

Date: 27 August 2013
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, 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 3 September 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 their mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

	Page/s
1 To confirm the minutes of the meeting held on 25 June 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 - 25

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.

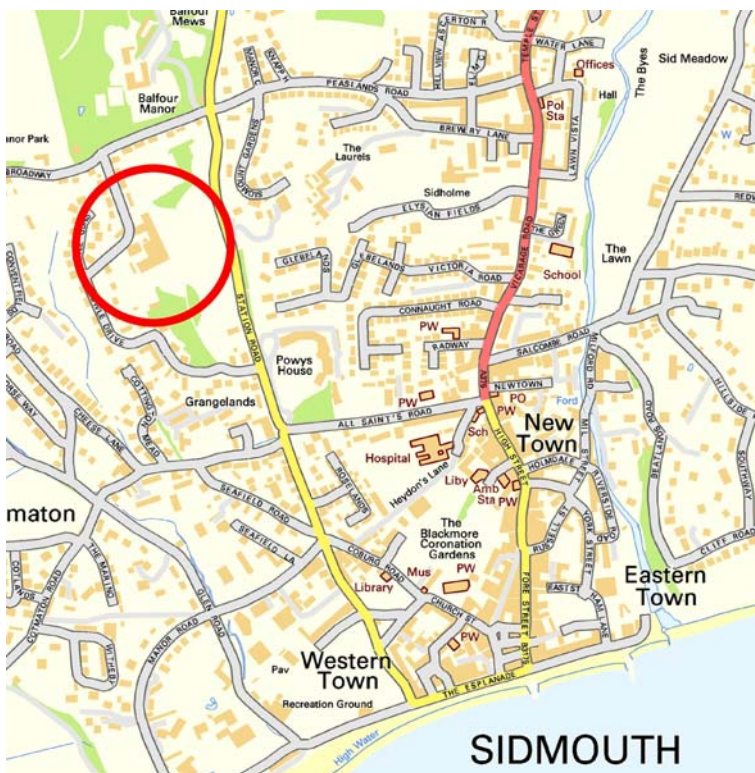
Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

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 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.

© 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, 25
 June 2013

Present: Councillors:

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

Officers: John Tippin, Licensing Manager
 Steve Saunders, Licensing Officer
 Chris Lane, Democratic Services Officer
 Giles Salter – Solicitor
 Emily Westlake – Assistant Licensing Officer

Apologies: Councillors:
 David Atkins
 Pat Graham
 John Jeffery

The meeting started at 9.30 am and ended at 10.40 am.

*1 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 26 February 2013, were confirmed and signed as a true record.

*2 Declarations of interest

Councillor/ Officer	Minute number	Type of interest	Nature of interest
Councillor Steve Hall	*3	Disclosable Pecuniary	Private Hire Licence Holder.
Councillor Jim Knight	*4	Personal	Member of Devon County Council

*3 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:

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

1. Licensing Act 2003

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, 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 lived 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 there have been no further issues or complaints.

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. At the present time there are still three premises licence in the district that had been suspended for non payment of annual fees.

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.

3. Taxis

At present the current fleet of hackney carriage vehicles stood at 156, with 204 hackney carriage driver licences issued. The re-licensing period for private hire vehicles was in May 2013 and again to date the current licences issued stands at 10 private hire vehicles, 9 private hire operators and 18 private hire driving licences issued.

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. It was planned that another multiagency taxi check would take place in the summer months.

Members noted that the work to lower the kerb stones at the new Strand taxi rank had not been completed by Devon County Council. In Honiton, a complaint was raised from a Honiton taxi operator at the last the six monthly meetings held between

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

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. Following contact with Waste Management, who, with the assistance of SITA were able to quickly and efficiently arrange a solution. Members wished to thank the Waste Management Team and SITA for their prompt actions.

4. General Licensing including Animal Licensing and skin piercing
The Licensing Manager reported that there had 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 had been decided to check whether the new template byelaws refer to all types of body-piercing. If they did then it was anticipated that the Council would 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 registered premises for tattooing but the trade was changing from the traditional ‘tattoo parlour’ and many practitioners attended shows and carried out mobile work and required some sort of personal authorisation to take with them. It had been agreed to source information from other authorities on their procedure before a decision was made.

