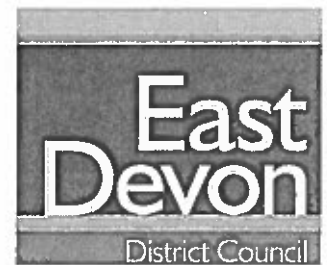


Date 21 February 2012
Contact number: 01395 517544
E-mail: clane@eastdevon.gov.uk
Our Ref: Chris Lane



To:
Members of the Licensing & Enforcement Committee
(Councillors David Atkins, Roger Boote, Peter Burrows, Bob Buxton,
Madeleine Chapman, Steve Gazzard, Pat Graham, Steve Hall,
John Jeffery, Jim Knight, Ken Potter, Philip Skinner, Pauline Stott,
Tom Wright, Mark Williamson)

Corporate Legal & Democratic Services Manager
Assistant Solicitor
Licensing Manager
Licensing Officer

East Devon District
Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
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**Meeting of the Licensing & Enforcement Committee
Tuesday 28 February 2012 at 9.30am in the Committee Room, 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.

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

A G E N D A

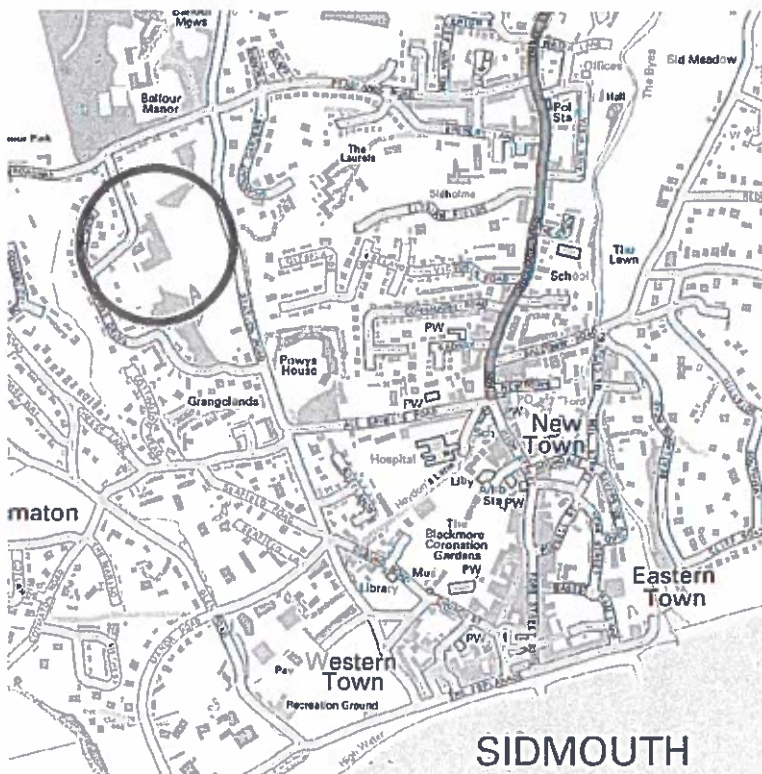
- | | Page/s |
|---|--------|
| 1 To confirm the minutes of the meeting held on 22 November 2011. | 3 - 6 |
| 2 To receive any apologies for absence. | |
| 3 To receive any declarations of interests relating to items on the agenda. | |
| 4 To consider any items which, in the opinion of the Chairman, 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. | 7 - 22 |

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 Poppleford – 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, 22 November 2011

Present:

Councillors:

Steve Hall (Chairman)
 Jim Knight (Vice Chairman)

David Atkins
 Bob Buxton
 Madeleine Chapman
 Steve Gazzard

Pat Graham
 Pauline Stott
 Tom Wright

Officers:

John Tippin, Licensing Manager
 Chris Lane, Democratic Services
 Officer
 Neil McDonald – Licensing
 Officer

Apologies:

Councillors:
 Peter Burrows
 John Jeffery
 Ken Potter
 Philip Skinner
 Mark Williamson

The meeting started at 9.35 am and ended at 11.25 am.

***7 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 30 August 2011, were confirmed and signed as a true record.

***8 Declarations of interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Jim Knight	*9 – Matters Arising	Personal	Members of Devon County Council.

