

**Agenda for Licensing and Enforcement Committee
Wednesday, 14th April, 2021, 9.30 am**

Members of Licensing and Enforcement Committee

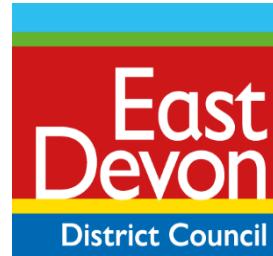
Councillors J Whibley (Chair), K Bloxham (Vice-Chair), F Caygill, M Chapman, A Dent, S Gazzard, P Jarvis, C Pepper, G Pratt, B Taylor, T Wright, L Jeffery, T Woodward, D Manley and E Wragg

Venue: Online via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link.

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(or group number 01395 517546)

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1 Public Speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 6)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the press) have been excluded. There is one item which officers recommend should be dealt with in this way.

7 Quarterly Licensing Update Report (Pages 7 - 19)

- 8 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

The Vice Chair to move the following:

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

- 9 **Suspended Taxi Licence** (Pages 20 - 23)

The report provides an update regarding the suspension of a Hackney Carriage Driver Licence.

[Recording the meeting](#)

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held Online via the Zoom App on 17 February 2021

Attendance list at end of document

The meeting started at 10.02 am and ended at 10.45 am

60 Public Speaking

There were no members of the public registered to speak.

61 Minutes of the previous meeting

The minutes of the meeting held on 18 November 2020 were agreed as a correct record.

62 Declarations of interest

Minute 66. Pavement Licence Update Report.

Councillor Steve Gazzard, Personal, Member plans to hold a temporary event on the Strand, Exmouth, to raise funds for charity.

63 Matters of urgency

There were no matters of urgency.

64 Confidential/exempt item(s)

There were no confidential / exempt items.

65 Quarterly Licensing Update Report

A report from the Licensing Manager had been circulated in advance and provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing and the new Business & Planning Act.

The Licensing Manager highlighted the following points from the report:

- A high level of enquiries were being received regarding temporary event notices or time limited premises licences for later this year despite the current national Covid-19 lockdown
- The Council's Street Trading policy has regard to consideration of local need or appropriateness of the location where there was the potential for conflict with businesses selling similar goods
- Taxi drivers were being supported with an online process as there were difficulties with booking a GP appointment for the required medical assessment due to the pandemic
- No response had been received from local MPs Simon Jupp and Neil Parish, or from Grant Schapps, MP Secretary of State for Transport and Rishi Sunak, MP Chancellor of the Exchequer, to the Council's letter sent in November 2020 regarding the impact of the coronavirus on the taxi and private hire trade
- Taxi and private hire drivers had been supported by the Council by way of the Additional Restrictions Grant (ARG)

In response to the report, the following points were discussed:

- There was concern regarding the use of EDDC land for events due to the Covid-19 pandemic, and in particular, land close to listed buildings or in a conservation area
- It was noted that the Police and Environmental Health have the ability to raise objections to temporary event notices, although it would be advisable to address general concerns about the use of EDDC land during the pandemic before applications were received
- There was a requirement under the Licensing Act for EDDC to have a clear policy on landowner permission
- The Licensing Service was responding to a large number of pre-application advice enquiries, with approximately 3 – 4 traders contacting the Council on a daily basis and higher demand for space on seafronts in the District
- It was noted that Cornwall Council identified suitable locations for temporary events in advance and goes out to tender annually
- EDDC had already received three applications for summer festivals despite the current national lockdown
- Members noted the lack of response from MPs to the Council's letter regarding the impact of the coronavirus on the taxi and private hire trade and agreed unanimously that this should be followed up

RESOLVED

1. that the report be noted
2. that, due to the lack of any response to the Council's letter of November 2020, a follow up letter be sent to Simon Jupp MP, Neil Parish MP, Grant Schapps, MP Secretary of State for Transport and Rishi Sunak, MP Chancellor of the Exchequer regarding the impact of the coronavirus on the taxi and private hire trade.

The Committee wished to record its thanks to members of the Licensing team for their excellent work during the current challenging times and thanked the Licensing Manager for his comprehensive report.

66

Pavement Licence Update Report

A report from the Licensing Manager had been circulated providing an update on the streamlined process for the grant of pavement licenses under The Business and Planning Act 2020, part of the Government's business recovery plan for tourism and the hospitality trades resulting from the Covid-19 pandemic. The arrangement had been put in place for a year and confirmation was awaited as to whether there would be an extension beyond 30 September 2021. The outcome of a review by the Home Office and Local Government Association was expected imminently.

The report also addressed the need for recruiting additional staff resource to deal with the increase in workload for both pavement licenses and taxi administration and outlined possible options.

