed.
- 22.4 Organisers are strongly advised to ensure that adequate safety measures (including the recorded findings of a Fire Risk Assessment) are in place in relation to any Temporary Event. Any event held under a TEN may be subject to inspection by officers from the Responsible Authorities.
- 22.5 The Licensing Authority will advise other Responsible Authorities of TENs served. Those authorities may address issues of concern under their own regulatory powers.

While the concept of the temporary event notice is to give a light touch to charity organisations it can be used by licence holders of premises to extend their hours of business over holiday periods.

It should be noted that some private events can involve licensable activities, but only in prescribed circumstances. Entertainment at a private event to which the public are not admitted only becomes licensable if it is provided for a consideration and with a view to profit.

Definitions

Club Premises Certificate – authorises the use of premises by a qualifying club for one or more licensable activity

DCMS - Department of Culture, Media, and Sport

Designated Premises Supervisor means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

Entertainment Facilities – Facilities for enabling persons to take part in entertainment.

Regulatory Compliance Code – Is a code to promote efficient and effective approaches to regulatory inspections and enforcement.

The Hampton Principles – These are the principles that outline the way that regulation and enforcement should be planned and implemented by the regulatory authorities.

An Interested Party –

- a person living in the vicinity of the premises
- a body representing persons who live in that vicinity
- a person involved in a business in that vicinity
- a body representing persons involved in such businesses
- an elected Councillor of the District Council (this does not include County, Town or Parish Councillors)

Late Night Refreshment - the provision, between 11.00 pm and 5.00 am, of hot food or hot drink, or a section of the public on or from any premises, whether for consumption on or off the premises between 11.00 pm and 5.00 am
or

at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Licensable Activities and Qualifying Club Activities –

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for - consumption on the premises where the supply takes place
- the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
- the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

Operating Schedule means a document containing a statement including the following matters: -



- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

Personal Licence – authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence

Premises Licence – authorises the premises to be used for one or more licensable activity

Regulated Entertainment -

- (a) A performance of a play
- (b) An exhibition of film
- (c) An indoor sporting event
- (d) A boxing or wrestling entertainment
- (e) A performance of live music
- (f) Any playing of recorded music
- (g) A performance of dance
- (h) Entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Relevant Representation - is only relevant if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do so is 'irrelevant' for the purposes of the Act.

It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious. The interested party may not consider the representation to be frivolous or vexatious, but the test is whether the licensing authority is of the opinion they are frivolous or vexatious. The licensing authority must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. A trivial complaint would not always be frivolous but would have to be pertinent in order to be relevant. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. In borderline cases the benefit will be given to the interested party making the representation. An interested party aggrieved by a rejection of his representations may challenge the authority's decision by way of judicial review.

If the licensing authority decides a representation is relevant then a hearing will be required in relation to that representation unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary and that the authority take such steps, having regard to the representations and promotion of the licensing objectives.

Residential Area - An area whose character is residential at the material time of day. Where there is doubt, the licensing authority



will consider the number of residential units in the area and the proportion of such units to units used for other purposes.

Responsible Authority (who are they?) -

- (i) the Chief Officer of Police for any police area in which the premises are situated
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - (a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and
 - (b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (vii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
- (viii) in relation to a vessel:
 - (a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities
 - (b) the Environment Agency
 - (c) the British Waterways Board, or
 - (d) the Secretary of State
 - (e) a person prescribed for the purpose of this subsection

Temporary Event - the use of premises for one or more of the licensable activities during a period not exceeding 96 hours, usually where a premises licence covering the licensable activity is not in place.

Temporary Event Notice means a Permitted Temporary Activity involving one or more licensable activities subject to the following various conditions and limitations: -

- duration – they are limited to events lasting for up to 96 hours;
- scale – they cannot involve the presence of more than 499 people at any one time;
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used, and
- the number of notices given by an individual within a given period of time – a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

(in any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved)

Terminal Hour refers to the time at which authorised licensable activities should cease and the 'opening hours' when premises are open to the public is not necessarily the same. The authorisation of a licence relates to the sale or supply of alcohol and not to the consumption. 'Drinking up time' no longer applies but applicants would be expected to address this issue when preparing their operating schedules.



Responsible Authority Contacts

The list of Responsible Authorities and their contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or existing Responsible Authorities change their address.

An up to date list of Responsible Authorities relating to East Devon with their contact details can be obtained by accessing the East Devon District Council's Licensing pages on the Council's website or by request to the Council's Licensing Office by emailing licensing@eastdevon.gov.uk or telephoning 01395 517410.

Further information can be obtained from the East Devon District Council's Licensing Act 2003 page on the web at http://www.eastdevon.gov.uk/index/council_services/licensing/licensing_alcohol_and_entertainment.htm

Useful Contacts

DCMS - Department for Culture Media and Sport

[http://www.culture.gov.uk/what we do/alcohol and entertainment/default.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx)

Licensing Documents...

- Licensing Act 2003
- ▣ Guidance under Section 182 of the Act

The responsibility for the Licensing Act transferred to the Home Office in July 2010 therefore it is expected that during the life of this policy advice and information will become available through the Home Office Website.

<http://www.homeoffice.gov.uk/>

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

Federation House,
17 Farnborough Street,
Farnborough,
Hampshire,
GU14 8AG.
Email: acs@acs.org.uk



Association of Licensed Multiple Retailers (ALMR)

<http://www.almr.org.uk/>

9B Walpole Court,
Ealing Studios,
London
W5 5ED

Telephone: 020 8579 2080

Email: info@almr.org.uk

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

ATCM,
1 Queen Anne's Gate,
Westminster,
London
SW1H 9BT

Email: office@atcm.org

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Beer & Pub Association
Market Towers
1 Nine Elms Lane

London
SW8 5NQ

Telephone: 020 7627 9191

Email: web@beerandpub.com

British Board of Film Classification (BBFC)

www.bbfc.co.uk

3 Soho Square,
London
W1D 3HD

Email: contact_the_bbfc@bbfc.co.uk

British Institute of Inn Keeping (BII)