All the consent permits for trading on the Esplanade during the Sidmouth Folk Week 2013 had been issued although the Licensing Service was maintaining a waiting list should any consents be returned.

Members noted due to the premises licence issued for The Strand, Exmouth being overly restrictive, TENs were being used for some events in this area. In order to have this premises licence improved Exmouth Councillors were advised to lobby EDDC Property Services section who were the applicants for the licence to change the licence conditions.

Councillor Bob Buxton reported that Honiton Charter Day had used part of Northcote Lane to hold market stalls. The Licensing Manager agreed to discuss this issue with the Clerk to Honiton Town Council. Members also noted the report of a French Market being held on the Lace Walk Car Park for three days. The Licensing Manager confirmed that EDDC Licensing had not issued a licence for this market but that he considered that it would need EDDC authority as it was on Council owned property. The Licensing Manager agreed to check if this market had received EDDC permission to operate on the Lace Walk Car Park.

Councillor Tom Wright raised the issue of the correct procedure for notifying Street Scene when TENs would be held on public realm areas. Councillor Roger Boote raised the issue of a TENs being issued for the sale of alcohol in a lay by at Newcott on the A303. It was noted that the Police had indicated that they had no view on this matter. The Licensing Manager agreed to look into this issue and discuss it with Councillor Boote.

Councillor Frances Newth requested that all Sidmouth Ward Members be issued with an out of hours contact list for Sidmouth Folk Week as residents often contacted them on this issue.

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

5. Consultations and Partnership Working

The Licensing Manager advised that the meeting between Members, Taxi Proprietors and Officers had been held on Wednesday, 3 April 2013 in the Council Chamber at Knowle. A copy of the minutes had been attached to the report. The next liaison meeting had been arranged for Thursday 31 October 2013 commencing at 2.30pm in the Council Chamber, Knowle, Sidmouth.

- RESOLVED**
1. that the report be noted;
 2. that the Licensing Manager send details of the three premises licences in the area suspended for non payment of annual fees to all members of the Committee;
 3. that the Licensing Manager discuss with the Honiton Town Council Clerk the issue of Honiton Charter Day using part of Northcote Lane to hold market stalls.
 4. that the Licensing Manager to check if the French Market held recently in Lace Walk car park had received EDDC permission to operate in the Lace Walk Car Park;
 5. that the Licensing Manager look into the issue of a TENs being issued for the sale of alcohol in a lay by at Newcott on the A303.
 6. that the Licensing Manager provide all Sidmouth Ward Members with an out of hours contact list for Sidmouth Folk Week

*4 Beer Taxi Rank

Members considered the report of the Licensing Manager which set out a request from Beer Parish Council for the removal of Beer's only taxi rank in Fore Street so that it could be utilised as an additional disabled parking bay. Members received details of three letters from taxi operators in the area objecting to the proposal and also noted the potential significant costs of the work.

- RESOLVED**
- that the request from Beer Parish Council for the removal of Beer's only taxi rank in Fore Street so that it could be utilised as an additional disabled parking bay be refused.

Chairman Date

Agenda Item 6

Licensing & Enforcement Committee

3 September 2013

JT/NM/DJ/ES/SS



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 final total of premises assessed as high risk has now been calculated at 56 premises for the year 2013/2014. Officers have started to carry out checks on these high risk premises with a completion date of the end of March 2013.