***9 Matters Arising**

Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (Min No *6 of 30 August 2011 refers)

Members discussed the issue of adopting a more coordinated approach to licensing in The Strand, Exmouth and noted that the Chairman and Licensing Manager had approached Richard Cohen, Deputy Chief Executive to discuss this issue and of pavement licences. Following issues raised at the meeting regarding tables and chairs placed on the pavement by cafe businesses in towns such as Exmouth, Honiton and Budleigh Salterton; the Licensing Manager reported that Devon County

*9 **Matters Arising (Cont)**

Council were the responsible authority for pavement licences in this area and other parts of East Devon as Highway Authority.

RESOLVED that the Licensing Manager arrange a meeting between EDDC, DCC, Police and Exmouth Town Council to initially discuss the issue of pavement licences in Exmouth, with the possibility of considering other areas at a later date.

*10 **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 visits to premises under the risk rating system continued and it was anticipated that officers would have more time available during January/February to complete the remaining visits.

Members were advised that the Police Licensing Section had now been relocated at the Police Headquarters at Middlemoor, Exeter and would probably take effect from the end of October this year. There was one licensing officer to cover the East and Mid Devon areas for the police.

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire Drivers and Vehicles as used with the Licensing Act. Members noted that October was a busy month for taxi licensing in the council as all Hackney Carriages issued by EDDC expired on 31 October. There had been a reduction in the number of licences issued as not all drivers had renewed. The Exmouth Taxi Association had put forward some suggestions for improving the rank situation in Exmouth. These would be discussed at a special meeting of the Taxi Proprietors arranged for Thursday 15 February 2012.

John Tippin, Licensing Manager reported that further training had been provided, on 21 November in the Council Chamber. This had involved Devon wide training for members of Licensing Committees, with Philip Kolvin QC. 70 delegates had been booked to attend. This had proved to be a very interesting and informative training session.

In response to a question the Licensing Manager agreed to investigate whether tanning studios were licensed in East Devon.

RESOLVED that the report be noted;

***11 An Explanation of the Implications for Licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011**

Consideration was given to the report of the Licensing Manager, which provided Members with an explanation of the implications for licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011.

Members noted that many of the implications for licensing in the District following Parliament's approval of the Police Reform and Social Responsibility Act 2011 had been discussed at the previous day's comprehensive and informative training session provided by Philip Kolvin QC. The Act had finished its passage through Parliament but the Government had not yet decided when it would go on the statute books.

Members expressed some concerns about some of the proposed regulations in the Act, including the proposed effect of the Late Night Levy on rural public houses and the deregulation of licensing for events of up to 5,000 people that did not have an alcohol licence. The possible effect on the staffing levels on the Licensing Service was also noted.

The Licensing Manager reported that not all of the recommendations proposed may be introduced and suggested that any further meetings to discuss the changes be delayed until the final proposals were known. The District Council's Licensing Policy was due to be reviewed by January 2014.

Concern was expressed regarding the issue of cleaning up after takeaway premises, particularly in Exmouth Town Centre. It was noted that these premises were only licensed if they opened after 11.00pm.

RESOLVED

1. that the report be noted;
2. that the reservations expressed regarding the contents of the Police Reform and Social Responsibility Act 2011 be noted and a special meeting of the Committee be held when more details of the proposals were known.

***12 A Consultation on proposals relating to the deregulation of Schedule One of the Licensing Act 2003**

Consideration was given to the report of the Licensing Manager, which provided Members with an explanation of the Department for Culture, Media and Sport's consultation on their proposals to deregulate Schedule 1 of the Licensing Act 2003. The Licensing Manager explained that the draft response to the DCMS consultation on their proposals to deregulate Schedule 1 of the Licensing Act 2003 was sent out late because the response to the DCMS has taken time and thought to prepare.

***12 A Consultation on proposals relating to the deregulation of
Schedule One of the Licensing Act 2003 continued...**

RESOLVED

1. that the report be noted;
2. that due to the late receipt of proposed responses, members of the Committee be requested to send any responses to the Licensing Manager and Chairman by no later than Friday 25 November;
3. that due to all the changes in the Licensing Act proposed in the next few years in the consultation on the Deregulation of the Schedule One of the Licensing Act 2003, the Licensing Manager advise the Overview & Scrutiny Committee that members would wish to see as few changes as possible to the membership of the Licensing & Enforcement Committee in the next two years.