<http://www.bii.org/>

Wessex House,
80 Park St., Camberley,
Surrey,
GU15 3PT,

Telephone: 01276 684449

British Retail Consortium (BRC)

<http://www.brc.org.uk/default.asp>

21 Dartmouth Street,
London

SW1H 9BP

Telephone: 0207 85 8900



Circus Arts Forum

www.circusarts.org.uk

Email: info@circusarts.org.uk

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

22 Golden Square

London

W1F 9JW

Telephone: 0207 734 9551

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

www.culture.gov.uk

2-4 Cockspur Street

London

SW1Y 5DH

Email: enquiries@culture.gov.uk

Equity

<http://www.equity.org.uk/>

Head Office

Guild House

Upper St Martins Lane

London

WC2H 9EG

Telephone: 020 7379 6000

Email: info@equity.org.uk

Independent Street Arts Network

www.streetartsnetwork.org.uk

54 Chalton Street,

London

NW1 1HS

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Institute of Licensing

45 Larcombe Road

St Austell

Cornwall

PL25 3EY

Justices Clerks' Society

www.jc-society.co.uk

Telephone: 0151 255 0790

E-mail: secretariat@jc-society.co.uk

LACORS

<http://www.lacors.gov.uk/>

Email: info@lacors.gov.uk



Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

Federation of Licensed Victuallers Associations,
126 Bradford Road,
Brighouse,
West Yorkshire
HD6 4AU

National Association of Local Government Arts Officers

<http://www.nalgao.org/>

NALGAO
Oakvilla,
Off Amman Road,
Brynamman,
Ammanford,
Neath
SA18 1SN
Telephone & Fax: 01269 824728

National Pub Watch

<http://www.nationalpubwatch.org.uk/index.php>

National Pubwatch,
PO Box 3523,
BARNET,
EN5 9LQ

NOCTIS (Formerly Bar, Entertainment and Dance Association (BEDA))

<http://www.noctisuk.org/>

5 Waterloo Road
Stockport
Cheshire, UK
SK1 3BD

The Portman Group

www.portman.org.uk

The Portman Group,
4th Floor,
20 Conduit Street,
London,
W1S 2XW
Telephone: 0207 290 1460
Email: info@portmangroup.org.uk



Licensing Act 2003
Draft Licensing Policy (2010)
Consultation Response Sheet



Name		Ref No: for official use only
Organisation (if applicable)		
Address		
Post Code:		
Contact	Tel:	e-mail:
Paragraph No	Please photocopy if more sheets are needed	
	Comments	
	Comments	



	Comments	
	Comments	
	Comments	
	Comments	
	Comments	
	Comments	

Although a register of comments received during the consultation period will be maintained the Licensing Service will not generally send acknowledgements to individuals unless they are recognised representatives of persons or businesses in the area or are a statutory responsible authority and such acknowledgement will only be sent on request.

All responses must be received by **12 November 2010** if they are to be given due regard before East Devon District Council determines its Licensing Policy.

Consultation responses should be sent to The Licensing Manager, Licensing Service, East Devon District Council, Knowle, Sidmouth EX10 8HL. Responses may be via this document, letter or email to licensing@eastdevon.gov.uk.

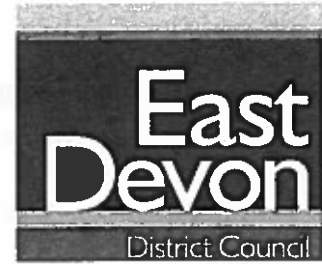


Agenda Item 9

Licensing and Enforcement Committee

7 September 2010

RP



Government Consultation on possible changes to Licensing Act 2003

Summary

To inform members of the Committee of the Home Office proposed changes to the Licensing Act 2003 and give them the opportunity to discuss their impact.

Recommendations

1. **The possible changes to the licensing regime that may arise from the proposed legislative changes be noted.**
2. **That if the Committee wishes to respond to the government consultation a response be prepared by the Licensing Manager, in consultation with the Chairman.**

a) Reasons for Recommendation

The period for a response expires on 8 September.

b) Alternative Options

Not to send a response.

c) Risk Considerations

If the licensing authority (or other consultees) do not respond to the consultation the Home Office may miss possible consequences of the proposals.

d) Policy and Budgetary Considerations

It is likely that the proposed changes can be accommodated within the existing budget. If the impact on staff time exceeds that of the Licensing Act 2003 implementation period, further staff resources may be needed.

e) Date for Review of Decision

Legislative changes will be reported to the committee when known and the Chairman kept updated.

1 Background

On 28 July 2010 the Home Office released its formal consultation document regarding the alcohol measures as set out in the Coalition Programme for Government. Copy accessible through this link: <http://www.homeoffice.gov.uk/publications/consultations/cons-2010-licensing-act/alcohol-consultation?view=Binary>.

The consultation is open for 6 weeks, closing on 8 September 2010.

The Home Office has proposed a series of changes to the Licensing Act 2003 and the consultation seeks views on the implications of implementing the proposals to deliver the Government's commitments on alcohol outlined in the Coalition Agreement.

2. Executive Summary – reproduced from consultation document

"Alcohol plays an important part in the cultural life of this country, employing large numbers in production, retail and the hospitality industry. The industry as a whole contributes around £8.5bn to the Exchequer through excise duty alone, and over 200,000 premises have a licence to sell alcohol. Central to this is a system of alcohol licensing that is effective in regulating sales and reflective of local demands.

This document sets out the Government's proposals for overhauling the current licensing regime to give more power to local authorities and the police to respond to local concerns about their night-time economy, whilst promoting responsible business.

The Government will be consulting separately on the Coalition's proposals to deregulate live music and similar performances.