1.3 Enforcement

- 1.3.1 On 16 and 17 May officers attended the Devon County Agricultural Show at Westpoint Showground where checks were made on the 23 venues at the showground who had served Temporary Events Notices on the Licensing Authority. These venues were checked and found to be in order but following routine checks around the show a stall was identified running an off sales bar that had not applied for a licence or a Temporary Events Notice. The owner has been dealt with by way of a written warning for selling alcohol without a licence.
- 1.3.2 On 26 July officers attended the Dubfest event held in the grounds of Bicton College that had been licensed by way of a time limited premises licence. The event was found to be well run with no issues or complaints made to the Licensing authority.
- 1.3.3 On 30 July an officer chaired a meeting between an officer of the Environmental Health Section and a licence holder of a public house situated on Exmouth Seafront following noise complaints when live and recorded music had been played in the pub garden licensed by way of Temporary Events Notices. These events had been held on a regular basis on a Sunday afternoon and several more had been requested up to the end of August. As a result of the meeting agreement was reached reducing the numbers of these events to two in August and the repositioning of the equipment away from the residential properties with the speakers pointing towards the sea and no loudspeaker announcements.
- 1.3.4 A Temporary Event Notice was served on the Licensing Authority on 16 May 2013 to licence a music festival to be held between 24 and 26 August 2013 in a field at Harcombe Hill, near Sidmouth, EX10 0PR. The Environmental Health Section objected to the notice stating that if the event went ahead it would cause a public nuisance to local residents. The objection was heard by the Licensing Sub Committee on 28 May 2013 and as a result the Temporary Event Notice was refused. On the 24 June 2013 the same applicant submitted a further Temporary Event Notice for the same event and again the Environmental Health section objected on the same grounds. The objection was heard by the Licensing sub Committee on 5 July 2013 when the notice was again refused.

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 Regulated Entertainment – Further De-regulation

- 1.6.1 Following the de-regulation of certain types of live music introduced by the Live Music Act 2012 and previously reported to members, the Government has recently announced a further raft of de-regulatory measures which came into effect on 27 June 2013 [Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013]. A licence (or Temporary Event Notice) is now no longer required for the following activities provided they take place between 8.00 am and 11.00 pm:
- ❑ A performance of play in the presence of an audience of no more than 500 people
 - ❑ An indoor sporting event in the presence of an audience of no more than 1,000 people
 - ❑ Most performances of dance in the presence of an audience of no more than 500 people
- 1.6.2 The Government hopes that removing the requirement for a licence/TEN will help to reduce the regulatory burden on community premises, voluntary groups and similar organisations.
- 1.6.3 A reminder that, under the provisions of the Live Music Act, a licence is already no longer required for –
- ❑ amplified live music between 8.00 am and 11.00 pm before an audience of less than 200 people on premises licensed for sale of alcohol for consumption on the premises
 - ❑ amplified live music between 8.00 am and 11.00 pm before an audience of less than 200 people in work places not otherwise licensed under LA2003 (or licensed only for late night refreshment)
 - ❑ unamplified live music between 8.00 am and 11.00 pm in all venues
 - ❑ provision of ‘entertainment facilities’, that is:
 - (i) facilities for making music,
 - (ii) facilities for dancing, and
 - (iii) any entertainment of a similar description to (i) and (ii) above.
- 1.6.4 The Licensing Manager plans to publish a newsletter shortly to raise awareness of these changes.
- 1.6.5 The Government is currently consulting on de-regulation of film exhibitions.

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 On the 31 July 2013 our current fleet of hackney carriage vehicles stood at 163, with 206 hackney carriage driver licences issued.

3.1.3 The re-licensing period for private hire vehicles was in May 2013 and on the 31 July 2013 the number of licences in existence stood at, 12 private hire vehicles, 10 private hire operators and 21 private hire driving licences issued.

3.1.4 On the 6 August 2013 the Department for Transport released the results of its statistics research into the Hackney Carriage and Private Hire trade. The key finding of the research showed that the number of licensed taxis across the country had fallen slightly compared to 2011 (-0.7%). According to the D of T this has been the first national reduction in licensed vehicles since it started to collect these statistics in 2005. They note that the growth in vehicles has slowed considerably since the start of the economic downturn. A copy of the Department for Transport's Statistical Release appears at **Appendix F**.

3.1.5 It has been apparent since the beginning of the current downturn that the numbers of Hackney Carriage and Private Hire vehicles licensed in the East Devon District have reduced. The table below provides the comparisons between July 2010 and July 2011 and between July 2011 and July 2013. The D of T statistics compares 2011 with 2013. In that period the number of Hackney Carriages in the District reduced by 1.2% and Private Hire vehicles by 42.8%. Whilst the percentage reduction in Private Hire vehicles in the District appears large it should be remembered that the numbers of these vehicles have never been large as Hackney Carriages are by far the most popular taxi of the two. This reduction has been compounded as one of the District's larger Private Hire operators has had to reduce his operation on losing a long standing contract and recently ceased operating in East Devon altogether.