Chairman Date

Agenda Item 6

Licensing & Enforcement Committee

28 February 2012

JT/NM/DJ/JL/ES

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 the Committee are set out in **Appendix A**.

1.2 Premises Risk Ratings

- 1.2.1 Officers have completed over 70% of the visits to premises listed as high risk under our risk rating system. There are 36 premises yet to be visited and it is anticipated that these will be completed by the end of the current year period being the end of March.
- 1.2.2 As well as visits to high risk premises officers also recorded checks on other licensed premises during the year and to date 136 such visits have been completed.

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.
- 1.3.2 The Police Licensing Section has now been re-located to offices at the Police Headquarters at Middlemoor, Exeter. Council officers have visited the new licensing 'hub' at Exeter which seems to be working well. The police licensing officer, Barry Sleight is now covering both East and Mid Devon areas for the police but to date no difficulties have been found with the reduced cover. The police have had two liaison meetings with the Licensing Authorities in Devon and Cornwall to ensure the smooth running of the licensing hubs (Exeter and Launceston) and they propose to hold similar meetings in the future (twice a year).
- 1.3.3 Earlier this month the police called for a pre-review meeting for a licensed premise within the East Devon area that had been selling alcohol from an unlicensed area. As a result of the meeting the licence holders have agreed to change the designated premises supervisor and to vary the premises licence to include the area they had been selling alcohol from illegally.
- 1.3.4 Very recently it has come to the Council's Licensing Service's attention that there appears to be a drinks price war in effect between a large number of the public houses within the central part of Exmouth. Thirteen public houses in the area have been visited in a combined operation with the Police Licensing Officer and those responsible for the operation of these premises have been reminded of their responsibility to ensure that those that consume alcohol in their premises do so in a responsible manner. At the time of preparing this report the Licensing Manager is in the process of writing to all those premises that have been visited and others in the Exmouth area to remind the persons responsible for the premises of their responsibilities under the Licensing Act 2003. Attention will also be drawn to the mandatory condition on their Premises licences that prohibit irresponsible promotions. The Council's Licensing Team and the Police will be monitoring the situation closely.

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**.

1.6 Changes to the Licensing Act 2003

1.6.1 The Live Music Bill passed its final stage in the House of Lords on Friday 27 January 2012, where certain minor amendments were approved. The bill has now been passed for royal assent. The Act however will not come into force until secondary legislation brings it into effect. The changes will mean that a licence will no longer be required for unamplified live music taking place between 0800 and 2300 hrs, and for amplified live music taking place between the same times before audiences of no more than 200.

1.6.2 The Live Music Bill should not be mistaken by members as connected to the recent consultation by the Department for Media and Sport for the proposed reforming of regulated entertainment by de-regulation of Schedule 1 of the Licensing Act 2003. East Devon District Council responded to this consultation and the response was accompanied by a letter from the Chair of the Licensing and Enforcement Committee. The consultation has been completed but to date we do not have any results from the DCMS.

1.6.3 We however have had feedback from a recent LGA Conference where we are told there was a unanimous view that the proposed limit of 5,000 persons is far too high a threshold for de-regulation. The delegates also felt that any further changes to the de-regulation of entertainment should wait until the impact of the Live Music Bill is known. Feedback from DCMS is that the vast majority of those who responded to the consultation were opposed to the proposed changes. It is hoped that the DCMS takes this into account.

1.6.4 Police Reform & Social Responsibility Act

Members will recall that at your last full meeting the Licensing Manager reported that the above named Act had received Royal Assent on the 15 September. However the Act will not become an effective piece of legislation until an implementation date or dates have been announced by the Secretary of State. A Home Office spokes person has now said that it is proposed that the first set of regulations will come into effect on 6 April with regulations for Early Morning Restriction Orders, Late Night Levy and locally set fees introduced in October 2012 to come into effect in 2013. These dates have still to be confirmed. It is now only 6 weeks to the April date so the government are already cutting it very fine. All Councils will have to review their policies, procedures and guidance. There is very real concern that Councils will have great difficulty meeting the government's timetable as we are unable to move this situation forward until the government releases the relevant regulations and new guidance.

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 Enforcement

2.2.1 A programme of visits to licensed premises and other premises where gaming is permitted continues. I am pleased to report that no Gambling Act offences have been detected, a result which is pleasing and confirms that regular inspections are a valuable tool to ensure compliance.

