

Date: 18 June 2013  
Contact number: 01395 517544  
E-mail: [clane@eastdevon.gov.uk](mailto: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, Christine Drew, Steve Gazzard, Pat Graham, Steve Hall, John Jeffery, Jim Knight, Frances Newth, Ken Potter, Pauline Stott, Tom Wright.)

East Devon District  
Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL  
DX 48705 Sidmouth  
Tel: 01395 516551  
Fax: 01395 517507

Corporate Legal & Democratic Services Manager  
Solicitor  
Licensing Manager  
Licensing Officer

**Meeting of the Licensing & Enforcement Committee  
Tuesday 25 June 2013 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.

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 26 February 2013.	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 - 21
7 Beer Taxi rank	22 - 27

## Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

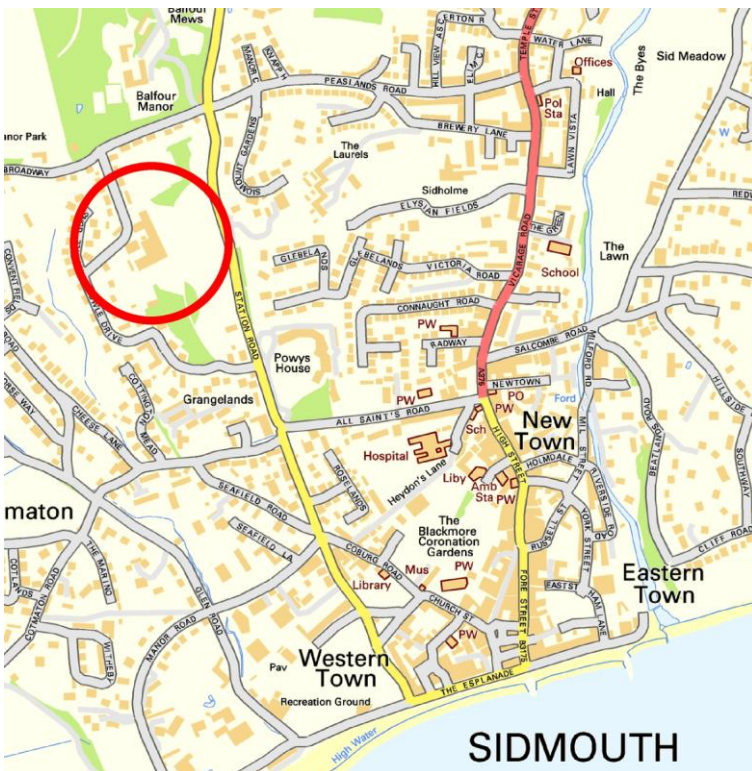
Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues

## Members and co-opted members remember!

- ❑ You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- ❑ You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.  
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- ❑ If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

## 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.

© Crown Copyright. All Rights Reserved. 100023746.2010

### 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, 26**  
**February 2013**

**Present:** Councillors:

Steve Hall (Chairman)	Christine Drew
Jim Knight (Vice Chairman)	Steve Gazzard
	Ken Potter
Roger Boote	Pauline Stott
Peter Burrows	Tom Wright
Bob Buxton	
Madeleine Chapman	

**Officers:** John Tippin, Licensing Manager  
Neil McDonald, Licensing Officer  
Chris Lane, Democratic Services Officer

**Apologies:** Councillors:  
David Atkins  
Pat Graham  
John Jeffery  
Mark Williamson

The meeting started at 9.30 am and ended at 11.10 am.

**\*15 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 20 November 2012, were confirmed and signed as a true record, subject to the addition of Councillor Roger Boote to the list of apologies.

**\*16 Declarations of interest**

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*17	Disclosable Pecuniary	Private Hire Licence Holder.
Councillor Pauline Stott	*17	Pecuniary	Supplied balloons to a premises named in the report.
Councillor Peter Burrows	*18	Personal	Member of Seaton Carnival Committee.

**\*17 Committee update – Licensing Act 2003, Gambling Act 2005 and  
General Licensing**

The Licensing Manager presented his report and highlighted activities undertaken by the Licensing Service. Details of the work undertaken were included as appendices to the report.

Members raised and discussed a number of issues from the report:

\*17 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (cont) – issues raised**

**1. Licensing Act 2003**

Members noted that on Monday 5 November two officers attended the Ottery St Mary Tar Barrels event where visits were carried out on licensed premises as well as visits to thirty other venues licenced by way of Temporary Event Notices (TENS). Officers noted improved liaison with organisers and also that all stalls present were able to produce a TENS on demand.

On Tuesday 4 December 2012 two officers attended a music concert featuring Florence and the Machine at the Westpoint Arena. The event was well run and supervised and only one minor matter was taken up with organisers concerning the non availability of free drinking water at the bars (a mandatory condition). This problem was sorted out on the night when the issue was raised by the officers and free drinking water was then made available.