Hackney Carriage and Private Hire Vehicle Number Statistics					
	% Change	July 2013	% Change	July 2011	July 2010
Hackney Carriages	-1.2%	163	-5.7%	165	175
Private Hire Vehicles	-42.8%	12	-22%	21	27

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. The Devon and Cornwall Constabulary are keen to complete at least two joint multi agency taxi checks a year, and it is hoped that they can be persuaded to take part in some further operations late this year.

3.3 Hearings

- 3.3.1 There have been no Sub Committee hearings during the past quarter.

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 currently in force and is running well without any apparent problems. There are no plans in the immediate future to review the hackney carriage fares table.

3.6 Taxi Rank Update

- 3.6.1 Exmouth – As the Committee has been aware the Exmouth 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 2012 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 (August 2013) the work still has not been completed by Devon County Council.
- 3.6.2 Honiton –The ranks at Honiton appear to be running well with no complaints in relation to its operation.
- 3.6.3 Members will remember that at your last Committee meeting you considered a request from Beer Parish Council for the taxi rank in the centre of Beer to be removed and changed into disabled parking. Your decision was that the rank should remain in place. Following that meeting and before writing to the Parish Council the Licensing Manager met with the County Neighbourhood Highway Engineer on site to explore alternative ideas for providing disabled parking. Following that meeting the Licensing Manager wrote to the Parish Council to explain the Committee's decision and also offer alternatives for the Council to consider. A copy of the Licensing Manager's letter appears at **Appendix G**. No reply has been received to that letter.

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.

4.2 Scrap Metal Dealers and Motor Salvage Operators – New Legislation and Powers

4.2.1 The District Council currently has the responsibility to register all Scrap Metal Dealers and Motor Salvage Operators. However the legislation is weak and gives the Councils no powers other than to require dealers and operators to register.

4.2.2 Metal theft has, over the last few years, had a significant impact on communities, businesses and councils themselves. A survey conducted by the Local Government Association in early 2012 showed that seven out of ten councils had been the victims of metal theft, and that this cost councils over £5.25 million in 2010/11.

4.2.3 Co-ordinated action by the police, councils, the Environment Agency/Natural Resources Wales (NRW) and other organisations since 2011, particularly through Operation Tornado, has been successful in reducing metal theft rates. This joint work has been aided by a fall in the price of metals since they peaked in early 2011. However the high metal prices we have seen recently, driven by industrialisation in China, are likely to continue to be a feature of the world economy over the next decade, and possibly longer, as other countries like India and Brazil follow a similar pattern of growth.

4.2.4 The Government has been under pressure to reform the regulation of scrap metal dealers and with the assistance of a private member's bill taken through Parliament the Scrap Metal Dealers Act 2013 was passed into law earlier this year.

4.2.5 The Act repeals the Scrap Metal Dealers Act 1964 and consolidates scrap metal dealers & motor salvage operators under one licensing regime. Local Authorities will continue to act as the main regulator but the new Act gives them more powers, including the power to refuse a license and powers to revoke licenses if the dealer is considered unsuitable. Both the Local Authority and the Police have been given powers to enter and inspect premises.

4.2.6 The new legislation includes the requirement for modernizing record keeping, the creation of a national register of scrap metal dealers and widens the definition of metal that can be considered scrap. It also includes a very new power to prohibit dealers from paying cash for scrap metal. This applies even when the dealer collects items from the customer's home or yard. In effect the 'rag and bone man' can no longer pay cash for any metal he collects.

4.2.7 The commencement order for this legislation has just been published (6 August) and brings into force the majority of the provisions of the 2013 Act on the 1 October 2013. It also brings into force the majority of the criminal offences in the Act from 1 December 2013. This imposes a challenging timetable for Councils to implement the legislation.

4.2.8 The Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime. The Licensing Manager is currently working on the figures and will be submitting a report in due course to seek Council's approval of a new fee structure to reflect the work that will be involved to administer the regime.

4.2.9 It is felt that there are many small dealers and operators, particularly in rural communities who may never come 'above the radar' and who are likely to remain unaware of their responsibilities to be licensed. For this reason the Licensing Manager will be writing to all the Parish and Town Councils in the District to seek their help in identifying these persons. A copy will also be circulated to all District Councillors for information.

4.3 Street Trading

4.3.1. 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.