Since the introduction of the Licensing Act there has been growing concern that the original vision of a vibrant "café culture" has failed to materialise. The Government intends to introduce more flexibility into the current licensing regime to allow local authorities and the police, to clamp down on alcohol-related crime and disorder hot spots within local night-time economies. To rebalance the licensing regime the Government is proposing the following measures:

- a. Give licensing authorities the power to refuse licence applications or call for a licence review without requiring relevant representations from a responsible authority.
- b. Remove the need for licensing authorities to demonstrate their decisions on licences 'are necessary' for (rather than of benefit to) the promotion of the licensing objectives.
- c. Reduce the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews.
- d. Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police.
- e. Simplify Cumulative Impact Policies to allow licensing authorities to have more control over outlet density.
- f. Increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises.
- g. Enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible



- authority and seeking views on making health a licensing objective.
- h. Amend the process of appeal to avoid the costly practice of rehearing licensing decisions.
 - i. Enable licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences.
 - j. Repeal the unpopular power to establish Alcohol Disorder Zones and allow licensing authorities to use a simple adjustment to the existing fee system pay for any additional policing needed during late-night opening.
 - k. Substantial overhaul of the system of Temporary Event Notices to give the police more time to object, enable all responsible authorities to object, increase the notification period and reduce the number that can be applied for by personal licence holders.
 - l. Introduce tougher sentences for persistent underage sales.
 - m. Trigger automatic licence reviews following persistent underage sales.
 - n. Ban the sale of alcohol below cost price.
 - o. Enable local authorities to increase licensing fees so that they are based on full cost recovery.
 - p. Enable licensing authorities to revoke licences due to non-payment of fees.
 - q. Consult on the impact of the Mandatory Licensing Conditions Order and whether the current conditions should be removed"

3. Conclusion

The Local Government Association and other bodies are currently preparing detailed responses to this consultation. Members may wish that a response be sent on behalf of East Devon District Council.

Legal Implications

Included within the report.

Financial Implications

It is considered that the proposed changes can be accommodated within existing resources. Should this be found not to be the case then further details will be required to be reported to the Executive Board for consideration.

Background Papers

- Rebalancing the Licensing Act – Home Office
- Licensing Act 2003, Guidance issued under section 182 of the Licensing Act 2003

Rachel Pocock Ext. 2601
Head of Legal, Licensing and Democratic Services

Licensing and Enforcement Committee
7 September 2010

Agenda Item 10

Licensing and Enforcement Committee

7 September 2010



Proposed Hackney Carriage Fare Tariff Changes

Summary

The Licensing and Enforcement Committee is asked to approve a proposed increase to the Hackney Carriage Fare Tariff.

Recommendation

1. That the Committee consider the contents of this report and the various proposed Hackney Carriage Tariff increase options set out in Appendix D including the Waiting Time and the extras charges and approve a tariff to be adopted as the maximum fare tariff and used by Hackney Carriage vehicles licensed in the East Devon District from a date to be fixed in December 2010.

a) Reasons for Recommendation

To enable the Hackney Carriage trade within the District to continue to operate economically whilst still maintaining an efficient, safe and cost effective service for those residents of and visitors to East Devon who need to use the services of a Hackney Carriage.

b) Alternative Options

Not to adopt the tariff increase, to adopt a different tariff structure, or to adopt some parts of the proposed tariff structure.

c) Risk Considerations

None known

d) Policy and Budgetary Considerations

No direct financial implications

e) Date for Review of Decision

N/A

1 Background Information

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits District Councils to set the fares tariff for Hackney Carriages licensed in the District. This Council, in common with most other Councils, have used this power for many years. The last tariff increase was agreed by this Council on the 12 November 2007 and came into use on the 7 December 2007. The increase at the time was in the region of just in excess of 20%



which was the amount requested by the taxi trade. The request was partly based on the increase in the Retail Price Index over the period since their last tariff increase, which was from December 2004 until October 2007. Evidence was also supplied to show that costs to the trade had increased and in one case by approximately 21%.

- 1.2 All changes to the Hackney Carriage tariff table in use in East Devon must be approved by the Licensing and Enforcement Committee. However the legislation requires that before any alteration to the tariff table can take effect a public notice explaining the changes must be placed in a local newspaper. The public then must be provided with a period of at least 14 days to make comment on the proposals. If no adverse comment/objection is received the approved changes must take effect. Alternatively if adverse comment/objection is received then the matter must be returned to allow the Committee to consider the representation(s).
- 1.3 During 2008 and 2009 at a number of meetings with the Hackney Carriage trade the Council offered the opportunity for the trade to seek to increase the fare tariff however largely due to the effects of the recession they have until now ruled out seeking an increase. At the last taxi trade liaison meeting chaired by Councillor Godbeer on Wednesday 7 April 2010 the trade gave notice that they felt that they needed a tariff increase however asked that any agreed increases would not be implemented until just before Christmas. A copy of the tariff table approved in November 2007 appears at **Appendix A** to this report.
- 1.4 Following this request on the 6 July a meeting was held between representatives of the trade and Licensing Officers in order to put together a proposal for the Licensing and Enforcement Committee to consider. The meeting was facilitated by the Licensing Manager. A copy of the proposal agreed at that meeting by the taxi trade representatives appears at **Appendix B**. The proposal suggests an increase of approximately 20% however particularly in the case of tariff 3 the increase would be in the region of 23%.

2 Evidence to Support a Fare Tariff Increase

- 2.1 In making their case for a fare increases the Hackney Carriage trade in the District pointed out that they had not received a tariff increase since November 2007 and their costs had increased significantly since then. No evidence to substantiate this was provided at the time but the trade representatives have been asked to provide some and it is planned that this will be available to the committee on the 7 September 2010.
- 2.2 The Licensing Manager has researched the following supporting evidence for a tariff increase:
 - (i) The National Statistic's All Items Retail Price index shows that the index has risen by 14.1 points or 6.87% over that period from November 2007 when the current tariff table was approved by the District Council to June 2010. Whilst this is a good guide to show how general costs have risen over the period since the last tariff increase this index may not relate directly to the increases experienced by the taxi trade.
 - (ii) This month the Real Cost of Living Index showed that over the past twelve months the average price of unleaded petrol has increased by 13% and diesel by 15% giving an average fuel price rise in the past twelve months of 14%. It will be appreciated that the cost of fuel is a significant part of the trade's out goings.
 - (iii) The Private Hire and Taxi Monthly magazine is published nationally and carries a number of detailed national and regional taxi tariff league tables. Taxi fare tariffs tend to be quite complex and are made up of various permutations meaning that they are difficult to compare like for like. As a result it is normal practice to compare in each case the cost of a two-mile journey. Data from the fare tariff league tables shows that over the past eleven years East Devon has normally been ahead of the local area averages for a two-