2.4 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**.

2.6 Gambling Act Policy Consultation

2.6.1 The legislation requires the Council to review its Licensing Policy under the Gambling Act 2005 at least every three years. The policy was last reviewed in 2009 and the current three year policy will expire on the 30 January 2013. This means that the policy will need to be reviewed later this year. To comply with the recommended consultation period it is intended that the Council's consultation on the policy will be commenced in July. Further information on this will be provided at the Committee's June meeting.

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**.

3.1.2 The period after Christmas and the New Year is usually a quiet period for taxi and Private Hire licensing as the main hackney carriage trade has renewed all its licences. These are all renewed in the November with the Private Hire trade waiting to be re licensed from the 1 June 2012. The main bulk of the taxi work at this time of year is dealing with new applications for driver or vehicle licences and we take the opportunity to carryout work to ensure compliance with the licensing regime. The next very busy taxis licensing period will be April/May when the Private Hire licences come up for renewal.

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 There have been no combined operations involving the police and the Vehicle Inspectorate in relation to taxi and private hire enforcement although as explained in paragraph 3.1.2 Council Licensing officers have been carrying out enforcement inspections throughout the District.

3.3 Hearings

3.3.1 Since the last update report to Committee there has been one Sub Committee hearing in relation to hackney carriage and Private Hire issues. The applicant had previously had their hackney carriage driving licence revoked however after a period of time they had applied to have their licence reinstated. On this occasion having heard the application the Sub Committee agreed that the applicant was a fit and proper person and granted them a new licence.

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 – As the Committee has been aware the Taxi Association and some taxi drivers from the Exmouth area have been unhappy with the Strand rank. This has resulted in two meetings between the taxi trade, East Devon District Council Licensing staff, the Chairman and Vice Chairman of the Licensing Committee and Devon County Council. The second of these two meetings was productive and the Devon County Council local Neighbourhood Highway Manager has taken away the taxi trade's concerns to consider. Devon County Council have agreed to get back to the trade within the next few weeks and at which time it is hoped that they will be able to offer to accommodate all or at least some of the trade's concerns.

3.5.2 The rank outside Capels fish and chip shop continues to be monitored by the civil enforcement officers to prevent illegal parking. Unfortunately a lot of the parking abuse occurs in the evenings and over night when the civil enforcement officers are not working.

4. General Licensing including Animal Licensing and Skin Piercing

4.1 Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics

4.1.1 The statistics relating to animal, skin piercing and scrap metal dealer licensing since the last update report to Committee are set out in **Appendix D**. These statistics include, where relevant, the numbers of licences issued, the number of hearings held and the number of applications received.

4.2. Street Trading

4.2.1. 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.

4.2.2 Application numbers for street trading permits at this time of year is traditionally low. However at the time of preparing this report the application forms for permits for street trading on the Sidmouth Esplanade during Folk Week have just been released and demand for these is expected to be high.

5. Consultations and Partnership Working

5.1 Meeting between Members, Taxi Proprietors and Officers

- 5.1.1 A useful liaison meeting with the taxi trade was chaired by Councillor Hall on the Wednesday 15 February 2012. This was one of the twice yearly meetings held between members, taxi proprietors and officers. A copy of the minutes of the meeting will be circulated before the meeting on the 28 February (**Appendix F**).
- 5.1.2 The next liaison meeting has been arranged for Wednesday 31 October 2012 (during the Autumn half term) commencing at 1400 hour in the Council Chamber, Knowle, Sidmouth. The Committee's Chairman and Vice Chairman normally attend these meetings.

6. Member Training

- 6.1 The Philip Kolvin training arranged for members by the District Council's Licensing Team and provided during November 2011 appears from feedback to have been considered successful with a total of 103 delegates from 13 councils and the police attending the two venues (47 at Plymouth and 56 at Sidmouth).
- 6.2 A refresher programme for members in two parts (1) - Code of Conduct and Governance Issues, (2) - Licensing over-view and role of Ward Members has been arranged for Tuesday 20 March 2012. The sessions will commence in the Council Chamber at 1800 hrs and are due to end around 2030 hrs. The programme will be provided by a combination of Rachel Pocock, John Tippin, Giles Salter and Neil McDonald.