Two night clubs in the District had reopened as planned. One in Exmouth called Pulse 8 (formerly Fahrenheit) and the other in Honiton called the Boutique Nightclub and live venue (formerly the Pit Club). Both clubs had been closed for some time and had reopened using the existing premises licences that had been kept 'live' by the owners of the premises. Members noted that there were currently only two premises in the District whose licences were currently suspended.

Officers, by invitation, continued to attend licensees meetings across the district in order to provide support, give advice on current issues and answer any questions the licensees may have. These meetings were a very good forum for meeting the local licensees and for the exchange of information and ideas. Officer attendance was very much appreciated by all the licensees' associations.

**2. Gambling Act 2005**

Members noted that a programme of visits to licensed premises and other premises where gaming was permitted continued. It was reported that no Gambling Act offences had been detected, a result that confirmed that regular inspections were a valuable tool to ensure compliance.

The draft Gambling Act Policy had been out to consultation and agreed by the Committee at its meeting on 20 November 2012. It had subsequently been approved by the Council at its meeting on 5 December 2012. The new policy had now been published and would expire in January 2016.

**3. Taxis**

The Licensing Team had continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles in the District. Close liaison was maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained.

Members noted that the improvement work to the Strand Taxi Rank, Exmouth to lower the kerb stones had still not been carried out by Devon County Council, due to the bad weather. The new Hackney Carriage Fare Tariff agreed at the meeting on 20 November 2012 had been implemented as from 5 December 2012.

\*17 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised**

Councillor Bob Buxton raised an issue at the Honiton Taxi Rank of taxis undertaking u- turns in Honiton High Street and then waiting for other taxis to leave the rank, thereby blocking traffic on this busy thoroughfare.

**4. General Licensing including Animal Licensing and skin piercing**

The Licensing Manager reported that under legislation the District Council was required to register all scrap metal dealers operating within the District. The registration was renewable every three years. Following nationally expressed concerns over the amount of thefts involving stolen metal, during 2012 Parliament passed an emergency power to stop scrap metal dealers paying cash for metal sold to them. Even with the changes brought in last year, there was a general feeling that the new legislation was not sufficient.

As a result new legislation was proposed in the form of the Scrap Metal Dealers Bill 2012-13. The new legislation required that all scrap dealers would have to apply for a mandatory licence from their local authority rather than the weaker current registration scheme. It will also provide Councils with the power to suspend or revoke the licence if any illegal activity is suspected. It would also allow Councils to charge a fee for Scrap Metal Dealer licences.

**5. Consultations and Partnership Working**

The Licensing Manager advised that the next meeting between Members, Taxi Proprietors and Officers had been held on Wednesday, 3 April 2013 (2pm start) in the Council Chamber at Knowle.

**6. Customer Services Excellence (Chartermark)**

Members noted that the Licensing Team had been re-awarded the Customer Service Excellence award following a recertification assessment in December. The team first received this award in November 2009 and although inspected annually the standard required a recertification every three years. The Committee expressed their congratulations to the Licensing Team for achieving Chartermark recertification.

**7. John Loveridge - Retirement**

The Committee wished to thank John Loveridge, Licensing Officer, for his hard work on behalf of the Licensing Service and wished him and his wife a long and happy retirement.

- RESOLVED**
1. that the report be noted;
  2. that the Licensing Manager send by email to all members of the Committee, a regular update of those premises in the District whose Premise Licences were currently suspended;
  3. that the Licensing Manager circulate a list to all members of the Committee of all Scrap Metal Dealers and Motor Salvage Operators in the District.

\*17 **Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing (continued) – issues raised**

- 4. that the issue at the Honiton Taxi Rank of taxis doing u-turns in Honiton High Street and then waiting for other taxis to leave the rank, thereby blocking traffic on this busy thoroughfare be investigated.

\*18 **Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982**

Members considered the report of the Licensing Manager which set out the background to the request for authority for public consultation to be undertaken on changing the current Street Trading arrangements within East Devon so as to provide more flexibility whilst allowing the Council to retain its control on the issue of Street Trading consents. The Licensing Manager confirmed that any new applications for permission to trade on newly created Consent Streets in the District would be considered at a Licensing & Enforcement Sub Committee meeting.

**RESOLVED**

that the Committee authorise public consultation on a proposal to:

- a) Rescind the Council’s passed resolutions to designate streets a ‘Prohibited Streets’ and
- b) To replace all previous resolutions designating ‘Consent Streets’ with a new resolution to designate all ‘streets’ in East Devon as ‘Consent Streets’ as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Meaning all roads, footways, services areas (as defined by section 329 of the Highways Act 1980), beaches or other areas to which the public have access without payment in East Devon would be designated as ‘Consent Streets’ by permission of East Devon District Council for the purposes of Street Trading.