In response to a question, the Licensing Manager advised that the £100 fee for a pavement licence would cover EDDC's costs where an application was straightforward but would not cover costs should additional work be required.

RESOLVED

1. that the content of the report be noted, in particular the process that District Councils adopted in July 2020 by issuing pavement licences to businesses within the District
2. that the adopted application process will continue with licences being granted, where suitable, to 30 September 2021.

67

Report on Taxi and Private Hire Vehicle Statutory Standards

The Licensing Manager had prepared a report to inform the Committee of updates and progress concerning new 'Statutory Taxi and Private Hire Vehicle Standards.' Members' attention was drawn to correspondence from the Minister for Roads, Buses and Places, Baroness Vere, who had written to all Council Leaders expressing the expectation that Councils would sign up to the national taxi refusal database known as NR3 (Appendix A of the report refers).

The Licensing Manager advised that the Committee would need to consider the costs and other potential implications of signing up to the national database and an update would be brought to the April meeting.

Members noted that a national database would only be effective if all local authorities agreed to sign up.

RESOLVED that the report be noted.

Attendance List

Councillors present:

K Bloxham (Chair of this meeting)
F Caygill
M Chapman
A Dent (Vice-Chair of this meeting)
S Gazzard
P Jarvis
G Pratt
T Wright

Councillors also present (for some or all the meeting)

G Jung

Officers in attendance:

Nicola Cooper, Solicitor
Rebecca Heal, Solicitor
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Lucy Maxwell, Licensing Officer
Stephen Saunders, Licensing Manager
Louise Bennett, Licensing Officer

Councillor apologies:

J Whibley (Chair of the Committee)
T Woodward

Chair

Date:

Report to: Licensing and Enforcement Committee

Date of Meeting 14 April 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release None



Committee Update -

Licensing Act 2003, Gambling Act 2005, Taxis & General (Street Trading) Licensing

Report summary:

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading and Pavement Licences.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the report be noted

Reason for recommendation:

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

Officer: Steve Saunders – Licensing Manager Email ssaunders@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Click here to enter text on risk considerations relating to your report.

Links to background information Local Government (Miscellaneous Provisions) Act 1976

[East Devon District Council/Constitution](#)

[Assessing fitness to drive: a guide for medical professionals/pdf](#)

Link to Council Plan:

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-

Report in full

1 Licensing Act 2003

1.1 Applications Received, Licences Issued and Notices Given

- 1.1.1 This report informs the Committee of work undertaken by the licensing team and also with regard to any strategic or national updates for each area of work that the team oversees.
- 1.1.2 The Home Office require a mandatory annual return for licensing statistics at the end of each financial year concerning all alcohol and late night licences that was postponed in 2020. Due to the current ongoing situation, the requirement has been cancelled this year and the Home Office will seek the next return in 2022. When completed, the return provides an accurate summary of licensing statistics for the previous year using a formula set by the Home Office for the number of licences administered by each authority.
- 1.1.3 At the last meeting of this committee, the Licensing Manager made reference to the increase in Licensing Act applications over the previous six months for which more details are now available. The number of (premises) licence applications received over the first three months of 2021 was over twice as many for the same periods in 2018 and 2019. **44** applications for the variation, transfer or new licensed premises were processed between 1st January to 31st March 2021 compared with **18** for the same period in 2018, **17** in 2019 and **23** applications during the first quarter of 2020.
- 1.1.4 The last three months of 2020 saw a 30% increase in premises licence applications compared with the same three months for 2018 and 2019. Applications of this type are the most complex and time consuming area of licensing work, requiring extensive work before, during and after the 28 day consultation period that can generate representations and objections. Each application requires two team members involved in reviewing applications, arranging consultations, checking notices and adverts, recording responses, engaging with applicants and authorities, mediating objections, preparing reports and issuing licences with plans.
- 1.1.5 In early March the Minister for Housing, Communities and Local Government, Robert Jenrick wrote to all Councils expressing that measures for reopening hospitality from 12th April should be without 'red tape' or 'bureaucracy' being necessary. Whilst the government has promoted a more pragmatic approach toward businesses, it is not always straightforward when granting contested licences (**Appendix A**).
- 1.1.6 The government roadmap to ease national lockdown in phases will allow hospitality businesses to reopen for outdoor consumption from 12th April. The Statutory Regulations underpinning England's roadmap out of the current lockdown has been published in the [Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#), came into force on the 29th March 2021.