mile journey for 8 of these years. However in the past five years (except 2008) for the first time, the fares have fallen behind to the extent of 28 pence for every two-mile fare. This is a significant amount and just to catch up with the area average of the eleven authorities compared within the local table it would require a **19.15% increase**. It also should be remembered that many of the tariffs that appear in the league table were agreed by the respective authorities in some cases well over 12 months ago. A chart depiction of these figures is available at **Appendix C**. The table compares this Council with eleven Licensing Authorities located in Devon or very close to the Council's eastern border. Interestingly South Somerset heads the table and has done so for the past two years.

- (iv) In the same magazine another table relating to the national position shows that in 2002 East Devon District Council tariff was the fourteenth most expensive fare tariff in the country but by May this year we were down to the hundred and seventh position. We had reached the one hundred and sixty sixth place in 2007 just before the trade received their last increase.

3 Explanation of the Normal Fare Tariff Structure

- 3.1 Members may find it useful for an explanation of the tariff structure operated in the District. There are three Tariff levels:

Tariff 1

This is a daytime tariff operative between 7 am and 7 pm on all weekdays with the exception of the days covered by Tariff 3.

Tariff 2

This is an evening/night and Sunday tariff operated between 7 pm and 7 am on all weekdays with the exception of the days covered by Tariff 3. It is also operative all day on Sundays with the exception to the days covered by Tariff 3.

Tariff 3

This is a Bank Holiday, Christmas and New Year tariff operative on all Bank Holidays (24 hours) and from 7 pm on Christmas Eve until 7 am on 27 December and from 7 pm on New Year's Eve until 7 am on 2 January.

- 3.2 The normal fare structure provides within each tariff band for an upfront charge for an initial set distance or part of that distance. This distance varies according to the fare structure approved by the authority but is usually a distance of between a quarter and half mile. Currently for example on Tariff 1 a customer in East Devon would pay £2.40 for the first third of a mile travelled (approximately 586.7 yards) or part of that distance. The taxi trade call this the "Flag". There after the customer would pay 20 pence for each 195.56 yards covered or part of that distance. On the occasions the taxi is stationary for example at traffic lights the meter changes from charging by distance to charging by time and the current Tariff 1 'Waiting Time' is 20 pence for each period of 30 seconds. Meaning that currently the fee for an hours waiting equals £24.

4 Fare Tariff Pricing Proposals

- 4.1 Following the Licensing Manager's meeting with the taxi trade on the 6 July the proposals put forward by the trade and now included in **Appendix B** where given detailed consideration. As explained earlier in this report taxi tariff tables are very complicated especially as they need to be set to enable them to work correctly and evenly in meters fitted to hackney carriages. One of the country's experts on this subject is a Bryan Rolands of the National Private Hire Association who has worked closely in the past with officers from this Council. Using his software it showed that the tariff proposed by the local trade meant that the fare was, as the trade call it, 'a creeper'. In other words every other mile or perhaps every third mile depending how the meter is set there would be a need for a correction. This means that say for the



first two miles the customer would be charged one fee per mile and then to correct the position the customer would be charged a different fee. This would technically be illegal and puts the Council in a difficult position. As a result of this discovery an alternative option (**Option 1**) has been produced to attempt to match the same type of increase requested by our local trade. Further options showing other percentage increases have also been prepared for the Committee's consideration. The Hackney Carriage representatives involved in the meeting on the 6 July have indicated to the Licensing Manager that they would support the introduction of the Option 1 tariff.

- 4.2 A comparison table of the current pricing structure and the trade's proposals shown as 'Trade Request' together with three additional options (Options One, Two and Three) are set out in **Appendix D** to this report. Column A shows the current tariff in place in the District. Columns C & D shows the Trade Request and Columns E to J show three alternative options that the Committee may wish to consider. Next to each of the proposed fare columns is a second column denoting the percentage rise that would be involved if the tariff was increased to the tariff shown. Option 1 is in percentage terms similar to the trade's proposal but without the creeping difficulty.
- 4.3 Also included in **Appendix D** are details of the waiting time referred to in paragraph 3.2 together with the extra charges that apply to the fare tariff. Whatever the tariff approved the proposal is to increase the waiting time from 40 pence to 46.67 pence per minute (£28 per hour - a 16.66% increase). There is no proposal to increase the extras charges except for the booking fee currently set at £10. The trade wish to increase this to £12 (a 20% increase). The booking fee is a discretionary charge imposed by the operators and only becomes payable when a customer books a taxi and is told at the time of the booking what the fee will be. This enables the customer to go elsewhere if he/she does not want to pay the fee. Experience shows that operators seldom levy this fee. The need for the ability to make such a charge occurs a lot in rural areas. Taxi proprietors are unable to charge for the journey taken to collect a passenger and the journey back to base. In an urban area the distances between pickups are usually not great and operators are able to absorb these extra costs. The difficulty comes in the more rural areas when these 'dead' journeys are fairly long. Without the ability to make a reasonable booking fee a taxi operator may feel he would make a loss over the total journey and therefore could decline to transport the customer. Obviously that situation benefits no one. I am aware that an operator in the east of the District has had to take this action in the past.
- 4.4 A more detailed analysis of the various tariff options are contained in **Appendix E**. As explained earlier when comparing tariff tables it is usual practice to compare the cost of a two-mile journey. This Council's current two-mile journey tariff on Tariff 1 is £5.40. The trade proposal would provide for a tariff of £6.60, Option 1 - £6.40, Option 2 - £6.00 and Option 3 - £5.60. Members will note that Option 2 would provide a £6.00 fare for a two-mile journey on Tariff 1. **Appendix C** shows that currently South Somerset have the most expensive two mile fare at £6.60 followed in joint second place by Exeter and Taunton Deane with a two mile fare of £6.00. Therefore if Option 2 was approved East Devon, with a two-mile fare of £6.00, would be joint second with Exeter and Taunton Deane in the list of eleven local councils listed in **Appendix C**. The trade proposal if approved would give them a two-mile fare on Tariff 1 of £6.60 meaning that East Devon would head the list with South Somerset.
- 4.5 When considering these proposals members are reminded that whatever the tariff they set the figures should be regarded as the maximum. The taxi proprietors are not tied to charging the maximum fare. They are merely not permitted to charge more than the maximum tariff. Market forces come into play. For instance because of the competition in Exmouth the charges levied in that area are often less than the permitted maximum tariff.