The consultation to include publication of a newspaper notice (to conform to Section 2 Local Government (Miscellaneous Provisions) Act 1982) of the proposal to pass a resolution changing the current Street Trading scheme within the District.

Chairman ..... Date .....

## Agenda Item 6

**Licensing & Enforcement Committee**

**25 June 2013**

**JT/NM/DJ/ES/AL**



### **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 The Licensing visits to high risk premises in our area for 2012/2013 were completed by the end of March this year with no significant issues found during the checks. A new round of checks for 2013/2014 will now commence and be carried out during the coming year. At the time of writing this report there are 58 premises that have been risk assessed as high risk premises.

## **1.3 Enforcement**

- 1.3.1 On Wednesday 6 February 2013 an officer chaired a pre-review meeting at a public house in Axminster that was attended by the Designated Premises Supervisor (DPS), a regional manager of a brewery representing the licence holders, the police Force Licensing Officer and a local police officer from the Axminster Station. The pre-review meeting was called because of ongoing low level disorder and noise nuisance at the front of the premises and because of a recent large scale disorder incident in Axminster that had started at the pub. As a result of the meeting an agreed plan of action was put in place that included transferring the licence to the DPS who lives on the premises, stopping customers using the front of the premises for smoking, employing door staff on Saturday evenings and maintaining an incident book. To date we have not had any further issues or complaints.
- 1.3.2 On 16 April a premises licence was issued for the proposed Premier Inn based at the Elizabeth Hall site on the Esplanade on Exmouth Seafront. The application was made on behalf of the Whitbread Group Plc. and as the application did not attract any representations the licence was issued without the need for approval of the Licensing Sub Committee. The main hours are Monday to Sunday 10am to 12:30am with extended hours for New Years Eve.
- 1.3.3 At the time of writing this report we still have three premises licenses in our area that have been suspended for non payment of annual fees.
- 1.3.4 Officers, by invitation, continue to attend licensees meetings across the district in order to support the meetings, give advice on current issues and answer any questions the licensees may have. These meetings are a very good forum for meeting the local licensees and for the exchange of information and ideas. Officer attendance is very much appreciated by all the licensees associations.

## **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**.

## **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 The programme of visits to licensed premises and other premises where gaming is permitted continues. It is still the case that no Gambling Act offences have been detected, a result which is pleasing and confirms that regular inspections are a valuable tool to ensure compliance.

## **2.3 Hearings**

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

## **2.4 Applications & Notifications received**

2.4.1 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**.

3.1.2 To date, 13 June 2013 our current fleet of hackney carriage vehicles stands at 157, with 204 hackney carriage driver licences issued.

3.1.3 The re-licensing period for private hire vehicles was in May 2013 and again to date the current licences issued stand at, 10 private hire vehicles, 9 private hire operators and 18 private hire driving licences issued. One large operator, who had licensed 4 private hire vehicles and various drivers, has moved from the east Devon area to another local authority, but it is expected that there will be a few more private hire applications in the near future.

### **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 licensing officers, and other agencies since the last operation on 12 October 2012 in relation to taxi and private hire issues.

3.2.3 The Devon and Cornwall Constabulary are keen to complete at least two joint multi agency taxi checks a year, and another operation is to be planned for the near future, hopefully in the summer months.



### **3.3 Hearings**

- 3.3.1 There have been two Sub Committee hearings during the past quarter and are as follows. An application to licence a wheelchair accessible vehicle which did not fit into the East Devon District Councils criteria for licensing, in that it was more than four years old from its date of first registration, was considered by the committee and it was agreed that this vehicle was fit to be licensed thereby helping with the demand for taxis for wheelchair users. The second committee hearing related to whether an applicant for a hackney carriage drivers licence was a fit and proper person to hold a licence with this authority. In this case it was agreed the applicant was not a fit and proper person and the licence was refused. There is an appeal procedure to the Magistrates Court and this was not made by the applicant.

### **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 Taxis Fares**

- 3.5.1 The District Council as the Licensing Authority has responsibility for setting the maximum fare tariff for all Hackney Carriages licensed by this Council. A new fare tariff was implemented on the 5 December 2012. This tariff is now in force. There had been some resistance to the tariff increase by some licensed taxi drivers but this seems to have settled down with no more complaints received from the taxi trade or members of the public.