1.2 Hearings

- 1.2.1 The licensing team continues to offer mediation meetings when representations have been submitted against new licensing applications where appropriate, to ascertain whether objectors and applicants can reach an agreed position.
- 1.2.2 A Licensing sub-committee hearing occurred on 24th February for a new licensed business to consider representations and the licence was granted in accordance with the application.
- 1.2.3 Officers have since worked extensively with regard to a further application that will be subject to a Licensing sub-committee hearing planned on 21st April.
- 1.2.4 In 2016 the Licensing Manager provided briefings and guidance to town and parish councils concerning the procedures necessary when submitting representations to applications for licensed premises. Over the course of 2020/21, there has been further need to help inform councillors and the public on the same subject and a new guidance sheet has been prepared to be widely circulated in the weeks ahead (**Appendix B**).
- 1.2.5 When an application is made for the grant or the variation of a premises licence, any person may make a representation about the application. The draft guidance document applies to applications for premises that want to supply alcohol, provide entertainment such as live music or provide late night refreshment (food after 11pm).

2 Gambling Act 2005

2.1 Applications Received, Licences Issued and Notices Given

- 2.1.1 Under the Gambling Act 2005, it is the responsibility of the Council to develop and publish a Statement of Gambling Policy which provides the framework for all decisions on applications and the way the Authority carries out its functions in relation to the legislation. Council adopted the current Policy on the 31 January 2019 being due for review and adoption again in January 2022 when the present policy will expire. The Licensing Authority is under a duty to have reviewed and published a fresh policy by that date and officers will provide a draft of the policy for consultation at the next meeting of this Committee.
- 2.1.2 The Gambling Commission circulates a bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The bulletin for March can be viewed online at [LA Bulletin March 2021 \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

3 Taxis

3.1 Applications Received and Licences Issued

- 3.1.1 The forthcoming period will see a small number of Private Hire licence holders being required to renew their licences despite the previous requirement to renew each May ending in 2017. Following the Taxi renewal period concluding in November 2020, figures confirmed decreasing numbers of taxi licences over the last five years but with increasing Private Hire licences. The current number of all licences is detailed below and may change upon conclusion of the forthcoming Private Hire licence renewal period:

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2016	206	170	22	18	15
2017	195	165	26	20	13
2018	179	161	30	24	16
2019	162	148	37	31	20
2020	155	126	40	32	18
2021 (April)	162	120	41	34	17

- 3.1.2 The licensing team has been receiving enquiries and applications from prospective Taxi and Private Hire drivers and there has been an increase in driver licences over the previous six months. The data will be refreshed to allow a further update when this committee next meets.
- 3.1.3 Despite the roadmap for easing lockdown, the impact of Coronavirus continues to challenge the Taxi and Private Hire trade nationally and locally. Until such time that the national picture is clearer with regard to the pandemic, the ongoing need for the Council's [Covid-19-emergency-taxi-policy](#) is considered necessary and will be reviewed further when this committee next meets.

3.2 Hearings

- 3.2.1 It hasn't been necessary no requirement for a meeting of the Licensing and Enforcement Sub-committee over the previous period for Taxi or Private Hire related matters.

3.3 The Impact of Coronavirus on the Taxi and Private Hire trade

- 3.3.1 Following a resolution by this Committee in late November 2020, letters were sent to local MPs Simon Jupp and Neil Parish, and to Grant Schapps, MP Secretary of State for Transport and to Rishi Sunak, MP Chancellor of the Exchequer detailing the financial challenges and limited funding made available to the Taxi and Private Hire industry. Responses were not provided and in accordance with the latest resolution by this Committee in February 2021, a further letter was drafted and sent to MPs Simon Jupp and Neil Parish ([Appendix C](#)).

3.4 The Statutory Taxi and Private Hire Standards

- 3.4.1 Members resolved to adopt key changes under the current Taxi and Private Hire policy to incorporate the new Statutory Standards in a phased approach over the course of this year. A detailed review will be conducted by officers for further policy changes under a second phase with regard to matters of Vehicle Emissions, CCTV in vehicles, National Refusals Register, Fees and Safeguarding Training although the operational demands over the first three months of 2021 have proved challenging as businesses seek to reopen. For that reason, it has not been possible to provide a more detailed report today for this meeting.
- 3.4.2 Officers collaborate with Devon Licensing Group colleagues and a meeting held on 26th March identified the need for a coordinated approach towards some options, for example with addressing fleet Vehicle Emissions Devonwide in the year ahead with work ongoing.
- 3.4.3 Officers also recently engaged with staff at Devon County Council's Transport Co-ordination Service which utilises the services of EDDC licensed vehicles for school transport. It is understood that a number of licensed drivers signed up for this work last year when highlighted by the licensing team as another alternative for work and there has been initial engagement between both Council's with regard to collaborating on Safeguarding Training of drivers in the future.
- 3.4.4 The proposal to undertake full consultation of the policy before adopting the changes by 31 March 2022 is achievable.