5 Recommendation

- 5.1 Members will note from the contents of this report that the current fare tariff table in the District has fallen behind and an increase is due. The trade's proposal would provide for an increase in the region of 20%. However members may consider that given the evidence provided within the report and the fact that the district is still feeling the effects of the recession that one of the alternative options should be approved and a further rise considered in the latter part of 2011 or early 2012 dependent on the trade's wishes.
- 5.2 It is the trade's request that the new changes come into use before the Christmas period begins. As explained earlier in this report Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires that before any alteration to the tariff table can take effect a public notice explaining the changes must be placed in a local newspaper. The public then have 14 days to make comment on the proposals. If no adverse comment/objection is received the approved changes can take effect and it is planned that they should come into use in early December. Alternatively if adverse comment/objection is received then the matter must be returned to allow the Committee to consider the representation(s).

Legal Implications

The legal implications are set out at paragraph 1.2 and 6.2 of the report and require no further comment at this stage.

Financial Implications

Cost implications as per paragraph 1.2 requirement to advertise. There is a budget for advertising within the Licensing Section.

Appendices

- Appendix A Current EDDC Fare Tariff
- Appendix B Taxi Trade's Proposal for a Fare Increase
- Appendix C Local Fare Tariff League Table (12 Local Councils)
- Appendix D Fare Tariff Comparison Table showing options
- Appendix E Fare Comparison Sheets showing options in detail

Background Papers

- The Private Hire and Taxi Monthly magazine's national fare tariff league tables

John Tippin Ext. 2787
Licensing Manager

Licensing and Enforcement Committee
7 September 2010



Fares for Hackney Carriages Approved in December 2004

	TARIFF 1 For hirings begun between 0700 hrs and 1900 hrs Monday to Saturday inclusive other than those subject to tariff 2 or 3	TARIFF 2 For hirings begun on any day between 1900 hrs and 0700 hrs and all day Sunday other than those subject to tariff 3	TARIFF 3 For hirings between 1900 hrs 24 December to 0700 hrs 27 December and 1900 hrs 31 December to 0700 hrs 2 January and all Bank Holidays between 12 midnight & 12 Midnight
For the first one third of a mile (approximately 586.7 yards) or part thereof	£2.40		
For each subsequent ninth of a mile (approximately 195.56 yards) or part thereof	£0.20		
For the first one third of a mile (approximately 586.7 yards) or part thereof		£3.00	
For each subsequent eleventh of a mile (approximately 160 yards) or part thereof		£0.20	
For the first one third of a mile (approximately 586.7 yards) or part thereof			£3.60
For each subsequent thirteenth of a mile thereof (approximately 135.38 yards) or part thereof			£0.20
Extra Charges			
For each passenger after the first	£0.20	£0.20	£0.20
For each item of baggage	£0.20	£0.20	£0.20
For each dog (not including assistance dogs)	£0.20	£0.20	£0.20
Waiting Time			
For each period up to 30 seconds	£0.20	£0.20	£0.20
Booking Charge At the discretion of the operator for each booking made by telephone and which requires the driver to drive to the hirer's designated pick up point, the hirer must have been informed of the charge at the time of making the booking.	Maximum £10.00		
Soiling Charge	To a maximum of £50.00		

Taxi Trade's Proposals for Fare Increases

These proposals were agreed by representatives of the taxi trade at a meeting facilitated by the Licensing Manager on 6 July 2010

Tariff One – Flag Drop £3.00 (£2.50)	Running Mile £2.15 (£1.90)
Tariff Two – Flag Drop £3.80 (£3.00)	Running Mile £2.62 (£2.30)
Tariff Three – Flag Drop £5.00 (£4.00)	Running Mile £3.10 (£3.00)

Waiting Time to equal 46.67 pence a minute or £28 per hour (40 pence a minute)

Tariff Two to be charged between 7 pm until 7 am each day and on Sundays – No change

Tariff Three to be charged on Christmas Eve and New Years Eve from 7 pm and for all bank holidays – No change

Booking Charge – Maximum being £12 (Increased from £10)

Extras – No Proposal to Increase Extras

Each item of luggage – 20 p

Dogs (Assistance dogs exempt) – 20 p

Each passage after first – 20 p

Soiling Charge – Minimum £50

The figures agreed in 2007 are shown in brackets

LOCAL AVERAGE 11 YEAR RISE (11 Councils) £2.36
 South West Area 11 year average rise £2.32
 National 11 year average rise ££2.00
 EAST DEVON 11 year rise £1.90

COUNCIL LICENSING AREA	MAY 2010	MAY 2009	MAY 2008	MAY 2007	MAY 2006	MAY 2005	MAY 2004	MAY 2003	MAY 2002	MAY 2001	MAY 2000	MAY 1999	10 YR PRICE RISE	10 YR % RISE
	FARE	FARE	FARE	FARE	FARE	FARE	FARE	FARE	FARE	FARE	FARE	FARE		

Figures in green boxes in these columns indicate a fare level equal to or better than Area Averages