### **3.6 Taxi Rank Update**

- 3.6.1 Exmouth – As the Committee has been aware the Taxi Association and some taxi drivers from the Exmouth area have been unhappy with the new Strand rank provided as a result of the regeneration scheme in the town. In October Devon Highways informed the Council that there had been significant demands on the authority, but an order had been raised to lower the kerb stones at this location. To date (June 2013) the work still has not been completed by Devon County Council.
- 3.6.2 Honiton - A complaint was raised from a Honiton taxi operator at one of the 6 monthly meetings held between members, taxi trade and officers that rubbish bins were being left out for collection on the rank and along the pavement obstructing access to the rank near Swan Yard on Wednesdays each week. As a result the Licensing Manager contact Steve Joyce, Waste Management Officer, who, with the assistance of SITA, was able very quickly and efficiently to arrange a solution. It has been arranged that the bins will now be collected by SITA from outside the houses in Swan Yard instead of the house holders leaving them out in the High Street.
- 3.6.3 Beer Parish Council has written to the District Council to request that the taxi rank providing space for one taxi in the centre of Beer be removed and changed into disabled parking. This request raises a number of issues that require careful consideration by this committee and a separate report has been prepared on the subject for members' consideration.

## **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 and registrations since the last update report to Committee are set out in **Appendix D**. These statistics include, where relevant, the numbers of licences issued, the number of hearings held and the number of applications received.
- 4.1.2 There has been a noticeable increase in enquiries relating to tattooing and skin piercing. At present the byelaws adopted for skin piercing relate only to ear-piercing and following a meeting with the Environmental Health Manager it has been decided to check whether the new template byelaws refer to all types of body-piercing. If they do then it is anticipated that the Council will seek to adopt the new byelaws. At the same meeting the possibility of issuing personal registration for tattooing practitioners was discussed. At present the Council only registers premises for tattooing but the trade is changing from the traditional 'tattoo parlour' and many practitioners attend shows and carry out mobile work and require some sort of personal authorisation to take with them. It has been agreed to source information from other authorities on their procedures before a decision is made.

### **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. The Council has not started taking bookings for this year's Sidmouth Festival.
- 4.2.2 All the consent permits for trading on the Esplanade during the Sidmouth Folk Week 2013 have now been issued although Licensing is maintaining a waiting list should any consents be returned before the event.
- 4.2.3 At the last Licensing and Enforcement Meeting members agreed that the Council should consult on a proposal to make changes to the way street trading is controlled within the District including modernising the Council's approach to the whole street trading issue whilst still retaining robust controls. It has not been possible to progress the consultation owing to other pressures however it is anticipated that the consultation will commence in July.

## **5. Consultations and Partnership Working**

### **5.1 Meeting between Members, Taxi Proprietors and Officers**

- 5.1.1 A taxi liaison meeting with the taxi trade was held on Wednesday 3 April 2013 (during the Easter Holidays) and commenced at 1400 hours in the Council Chamber, Knowle, Sidmouth. A copy of the minutes of that meeting appears at (**Appendix F**).
- 5.1.2 The next liaison meeting has been arranged for Thursday 31 October 2013 (during the Autumn half term) commencing at 1430 hour in the Council Chamber, Knowle, Sidmouth. The



Committee's Chairman and Vice Chairman normally attend these meetings.

### **Legal Implications**

There are no legal implications requiring comment.

### **Financial Implications**

There are no financial implications contained 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 dated 3 April 2013 between Members, Taxi Proprietors and Officers

John Tippin Ext. 2787  
Licensing Manager

Licensing & Enforcement Committee  
25 June 2013



## Licensing Act 2003

### Number of Issued Licences and Notices Given

	<b>Apr-13</b>	<b>Jan-13</b>	<b>Changes</b>
Premises Licences	603	593	10
Club Premises Certificates	58	58	0
Personal Licences	1,751	1,711	40
Temporary Event Notices including sale or supply of alcohol - includes late TENs	5,037	4,847	190
Temporary Event Notices Entertainment and/or Late Night Refreshment only - includes late TENs	485	464	21

### Hearings

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hearings where no agreed position has been reached	0	0	3
Hearings held to approve an agreed position	0	0	2

### Applications Received and Notices Given

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Grant of a Premises Licence	9	3	2
Variation of a Premises Licence	0	0	0
Transfer of a Premises Licence	2	10	3
Change of Designated Premises Supervisor	4	11	5
Minor Variations	1	5	2
Grant of a Personal Licences	11	15	9
Personal Licence Change of name or address	4	1	3
Temporary Event Notices given	40	54	91

**Gambling Act 2005**Number of Issued Licences and Notices Given

	<b>Apr-13</b>	<b>Jan-13</b>	<b>Changes</b>
Premises Licences	14	13	1
Small Society Lotteries	165	162	3

Hearings

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hearings held	0	0	0

Applications Received and Notices Given

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Applications relating to a Permit	3	2	0
Application relating to a Licence	1	0	0
Notification of Intent to have Gaming Machines	0	3	4
Occasional Use Notices (Point to Point Betting)	1	0	1
Small Society Lotteries	6	2	3