Legal Implications

There are no legal implications requiring comment within the report.

Financial Implications

There are no financial implications in this report.

Appendices

- Appendix A - Licensing Act 2003 Licensing Statistics
- Appendix B - Gambling Act 2005 Licensing Statistics
- Appendix C - Taxis Licensing Statistics
- Appendix D - Animal, Skin Piercing and Scrap Metal Dealers Licensing Statistics
- Appendix E - Charitable Collections and Street Trading Licensing Statistics
- Appendix F - Minutes of meeting between Members, Taxi Proprietors and Officers

Licensing Act 2003Licences Issued and Notices Given

	Jan-12	Oct-11	Changes
Premises Licences	588	584	4
Club Premises Certificates	59	59	0
Personal Licences	1,615	1,583	32
Temporary Event Notices including sale or supply of alcohol	4,019	3,894	125
Temporary Event Notices Entertainment and/or Late Night Refreshment only	381	366	15

Hearings

	Nov-11	Dec-11	Jan-12
Hearings where no agreed position has been reached	1	0	2
Hearings held to approve an agreed position	3	0	4

Applications Received and Notices Given

	Nov-11	Dec-11	Jan-12
Grant of a Premises Licence	4	1	4
Variation of a Premises Licence	2	0	0
Transfer of a Premises Licence	4	2	4
Change of Designated Premises Supervisor	8	5	6
Minor Variations	1	0	0
Grant of a Personal Licences	15	9	9
Personal Licence Change of name or address	3	1	5
Temporary Event Notices given	57	27	63

Gambling Act 2005Licences Issued and Notices Given

	Jan-12	Oct-11	Changes
Premises Licences	13	13	0
Small Society Lotteries	176	180	-4

Hearings

	Nov-11	Dec-11	Jan-12
Hearings held	0	0	0

Applications Received and Notices Given

	Nov-11	Dec-11	Jan-12
Applications for a Permit	0	1	0
Application for a Licence	0	0	0
Notification of Intent to have Gaming Machines	1	2	1
Occasional Use Notices (Point to Point Betting)	0	0	2
Small Society Lotteries	5	3	15

TaxisLicences Issued

	Jan-12	Oct-11	Changes
Hackney Carriages	158	134	24
Private Hire Vehicles	18	20	-2
Hackney Carriage Drivers	212	192	20
Private Hire Drivers	40	39	1
Private Hire Operators	12	19	-7

Hearings

	Nov-11	Dec-11	Jan-12
Hearings	0	0	1

Applications Received

	Nov-11	Dec-11	Jan-12
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	19	4	8
Hackney Carriage Drivers Licence (including renewals)	14	3	6
Private Hire Vehicle Licence	1	0	1
Private Hire Vehicle Drivers Licence	1	0	2
Private Hire Operators Licence	0	0	1

EH LicensingTotal Number of Licences

	Jan-12	Oct-11	Changes
Animal Home Boarding	18	19	-1
Kennels/Catteries	20	20	0
Pet Shops	12	14	-2
Dangerous Wild Animals	2	2	0
Zoo	3	3	0
Ear-Piercing	14	14	0
Electrolysis	14	14	0
Riding Establishments	9	9	0
Tattooing	10	9	1
Motor Salvage Operators	5	5	0
Scrap Metal Dealers	6	6	0
<u>TOTAL</u>	113	115	-2

Hearings

	Nov-11	Dec-11	Jan-12
Hearings	0	0	0

Applications Received

	Nov-11	Dec-11	Jan-12
	3	11	5

General LicensingPermits Issued

Between	Jan-12	Oct-11	Changes
Street Collections	111	210	-99
Street Collection cancellations	3	21	-18
House to House	0	12	-12
Street Trading	0	113	-113
Street Trading (Charitable)	0	6	-6

Hearings

	Nov-11	Dec-11	Jan-12
Hearings	0	0	0

East Devon District Council

**Report of a meeting between Members, Taxi Proprietors and
Officers held at Knowle Sidmouth on Wednesday 15 February 2012**

Present: Councillors
Steve Hall (Chairman)

Taxi Proprietors

Alan Hill (AJs Taxis)
Brian Bailey (AJs Taxis)
Rupert Crofts (Ocean Cabs Sidmouth)
George Shorters (AJ Taxis)
Charlie Stone
Steve Dean (Deans Taxis)
Steve Glover
John Matthews (Peak Taxis)