Figures in red boxes in red indicate a fare level lower than Area Averages

SOUTH SOMERSET	£6.08	£6.08	£5.20	£5.20	£5.20	£5.20	£4.24	£4.24	£4.24	£3.82	£3.44	£2.84	£2.84	£3.24	114.08%
EXETER	£6.00	£6.00	£5.50	£5.50	£4.75	£4.75	£4.75	£4.25	£4.25	£3.95	£3.75	£3.65	£2.35	£2.35	64.38%
TAUNTON DENE	£6.00	£6.00	£5.40	£5.20	£5.00	£4.80	£4.40	£4.20	£4.00	£3.80	£3.80	£3.80	£2.20	£2.20	57.98%
WEST DORSET	£5.80	£5.80	£5.20	£5.20	£4.45	£4.45	£4.45	£4.10	£4.10	£3.80	£3.20	£3.20	£2.60	£2.60	123.08%
NORTH DEVON	£5.75	£5.75	£5.75	£5.75	£5.75	£5.75	£4.60	£4.60	£4.60	£4.60	£3.45	£3.45	£2.80	£2.80	66.66%
MID DEVON	£5.70	£5.40	£5.40	£5.00	£4.60	£4.60	£4.00	£4.00	£3.70	£3.70	£3.20	£3.20	£2.50	£2.50	78.13%
TORBAY	£5.65	£5.65	£5.24	£5.03	£4.82	£4.20	£4.20	£4.20	£4.20	£4.00	£3.40	£3.40	£2.25	£2.25	66.18%
TORRIDGE	£5.50	£5.10	£5.10	£4.70	£4.70	£4.30	£4.10	£4.10	£3.75	£3.30	£3.05	£3.05	£2.45	£2.45	80.33%
EAST DEVON	£5.40	£5.40	£5.40	£4.70	£4.70	£4.70	£4.50	£4.50	£4.50	£3.90	£3.50	£3.50	£1.90	£1.90	54.29%
TEIGNBRIDGE	£5.40	£5.40	£4.80	£4.70	£4.50	£4.50	£4.10	£4.10	£4.10	£3.70	£3.70	£3.70	£1.70	£1.70	45.95%
SOUTH HAMS	£5.20	£5.20	£5.00	£4.60	£4.40	£4.10	£4.00	£3.75	£3.75	£3.60	£2.80	£2.80	£2.40	£2.40	85.71%

LOCAL AVERAGES	£5.68	£5.62	£5.27	£5.05	£4.81	£4.48	£4.30	£4.19	£4.07	£3.80	£3.34	£3.33	£2.35	78.87%
EAST DEVON	£5.40	£5.40	£5.40	£4.70	£4.70	£4.70	£4.50	£4.50	£4.50	£3.90	£3.50	£3.50	£1.90	52.29%
Price differences	£0.28	£0.22	£0.13	£0.35	£0.11	£0.22	£0.20	£0.31	£0.43	£0.10	£0.16	£0.17	£0.45	19.15%
% Differences	1.06%	3.91%	2.47%	7.44%	2.29%	4.91%	4.65%	7.40%	10.57%	2.63%	4.79%	5.11%		

This table compares this Council with eleven Licensing Authorities located in Devon or very close to the Council's eastern border. Over the past eleven (11 including 1999) years East Devon has been ahead of the local area averages for 8 of those years. However in the last 2008) five years (except for the first time, the fares have fallen behind to the extent of 28 pence for every two mile fare. This is a significant amount and just to catch up with the area average of the eleven authorities compared within the local table it would require a 19.15% increase.

A	B	C	D	E	F	G	H	I	J
FLAG		Trade Request	Percentage Increase	Option One	Percentage Increase	Option Two	Percentage Increase	Option Three	Percentage Increase
Existing Fare	Flag								
T1	E2.40 585.7 yds	E3.00 704 yds	25.00%	E3.00 800 yds	25.00%	E2.80 800 yds	20.00%	E2.60 880 yds	8.33%
T2	E3.00 585.7 yds	E3.80 704 yds	26.67%	E3.60 800 yds	20.00%	E3.60 700 yds	20.00%	E3.60 880 yds	20.00%
T3	E3.60 585.7 yds	E5.00 704 yds	38.89%	E5.00 800 yds	38.89%	E4.20 600 yds	20.00%	E4.60 880 yds	27.78%
Waiting Time per 30 seconds - 20 pence Booking Fee **	E10.00	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%
RUNNING MILE									
Existing Fare	Running mile (to nearest 1p)								
T1	E1.80	E2.15 (to nearest 1p)	19.44%	E2.20	22.22%	E2.00	11.11%	E2.00	11.11%
T2	E2.20	E2.62	19.091%	E2.60	18.18%	E2.40	9.09%	E2.40	9.09%
T3	E2.60	E3.10	19.235%	E3.00	15.38%	E2.80	7.69%	E2.80	7.69%
Waiting Time per 30 seconds - 20 pence Booking Fee **	E10.00	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%	25.71 Seconds E12.00	16.66% 20.00%
FIRST COMPLETE MILE									
Existing Fare	First Complete Mile								
T1	E3.60	E4.40	22.22%	E4.20	16.67%	E4.00	11.11%	E3.60	0.00%
T2	E4.60	E5.40	17.39.00%	E5.20	13.04%	E5.20	13.04%	E4.80	4.35%
T3	E5.20	E7.00	2963.00%	E6.80	25.93%	E6.20	14.81%	E6.00	11.11%
Waiting Time per 30 seconds - 20 pence Booking Fee **	E10	25.71 Seconds 12	16.66% 20.00%	25.71 Seconds E12	16.66% 20.00%	25.71 Seconds E12	16.66% 20.00%	25.71 Seconds E12	16.66% 20.00%
EXTRAS CHARGES - Applies the same across all the proposed tariffs									
Each passenger after the first		20 pence							
Each item of luggage		20 pence							
Each dog *		20 pence							
* Not assistance dogs									
Soiling Charge		E50							
** Booking Fee is a maximum charge imposed at the discretion of the operator for each booking made by telephone and which requires the driver to drive to the hirer's designated pick up point. The hirer must be informed of the charge at the time of booking.									