**Taxis**Number of Issued Licences

	<b>Apr-13</b>	<b>Jan-13</b>	<b>Changes</b>
Hackney Carriages	157	157	4
Private Hire Vehicles	17	17	0
Hackney Carriage Drivers	202	202	0
Private Hire Drivers	30	30	0
Private Hire Operators	14	14	0

Hearings

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hearings	2	0	0

Applications Received

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	4	14	6
Hackney Carriage Drivers Licence (including renewals)	13	4	6
Private Hire Vehicle Licence	2	0	0
Private Hire Vehicle Drivers Licence	0	0	0
Private Hire Operators Licence	0	0	0

**EH Licensing**Number of Issued Licences

	<b>Apr-13</b>	<b>Jan-13</b>	<b>Changes</b>
Animal Home Boarding	19	19	0
Kennels/Catteries	20	20	0
Pet Shops	12	11	1
Dangerous Wild Animals	2	2	0
Zoo	4	4	0
Ear-Piercing	17	16	1
Electrolysis	15	15	0
Riding Establishments	10	10	0
Tattooing	12	11	1
Motor Salvage Operators	8	8	0
Scrap Metal Dealers	9	9	0
<u>TOTAL</u>	128	125	3

Hearings

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hearings	0	0	0

Applications Received

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
	3	7	3



**General Licensing**Permits Issued

<b>Between</b>	<b>Apr-13</b>	<b>Jan-13</b>	<b>Changes</b>
Street Collections	54	27	27
Street Collection cancellations	2	0	2
House to House	3	2	1
Street Trading	50	0	50
Street Trading (Charitable)	0	4	-4

Hearings

	<b>Feb-13</b>	<b>Mar-13</b>	<b>Apr-13</b>
Hearings	0	0	0

## **Appendix F**

### **East Devon District Council**

#### **Report of a meeting between Members, Taxi Proprietors and Officers held at Knowle, Sidmouth on Wednesday 3 April 2013**

**Present:** Councillors  
Jim Knight

#### **Taxi Proprietors**

Alan Hill (AJs Taxis)  
Steve Glover  
Charlie Stone (Coastal Cars)  
Steve Dean (Deans Taxis)  
Nina Peters (Sid Valley Cars)  
Adrian Phillips (Millstream Taxis)  
George Shorters

#### **EDDC Officers**

John Tippin - Licensing Manager  
Douglas Jackson Licensing Officer

The meeting started at 1410 and ended at 1520 hours

**1. Apologies**

Apologies from Cllr S Hall

**2. To receive the report of the meeting held 31 October 2012**

**3. Matters Arising**

Nothing significant raised here as issues arising related to matters on the main agenda, except item 11 in relation to taxi checks, as it was thought by some that some vehicles/operators were always being checked and some were not, this not being fair. This was discussed at length and Mr Tippin

stated he would be contacting the police and other agencies with a view to joint directed taxi checks.

Cllr Knight thought it a good idea to ask the police to meet with the authority and taxi drivers at a meeting to sort it out.

Mr Glover wanted to bring up the item of fares and questioned the advertising in relation to the last fare increase, and its lawfulness. He also complained to the group about a meeting of the Exmouth Taxi Association held on 15 January 2013, where he thought remarks made by Mr Jackson in relation to the press report of 'taxi wars' reported in a local paper were not correct, and wished to complain. Cllr Knight explained the complaints procedure to him.

Mr Hill asked if the complaint was from Mr Glover or from the Taxi Association, Mr Glover stated it was from him.

Mr Jackson stated there had been no reports to the authority by taxi drivers in relation to the condition of vehicles that may have needed to be followed up.

#### **4. Exmouth Rank**

Mr Jackson gave an update to the group that no progress had been made by Devon County Council as to the works to be completed on the Strand taxi rank.

Mr Stone reported that there was a fair bit of wear and tear on the splayed ends of the rank where the work was due to take place.

Cllr Knight said that he would look into the matter, and ask DCC for a reply. There was also concern as to the rank at Capels fish and chip shop and flooding; this too would be reported to DCC by Cllr Knight.

#### **5. Parking on ranks in East Devon by taxi drivers and the public**

A general reminder from Mr Jackson that taxi ranks were for taxi vehicles only and ordinary cars should not park on them. Also that taxis should not be parked on the rank and left unattended by the drivers. Parking enforcement officers do issue tickets for both of these offences.

Nina Peters stated that the situation in Sidmouth was satisfactory, and that at a previous meeting they had been advised that a note left in a window might help the situation when they need to leave the vehicle to help a customer.

**6. Updates/DBS checks**

The new forms were now in use, and all DBS forms should be checked with a licensing officer to ensure proper completion as there were a number of mistakes that could be made which then delays the process. However this will mean a personal visit to the Council offices – remember to make an appointment to save time. The added bonus with this is that all original documents could be returned immediately.