EDDC Officers

John Tippin - Licensing Manager
John Loveridge - Licensing Officer
Richard Housden – Civil Enforcement Office (Parking
Services)

The meeting started at 1405 and ended at 1600

1. Apologies

Apologies were received from Councillor Jim Knight, John Huffer (East Devon Taxi Association), Meg Booth (DCC Highways), Douglas Jackson (Licensing Officer), David Lean (Exmouth Taxi Drivers' Association), Caroline Payne (Payne's Premier Travel) and Alison Walker (Peak Taxis)

2. Matters Arising

Rupert Crofts reported that on the list of those present at the meeting on 26 October 2011 that he represents Ocean Cabs Sidmouth (not Exmouth as indicated).

3. Parking on ranks in East Devon by taxi drivers and the public

Richard Housden outlined the regulations regarding vehicles parked in taxi ranks. He stated that licensed hackney vehicles left unattended on a taxi rank will be treated in the same manner as private vehicles. He went on to say that there may be circumstances when an unattended taxi left on a rank will be treated as if the driver has remained with it, for instance if the driver needs to accompany a disabled, handicapped or any other person who would require assistance to enter or leave a nearby building, or any other circumstances which may necessitate a driver leaving a taxi unattended for two or three minutes. Richard Housden suggested that in these circumstances if the driver was going to be out of sight of his vehicle he should leave a brief note on the dashboard to explain his absence.

He added that such special circumstances would not include where a taxi driver has left the rank to have a tea or coffee break or go to the bank or go shopping. If a driver must leave a taxi unattended in order to carry out other business it should be parked in a limited waiting area on a road or anywhere else where parking is permitted.

Richard Housden went on to say that 296 PCNs were issued in East Devon in 2011 on vehicles that were illegally parked in taxi ranks in East Devon of which approximately 63 PCNs had been issued on vehicles parked in the rank outside Capels in Imperial Road Exmouth.

Some drivers expressed concerns about out-of-hours and weekend coverage by civil enforcement officers when there is a perceived increase in offences of private vehicles parked in taxi ranks. Richard Housden responded that there is a limited amount of time that CEOs can be on duty but on Sundays their enforcement patrols focus on coastal towns. Richard Housden asked drivers to report serious complaints of abuse of the taxi ranks to East Devon Parking Services for investigation, a view that was supported by John Tippin.

The talk given by Richard Housden was well received by the taxi drivers who found his frank and reasonable explanations of actions by CEOs to be most interesting. Comments such as "Impressed with numbers" (296 tickets) and "Keep up the good work" were made.

4. Exmouth Ranks

John Loveridge read out the first paragraph of an email sent by Meg Booth of DCC Highways Department to investigate the lowering of kerbs at the taxi rank opposite the Strand in Exmouth. This was generally well accepted. There was then a short discussion about the possibility of re-routing the bus route or repositioning the bus stop adjacent to this rank. One driver raised the

point of an ambulance that was parked on one occasion that had blocked the exit from the rank. The drivers understood that police officers in uniform have the powers to direct traffic to pass along roads where in other circumstances they would be prohibited, but they added that police vehicles are often abandoned in such a manner to make highway obstructions even worse.

Action

John Tippin indicated that it may be possible for a specific location to be identified for sole use by emergency service vehicles. He will investigate.

5. Fares and Fees

John Tippin reported that the Council has not yet set the new taxi licensing fees for 2012 but it is reasonable to expect that a small increase is likely. Although Council tax is not likely to increase taxi licence fees may have to be increase to cover the cost of the taxi licensing regime. Currently auditors are looking at all fees charged by the Council including all licensing fees.

Steve Glover asked about increasing taxi fares. A short discussion followed about how any increase in fares is best decided and the Licensing Manager outlined the Council's approval process and gave the approximate time-scale needed. Various views of a suitable increase were aired including, a straightforward increase of 20p in the flag drop rate, aligning waiting times with the three tariffs and consultation with Brian Rowlands of the Private Hire Monthly to discuss a range of options. John Tippin suggested that a meeting between the proprietors and the licensing team should be held before too long (perhaps in April or May) to specifically discuss this issue, similar meetings have been held in the past.