NEW TARIFF PROPOSAL:

<p>Name: <u>TARIFF 1</u></p> <p>Soiling charge: <u>£50.00</u></p> <p>Wait: <u>25.71</u> (secs)</p> <p>Flag fall: <u>£3.00</u> A</p> <p>Initial yardage: <u>704</u> B</p> <p>Unit thereafter: <u>163.721</u> C</p> <p>Price Unit: <u>0.2</u> D</p> <p>Initial Waiting Time (secs) <u>111</u></p>	<p>Name: <u>TARIFF 2</u></p> <p>Soiling charge: <u>£50.00</u></p> <p>Wait: <u>25.71</u> (secs)</p> <p>Flag fall: <u>£3.80</u> A</p> <p>Initial yardage: <u>704</u> B</p> <p>Unit thereafter: <u>134.351</u> C</p> <p>Price Unit: <u>0.2</u> D</p> <p>Initial Waiting Time (secs) <u>135</u></p>	<p>Name: <u>TARIFF 3</u></p> <p>Soiling charge: <u>£50.00</u></p> <p>Wait: <u>25.71</u> (secs)</p> <p>Flag fall: <u>£3.20</u> A</p> <p>Initial yardage: <u>198</u> B</p> <p>Unit thereafter: <u>113.548</u> C</p> <p>Price Unit: <u>0.2</u> D</p> <p>Initial Waiting Time (secs) <u>45</u></p>
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Distance miles	TARIFF 1 - Fare	TARIFF 2 - Fare	TARIFF 3 - Fare
Flag	£3.00	£3.80	£3.20
1	£4.40	£5.40	£6.00
2	£6.60	£8.00	£9.20
3	£8.60	£10.80	£12.20
4	£10.80	£13.40	£15.40
5	£13.00	£16.00	£18.40
6	£15.20	£18.60	£21.60
7	£17.20	£21.20	£24.60
8	£19.40	£23.80	£27.80
9	£21.60	£26.40	£30.80
10	£23.80	£29.00	£34.00
Running mile	<u>£2.15000</u>	<u>£2.62000</u>	<u>£3.1001</u>

EAST DEVON'S CURRENT TARIFF:

<p>Name: <input type="text" value="TARIFF 1"/></p> <p>Soiling charge: <input type="text" value="£50.00"/> Wait: <input type="text" value="30"/> (secs)</p> <p>Flag fall: <input type="text" value="£2.40"/> A</p> <p>Initial yardage: <input type="text" value="586.6666"/> B</p> <p>Unit thereafter: <input type="text" value="195.55555"/> C</p> <p>Price Unit: <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs) <input type="text" value="90"/></p>	<p>Name: <input type="text" value="TARIFF 2"/></p> <p>Soiling charge: <input type="text" value="£50.00"/> Wait: <input type="text" value="30"/> (secs)</p> <p>Flag fall: <input type="text" value="£3.00"/> A</p> <p>Initial yardage: <input type="text" value="586.6666"/> B</p> <p>Unit thereafter: <input type="text" value="160"/> C</p> <p>Price Unit: <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs) <input type="text" value="110"/></p>	<p>Name: <input type="text" value="TARIFF 3"/></p> <p>Soiling charge: <input type="text" value="£50.00"/> Wait: <input type="text" value="30"/> (secs)</p> <p>Flag fall: <input type="text" value="£3.60"/> A</p> <p>Initial yardage: <input type="text" value="586.6666"/> B</p> <p>Unit thereafter: <input type="text" value="135.38461"/> C</p> <p>Price Unit: <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs) <input type="text" value="130"/></p>
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TRADE PROPOSED TARIFF (CREEPER)

Name:	TARIFF 1	Name:	TARIFF 2	Name:	TARIFF 3
Wait:	30 (secs)	Wait:	30 (secs)	Wait:	30 (secs)
Flag fall:	£3.00 A	Flag fall:	£3.80 A	Flag fall:	£5.00 A
Initial yardage:	704 B	Initial yardage:	704 B	Initial yardage:	704 B
Unit thereafter:	163.721 C	Unit thereafter:	134.351 C	Unit thereafter:	113.548 C
Price Unit:	0.2 D	Price Unit:	0.2 D	Price Unit:	0.2 D
Initial Waiting Time (secs)	193	Initial Waiting Time (secs)	236	Initial Waiting Time (secs)	279

Distance miles	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.40	£3.00	25.00%	£3.00	£3.80	26.67%	£3.60	£5.00	38.89%
1	£3.60	£4.40	22.22%	£4.60	£5.40	17.39%	£5.40	£7.00	29.63%
2	£5.40	<u>£6.60</u>	22.22%	£6.80	£8.00	17.65%	£8.00	£10.00	25.00%
3	£7.20	£8.60	19.44%	£9.00	£10.80	20.00%	£10.60	£13.20	24.53%
4	£9.00	£10.80	20.00%	£11.20	£13.40	19.64%	£13.20	£16.20	22.73%
5	£10.80	£13.00	20.37%	£13.40	£16.00	19.40%	£15.80	£19.40	22.78%
6	£12.60	£15.20	20.63%	£15.60	£18.60	19.23%	£18.40	£22.40	21.74%
7	£14.40	£17.20	19.44%	£17.80	£21.20	19.10%	£21.00	£25.60	21.90%
8	£16.20	£19.40	19.75%	£20.00	£23.80	19.00%	£23.60	£28.60	21.19%
9	£18.00	£21.60	20.00%	£22.20	£26.40	18.92%	£26.20	£31.80	21.37%
10	£19.80	£23.80	20.20%	£24.40	£29.00	18.85%	£28.80	£34.80	20.83%
Running mile	£1.80	£2.1500	19.444%	£2.20	£2.6200	19.091%	£2.60	£3.1001	19.235%

PROPOSED- ALTERNATIVE - OPTION 1 (%s similar to Trades Proposal)