**7. Wheelchair Accessible Vehicles (WAVs)**

Mr Jackson informed the meeting that there were now three WAVs licensed, and a fourth was due to be licensed for Exmouth this week. He encouraged applications from operators to licence vehicles even if they did not fit the licensing criteria in relation to age etc. The Licensing Officers could not guarantee they would be licensed but sympathetic consideration could be given to the vehicles.

**8. Video Surveillance in Licensed Vehicles and Safety in General.**

Mr Jackson asked if there was any interest in the installation of videos in vehicles, as a safety measure as there had been a ruling from the Southampton case that sound recording had been ruled intrusive. He wanted to progress the matter if operators were interested. A check with those present revealed that all thought that video recording was not required at this time. The general feeling was that East Devon was a safe place to live and this had been reflected in the taxi trade.

**9. Honiton Rank and Concerns from Adrian Phillips**

Adrian Phillips stated there was a problem with the Honiton rank with rubbish bins from Swan yard residents being left there once a week (Wednesdays) on the rank or near to it making access difficult. It was not known who put the bins there.

Mr Tippin to contact Steve Joyce the Council's Waste Management Officer in an effort to sort the situation out.

**10. Beer Taxi Rank.**

The Beer taxi rank was not being used a great deal and the town Council would like the rank used as a disabled parking bay. The Council had written a

letter to EDDC, about the matter. It was pointed out that there were no taxis operating out of Beer at this time although a rank had been at this location for many years. It was pointed out that if the rank was lost it would be very difficult to get it reinstated.

Cllr Knight suggested writing to the local trade to get their views on the rank.

## **11. Any Other Business.**

### Taxi Fares

Alan Hill pointed out that some operators had put meter prices up and some hadn't, this had caused confusion for everyone. There was a lot of controversy in relation to this and there followed a vigorous discussion from the Exmouth contingent over this issue. Mr Hill felt so incensed over the Exmouth Taxi Association and their stance, that he would not be attending another meeting with them, he said they had agreed to change the meters to the new rate and had backed down and not changed them.

Mr Tippin said that there was so much being said about the new taxi fares and the trouble it had caused. Mr Tippin said that he would recommend that the Licensing Authority in future should leave it up to the taxi trade to submit a fare tariff increase request (with the necessary evidence to support the increase) as and when it was required. The current increase had led to a lot of disagreement in which the Council had been caught in the middle. The Council had tried to help the trade by facilitating a meeting on the subject but this clearly had not worked as there was still a great deal of disagreement between operators particularly in the Exmouth area. The fare increase had been a lot of work for the authority and had been done in an effort to help taxi operators.

The question was asked, "How many operators were on the new tariff and how many on the old tariff".

Mr Jackson could not give an immediate answer to that question but would try and find out.

The meeting was informed of the new no smoking signage requirements for taxis that had been implemented.

## **12. Date of Next Meeting**

The date of the next meeting will be on Thursday 31 October 2013 in the Council Chamber, Sidmouth to commence at 2.30 pm.

## Agenda Item 7

Licensing and Enforcement Committee

25 June 2013

JT



### Beer Parish Council's request to remove the Taxi Rank in Fore Street, Beer

#### Summary

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

#### Recommendation

That the Committee consider the request from Beer Parish Council for removal of the Hackney Carriage rank in Fore Street, Beer and consider the options contained in this report.

#### a) Reasons for Recommendation

Whilst Beer Parish Council has made this request there are a number of issues that the Licensing Manager believes members need to consider before coming to a decision.

#### b) Alternative Options

Not to adopt the recommendation and either agree removal of the rank immediately or to decide that the rank should remain in position.

#### c) Risk Considerations

None known

#### d) Policy and Budgetary Considerations

#### e) Date for Review of Decision

---

### 1 Main Body of the Report

1.1 The District Council's Licensing Manager has received a request from Beer Parish Council for removal of the only taxi rank in Beer which is sited in Fore Street. A copy of Parish Council's letter appears at **Appendix A**. The Parish Council's reason for this request is that the Council is of the opinion that a dedicated taxi rank in the town is not necessary and that the space would be better utilised as an additional disabled bay. The letter goes on to say that the need for additional disabled parking was a matter raised by local residents at the Parish Council's Public Surgery held last September.

1.2 According to District Council records the taxi rank in Fore Street, Beer which can only accommodate one vehicle has been in place since October 1987. It was approved by the East Devon District Council in June 1987 as a result of requests received from Hackney Carriage operators and the Parish Council. The rank has continued in use since 1987. Immediately behind the taxi rank is a single disabled parking bay. An extract from the District

Council Committee minutes dated 8 June 1987 approving the current Hackney Carriage rank in Fore Street, Beer appears at **Appendix B**.