4.3.2 The Sidmouth Folk Festival has taken place for 2013 and all the sea front pitches were sold. There has been positive feedback from the general public in relation to the street trading.

4.3.3 At the February 2013 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 shortly.

5. Consultations and Partnership Working

5.1 Meeting between Members, Taxi Proprietors and Officers

5.1.1 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.

5.1.2 A Licensing Officer always tries to attend any meeting of the local taxi trade associations. There are at least two of these meetings annually.

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 - Department for Transport's Taxi and Private Hire Statistical Release 6 August 2013
 - Appendix G - Licensing Manager's Letter to Beer Parish Council relating to the removal of the town's taxi rank
-

John Tippin Ext. 2787
Licensing Manager

Licensing & Enforcement Committee
3 September 2013

General Licensing

Permits Issued

Between	Jul-13	Apr-13	Changes
Street Collections	33	54	-21
Street Collection cancellations	1	2	-1
House to House	2	3	-1
Street Trading	49	50	-1
Street Trading (Charitable)	6	0	6

Hearings

	May-13	Jun-13	Jul-13
Hearings	0	0	0

Date: 28 June 2013
Contact number: 01395 517410
E-mail: licensing@eastdevon.gov.uk
Direct Fax: 01395 517507
Our Reference: LIC/JT/Tramstop
Your Reference:



Mrs A Dallaway
Clerk to the Parish Council
Fairview
Southleigh
COLYTON
EX24 6JA

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

Dear Mrs A Dallaway

Removal of Beer Taxi Rank

Further to your letter dated the 7 April 2013 on the above subject and my subsequent acknowledgment I arranged for the Parish Council's request to be considered by the District Council's Licensing and Enforcement Committee on Tuesday 25 June 2013. The Committee gave careful consideration to the Parish Council's request and also considered letters from three East Devon Hackney Carriage operators. Whilst the Committee were sympathetic to the request and the reason for it the members decided that the rank should be retained.

The District Council records show that 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 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 that time. The District Council has a duty to provide taxi ranks for the Hackney Carriage trade and licensed Hackney Carriages need ranks from which to operate. 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. Certainly the increased use of public transport is being encouraged. Members are only too well 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.

Local taxi operators have also told the Committee that they use the rank to collect and drop off passengers and its presence is very advantageous at busy times as they can stop safely without obstructing other traffic.

Members also noted that disabled badge holders are not just restricted to parking in



disabled bays as they are able to park on double yellow lines and in limited waiting areas providing their badges are displayed and they do not cause obstruction.

I have discussed this issue 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. He further explained that with the County's tight budget it was very unlikely that the funds would be available from the highways normal budget to carry out this type of change.

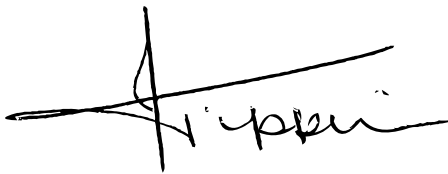
My staff and I have visited Beer on a number of occasions recently and we have noticed that that the popular area for disabled parking is on the double yellow lines at the bottom of Fore Street nearest the sea. In fact on one occasion there were four cars parked on the double yellow lines displaying disabled badges when not far back up the road in Fore Street there was sufficient parking in the limited waiting area to accommodate all four cars. Also at the time I noticed that the disabled parking bay next to the single taxi rank opposite the Dolphin Public House was unoccupied.

I understand that the Parish Council is in discussions with the District Council and County over the use of the Beach car park near the Anchor Public House. As there seems to be a tendency for disabled badge holders to congregate towards the bottom end of Fore Street perhaps one or two of the spaces in the Beach car park could be allocated as disabled parking bays.

Finally I understand that, although at an early stage, your Council is considering a plan to partly pedestrianise the lower end of Fore Street. If this is the case the County Neighbourhood Highway Engineer has suggested that to keep costs down rather than make traffic changes around the town piece meal that they should be collated and included in one traffic order to encompass all the eventual planned changes.

I hope I have sufficiently explained the District Council's position on this matter but if I can assist any further please feel free to get back to me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Tippin', written over a horizontal line.

John Tippin MOIL
Licensing Manager

Cc. Councillor Pook