OPTION 1

Name: <input type="text" value="TARIFF 1"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£3.00"/> A Initial yardage: <input type="text" value="800"/> B Unit thereafter: <input type="text" value="160"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="225"/>	Name: <input type="text" value="TARIFF 2"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£3.60"/> A Initial yardage: <input type="text" value="800"/> B Unit thereafter: <input type="text" value="135.38461"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="266"/>	Name: <input type="text" value="TARIFF 3"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£5.00"/> A Initial yardage: <input type="text" value="800"/> B Unit thereafter: <input type="text" value="117.33333"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="205"/>
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Distance miles	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.40	£3.00	25.00%	£3.00	£3.60	20.00%	£3.60	£5.00	38.89%
1	£3.60	£4.20	16.67%	£4.60	£5.20	13.04%	£5.40	£6.80	25.93%
2	£5.40	£6.40	18.52%	£6.80	£7.80	14.71%	£8.00	£9.80	22.50%
3	£7.20	£8.60	19.44%	£9.00	£10.40	15.56%	£10.60	£12.80	20.75%
4	£9.00	£10.80	20.00%	£11.20	£13.00	16.07%	£13.20	£15.80	19.70%
5	£10.80	£13.00	20.37%	£13.40	£15.60	16.42%	£15.80	£18.80	18.99%
6	£12.60	£15.20	20.63%	£15.60	£18.20	16.67%	£18.40	£21.80	18.48%
7	£14.40	£17.40	20.83%	£17.80	£20.80	16.85%	£21.00	£24.80	18.10%
8	£16.20	£19.60	20.99%	£20.00	£23.40	17.00%	£23.60	£27.80	17.80%
9	£18.00	£21.80	21.11%	£22.20	£26.00	17.12%	£26.20	£30.80	17.56%
10	£19.80	£24.00	21.21%	£24.40	£28.60	17.21%	£28.80	£33.80	17.36%
Running mile	£1.80	£2.20	22.22%	£2.20	£2.60	18.18%	£2.60	£3.00	15.38%

PROPOSED - ALTERNATIVE - OPTION 2

Option 2

Name:	TARIFF 1	Name:	TARIFF 2	Name:	TARIFF 3
Wait:	30 (secs)	Wait:	30 (secs)	Wait:	30 (secs)
Flag fall:	£2.80 A	Flag fall:	£3.60 A	Flag fall:	£4.20 A
Initial yardage:	800 B	Initial yardage:	700 B	Initial yardage:	600 B
Unit thereafter	176 C	Unit thereafter	146.6666 C	Unit thereafter	125.7143 C
Price Unit:	0.2 D	Price Unit:	0.2 D	Price Unit:	0.2 D
Initial Waiting Time (secs)	136	Initial Waiting Time (secs)	143	Initial Waiting Time (secs)	143

Distance miles	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.40	£2.80	16.67%	£3.00	£3.60	20.00%	£3.60	£4.20	16.67%
1	£3.60	£4.00	11.11%	£4.60	£5.20	13.04%	£5.40	£6.20	14.81%
2	£5.40	£6.00	11.11%	£6.80	£7.60	11.76%	£8.00	£9.00	12.50%
3	£7.20	£8.00	11.11%	£9.00	£10.00	11.11%	£10.60	£11.80	11.32%
4	£9.00	£10.00	11.11%	£11.20	£12.40	10.71%	£13.20	£14.60	10.61%
5	£10.80	£12.00	11.11%	£13.40	£14.80	10.45%	£15.80	£17.40	10.13%
6	£12.60	£14.00	11.11%	£15.60	£17.20	10.26%	£18.40	£20.20	9.78%
7	£14.40	£16.00	11.11%	£17.80	£19.60	10.11%	£21.00	£23.00	9.52%
8	£16.20	£18.00	11.11%	£20.00	£22.00	10.00%	£23.60	£25.80	9.32%
9	£18.00	£20.00	11.11%	£22.20	£24.40	9.91%	£26.20	£28.60	9.16%
10	£19.80	£22.00	11.11%	£24.40	£26.80	9.84%	£28.80	£31.40	9.03%
Running mile	£1.80	£2.00	11.11%	£2.20	£2.40	9.09%	£2.60	£2.80	7.69%

PROPOSED - ALTERNATIVE - OPTION 3

OPTION 3

Name: <input type="text" value="TARIFF 1"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£2.60"/> A Initial yardage: <input type="text" value="880"/> B Unit thereafter: <input type="text" value="176"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="150"/>	Name: <input type="text" value="TARIFF 2"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£3.60"/> A Initial yardage: <input type="text" value="880"/> B Unit thereafter: <input type="text" value="146,6666"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="180"/>	Name: <input type="text" value="TARIFF 3"/> Wait: <input type="text" value="30"/> (secs) Flag fall: <input type="text" value="£4.60"/> A Initial yardage: <input type="text" value="880"/> B Unit thereafter: <input type="text" value="125,7143"/> C Price Unit: <input type="text" value="0.2"/> D Initial Waiting Time (secs) <input type="text" value="210"/>
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Distance miles	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.40	£2.60	8.33%	£3.00	£3.60	20.00%	£3.60	£4.60	27.78%
1	£3.60	£3.60	0.00%	£4.60	£4.80	4.35%	£5.40	£6.00	11.11%
2	£5.40	<u>£5.60</u>	3.70%	£6.80	£7.20	5.88%	£8.00	£8.80	10.00%
3	£7.20	£7.60	5.56%	£9.00	£9.60	6.67%	£10.60	£11.60	9.43%
4	£9.00	£9.60	6.67%	£11.20	£12.00	7.14%	£13.20	£14.40	9.09%
5	£10.80	£11.60	7.41%	£13.40	£14.40	7.46%	£15.80	£17.20	8.86%
6	£12.60	£13.60	7.94%	£15.60	£16.80	7.69%	£18.40	£22.00	8.70%
7	£14.40	£15.60	8.33%	£17.80	£19.20	7.87%	£21.00	£22.90	8.57%
8	£16.20	£17.60	8.64%	£20.00	£21.60	8.00%	£23.60	£25.60	8.47%
9	£18.00	£19.60	8.80%	£22.20	£24.00	8.11%	£26.20	£28.40	8.40%
10	£19.80	£21.60	9.09%	£24.40	£26.40	8.20%	£28.80	£31.20	8.33%
Running mile	£1.80	£2.00	11.11%	£2.20	£2.40	9.09%	£2.60	£2.80	7.69%