- 1.3 A plan showing the location of the Fore Street rank in Beer appears at **Appendix C**.
- 1.4 Under Section 63(1) of the Local Government (Miscellaneous Provisions) Act 1976 the District Council can appoint stands (ranks) for hackney carriages either on public highways or private land and the stands can be for continual or part time use. The district council can also determine the number of hackney carriages that can use a stand and also has the power to vary the numbers. If the land is to be on the public highway the consent of the highway authority is required. It also requires that notice must be given to the Chief Officer of Police.
- 1.5 Although the District Council has the responsibility to appoint ranks it has to be done with the approval of the highway authority (Devon County Council). Before a rank can come into use the highway authority needs to designate the rank with a traffic order and also have it signed and marked on the highway. This involves a great deal of cost. There is also a financial implication for the District Council including the cost of a public notice.
- 1.6 The District Council have a duty to provide taxi ranks for the Hackney Carriage trade and licensed Hackney Carriages need ranks from which to operate. If this rank is removed there would be no legally enforceable hackney carriage ranks in Beer, meaning that there would be no spaces from which licensed hackney carriage drivers can operate their trade legally.
- 1.7 Whilst there is currently no licensed Hackney Carriage operator based in Beer it is quite possible that one could set up in the future. As is the case in the whole of the District we have an aging population who are becoming more reliant on public transport. Members will be aware of the enormous difficulties that we have faced over recent years to have new ranks located in East Devon towns and with the current economic situation that position is unlikely to improve. In the case of Seaton it took well over 5 years to eventually negotiate the location of the ranks and have Devon County Council mark them out.
- 1.8 Members will no doubt have sympathy with the Parish Council's request however the removal of the rank may well be a short term benefit but in the longer run the use of public transport including the use of taxis will undoubtedly increase needing the rank's reinstatement. Certainly the increased use of public transport is being encouraged. Given that any reinstatement of a rank in the future will not only be costly, experience, as evidenced above, has shown that it takes a very long time for a new rank to come to fruition.
- 1.9 The Licensing Team are currently consulting the local Hackney Carriage trade over the possible loss of this rank. The results of the consultation will be available to members at the meeting on Tuesday 25 June. Potentially any licensed hackney carriage licensed with the District Council can use the rank (at present there are 157 licensed hackney carriage vehicles) but usually it would be the local operators in the Seaton area who would operate in the Beer area.
- 1.10 The Licensing Manager has been in discussions with the Devon County Neighbourhood Highway Engineer. The engineer has indicated that the cost of changing the rank to a disabled bay would be in the region of £3,000 for the required traffic order. In addition to this there would be the cost of the actual works on site. The District Council has not budgeted for this work so the cost would need to be borne by either County or Beer Parish Council. At this stage it is not known if either would fund the traffic order and/or the site work.
- 1.11 As a result of these discussions with the Neighbourhood Highway Engineer the Licensing Manager has made tentative arrangements, depending of the Committee's decision today, to meet the engineer on site to explore options. Members who know Beer will recollect that there are a number of areas where parking is prohibited with yellow lines. It is possible that a look at the area through fresh eyes might identify an alternative solution for a disabled parking bay. Of course those with

disabled badges can park on yellow lines without the need to park in a disabled parking bay.

- 1.12 Members have the option today of agreeing to Beer Parish Council's request for the removal of the rank or alternatively deciding to retain it. However there is a possibility that an alternative way could be found by exploring other options with the Highway Authority. Members may therefore wish to postpone their decision to the Committee's next meeting to enable further investigation by the Licensing Manager.

---

### **Legal Implications**

There are no legal implications requiring comment at this time.

### **Financial Implications**

There are no immediate financial implications to the council, as the cost of changing the rank to a disabled bay would be borne by Devon County Council or Beer Parish Council.

### **Appendices**

- Appendix A A copy of Beer Parish Council's letter requesting removal of the Beer taxi rank  
Appendix B Extract from East Devon District Council Committee agenda dated 8 June 1987 approving the current Hackney Carriage rank in Fore Street, Beer  
Appendix C A plan showing the location of the Fore Street rank in Beer

### **Background Papers**

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

---

John Tippin Ext. 2787  
Licensing Manager

Licensing and Enforcement Committee  
25 June 2013



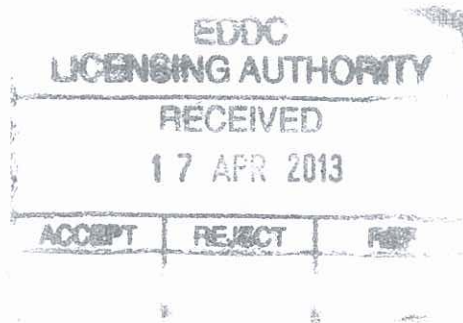
Mrs Annie Dallaway  
Clerk to the Parish Council  
Fairview  
Southleigh  
Colyton  
Devon  
EX24 6JA

E. Devon World Heritage Coast

Phone: 01297-680244

7 April 2013

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



Dear Mr Tippin

## Removal of licence for taxi rank in Beer

I am writing to advise that Beer Parish Council would like the license removed for the taxi rank in Fore Street, Beer.