Councillor Hall confirmed that any increase in taxi fares needs approval by the Licensing & Enforcement Committee which sits every three months. He also stated that the best approach for an increase is for the taxi trade to seek a review regularly and perhaps seek a relatively low increase every 1-2 years and avoid having a big rise (e.g. 10% or more every 3 years).

Action

John Tippin will make some enquiries and arrange a meeting to discuss further.

6. Recent Legislation updates/CRB checks

John Loveridge reported that CRB checks will continue to be at the standard or basic level at £49. However the government has indicated that legislation will be passed that will require CRB checks on taxi drivers to be at the enhanced level for which the current fee is set at £59. The impact on the process for CRB checks is that the current return time for results of about 2 weeks may increase to about 4-5 weeks judging from previous experience. The date from which the enhanced checks will start has yet to be determined by the government.

John Loveridge went on to say that there had been plans to introduce the Vetting and Barring Scheme (VBS) about two years ago which would have provided updated information to registered bodies about a relevant person's criminal record. The scheme was cancelled by the new government after the election in 2010, but it is likely to be put in place sometime in the future. The VBS would also enable the transfer of information of a person's criminal record between registered bodies thus preventing the need to obtain multiple CRB checks where a person works or is involved in several activities where each would require a CRB check. Such a scheme may provide some financial advantage but each application would be expensive and certainly cost a great deal more than the current fee of £59 for an enhanced CRB check.

John Tippin added that the VBS would not have applied to taxi licensing.

Mr Tippin informed the meeting that the Law Commission is still looking at taxi legislation with a view to reform and update where necessary. Initial consultation has indicated that there is strong resistance from the taxi and private hire trade for a single licensing system. There has been considerable research and even more debate into changes of taxi and private hire licensing over the past 14 years but there is still no change.

7. Wheelchair Accessible Vehicles (WAVs)

John Loveridge pointed out there was a shortage of licensed WAVs in the EDDC area and that if proprietors were considering the purchase of a WAV more than four years old which is in excellent condition the licensing office would encourage a hackney or private hire vehicle licence application although the final approval to issue the licence would have to be made by a Licensing and Enforcement Sub-Committee.

Alan Hill pointed out the difficulties in that the 2-3 week period to process an application and present it to the committee would hinder the commercial viability to purchase a WAV. There are further difficulties such as the operating costs of WAVs. John Matthews stated that he successfully operates two WAVs in East Devon. John Loveridge reminded all present that the Disability Discrimination Act requires that a handicapped person must not be treated less favourably because of their handicap.

8. Video Surveillance in Licensed Vehicles and Safety in General

John Loveridge spoke briefly about CCTV surveillance units being fitted in taxis, and that certain guidelines must be adhered to if such units are fitted. More information can be made available on request.

Steve Glover spoke about the unit fitted in his taxi following police advice resulting from an incident involving his car. It is a small unit with recordings made on memory "stick". Following further advice from Doug Jackson he has a sign in the car clearly on view to all passengers. He feels that CCTV is a strong deterrent. He will pass on some details of it to the licensing office should any other taxi drivers want some general information about it.

9. Insurance Issues, possible fleet policy changes

John Loveridge reported that some taxi operators who have fleet cover for their taxi insurance have experienced problems with suitable cover. Some insurance policies require all drivers to have held a hackney driver's licence for a minimum of two years. This has implications for any taxi proprietor who wants a newly licensed driver to drive a vehicle insured on a fleet policy. Operators and proprietors are advised to check their insurance policies and where necessary seek to change them.

10. Any Other Business

John Williams expressed some concerns about private unlicensed vehicles operating on Friday and Saturday evenings in Sidmouth. He asked about how to report such incidents. This concern was backed up by Rupert Crofts. John Loveridge and John Tippin said such incidents should be reported to licensing officers or the police. They should provide as much information as possible such as vehicle registration number and specific times to help identify the vehicle, driver and any specific pattern of behaviour. Such matters will be investigated.

Steve Glover expressed concerns about some taxis in Exmouth overcharging. This view was backed up by Alan Hill. John Loveridge asked them to provide as much information as possible; all matters would be investigated in confidence.

11. Date of Next Meeting

The date of the next meeting will be Wednesday 31 October 2012 commencing at 2.00pm in the Council Chamber, Knowle, Sidmouth.