Councillors are of the opinion that no dedicated taxi rank is necessary in Beer and that the space would be better utilised as an additional disabled parking bay. The need for additional disabled parking was a matter raised by local residents at our Parish Council Public Surgery held in September 2012.

EDDC Cllr Pook is fully aware of the views of the Parish Council regarding this matter and I understand has already raised the matter with you.

I would be grateful if you could liaise with Devon County Council to make the necessary arrangements regarding the traffic order.

Please contact me if you would like any further information.

Yours sincerely

Annie Dallaway  
Clerk to Beer Parish Council

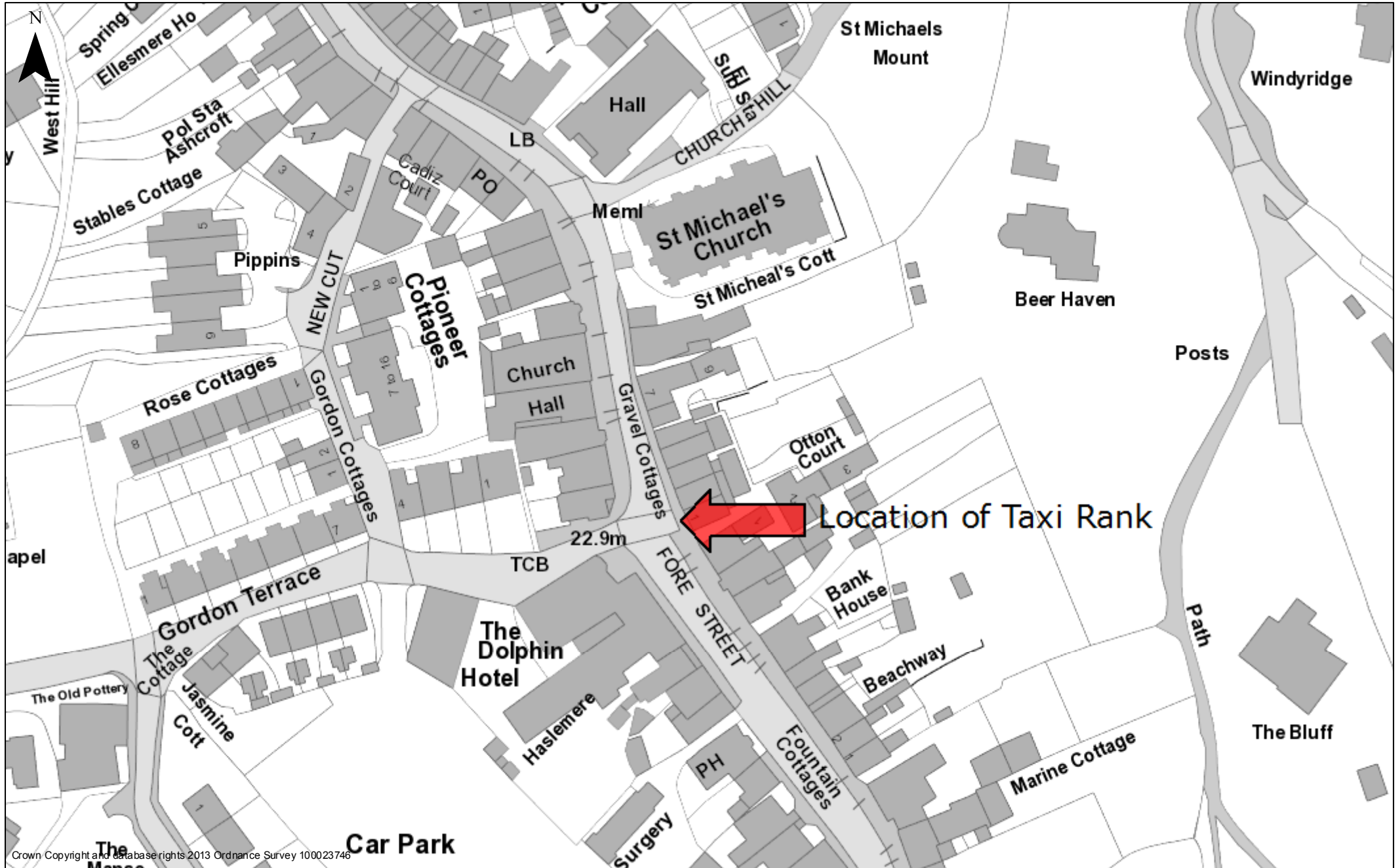
8/6/87

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

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

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

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



Crown Copyright and database rights 2013 Ordnance Survey 100023746

1:1,064