3.5 Pedicabs

- 3.5.1 An approach has been received regarding the feasibility for granting taxi licences in the future for Pedicab tricycles. A community based group has proposed options for greener travel using electric tricycles, also known as 'tuktuks' or 'rickshaws' which operate with one rider using an electric tricycle to transport 2 to 3 passengers on a small seat behind the rider. The option for this is not detailed in the current Taxi and Private Hire policy as specifications for licensing vehicles requires motor cars that should be able to carry a minimum of 4 and up to 8

passengers safely and therefore prevents officers from licensing 3 wheeled tricycles, being outside the policy.

- 3.5.2 Officers have received similar queries in the past, usually from individuals wishing to transport tourists over short distances along the districts seafronts during summer periods. The approach by other Licensing Authorities varies with some adapting taxi policies to accommodate 3 wheeled tricycles, whereas as others, including Transport for London (TfL) declining to licence tricycles on safety grounds. The approach by this Council in previous years by specifying 4 wheel, 4 door cars under the DVLA vehicle classification 'M1' may have been a similar consideration and whilst fully accepting the benefits of greener forms of travel, the issue of public safety remains paramount. There are also legislative barriers with the legal need, licensed taxis can only operate from designated taxi ranks, being a requirement should Pedicabs be deemed suitable, along with fitting a calibrated fare meter and operating in the manner that taxi conditions require. This arrangement could not be considered for Private Hire licensing as it is an offence for any licensed Private Hire Vehicle to pick up passengers by being hailed and all passengers must book in advance.
- 3.5.3 The proposal if considered worthy for revising existing policy would require consultation with existing stakeholders, the public and current licence holders that have invested in motor vehicles. The consultation proposed under Section 3.4 is not likely to occur for the Taxi and Private Hire policy to incorporate the new Statutory Standards until all necessary amendments are properly presented and detailed, that being likely when this Committee meets in November.
- 3.5.4 The purpose today is to highlight the initiative being proposed and to reiterate that this Council has previously amended its policy to accommodate four wheeled cars powered under electric and zero emission propulsion. Contact has been made with Devon Licensing Group colleagues that confirmed that currently there are no Pedicabs licensed in Devon currently.

4. General Licensing – Street Trading Consents

4.1 Applications Received Street Trading Consents Issued

- 4.1.1. At the last meeting of this committee, the Licensing Manager referred to the increase in enquiries and applications received from prospective food traders seeking to operate across the district. Officers retain details of each query and the status of applications and it has been possible to identify that three times more enquiries were received during the first quarter of this year than during the last six months of 2020.
- 4.1.2 In addition and whilst numbers are low, there has been an increase of over 50% more trading consents granted between January and March 2021 than over the last six months of 2020. Currently there are 22 Street Trading Consents in being across the district on public areas with a further 8 that trade under a policy exemption through being on privately owned land that the public can access. Over the previous period, prospective traders have increasingly sought permission to operate from EDDC car parks for which approval is required in advance from Property and Estates.
- 4.1.3 In usual times there are two general types of trading arrangements occurring in the district, the pandemic has paused those under (a) and with all interest currently under (b) being;
 - (a) Short term multiple trading at festivals, community and charitable events, often promoted or requested by parish and town councils (usually lasting for a day or weekend), and
 - (b) Commercial mobile trading businesses for repeated, long term trading in single or rotational locations trading throughout the year (static/mobile food sellers).
- 4.1.4 Event organisers considering outdoor festivals this year still remain cautious and currently look towards June onwards for such events being potentially possible.

4.2 Adherence to Street Trading Policy

- 4.2.1. The growing availability of suitably regulated food sellers continues to be beneficial to the public using their services. The licensing application process remains free of any charge when applying, this being the subject of a previous report to this Committee last year. A further update to allow this Committee to consider options on charging fees to recover the costs for officer time will be prepared.

4.3 Street Trading during Sidmouth Folk Week

- 4.3.1. In 2008 this Committee approved the designation of Sidmouth Esplanade as a consent street for the purpose of street trading allowing the council to provide trading pitches along the Esplanade solely during the annual Sidmouth Folk Week event and for no other time.
- 4.3.2. Officers from a number of services including Licensing, Environmental Health, and Street Scene engage in the planning arrangements and the event falls under Safety Advisory Group (SAG) meetings.
- 4.3.3. The seafront trading during Sidmouth Folk Week has been administered by EDDC since 2008 and although the event did not occur last year, a review of trading allocation had commenced which may involve the organisers of Folk Week in the future. The successful approach over the last thirteen years required protracted involvement of numerous officers and given the growing demands upon EDDC services, the review is still necessary.
- 4.3.4. Applications are eagerly taken up with the process usually opening each April. Sidmouth Folk Week organisers have obtained the necessary licences for venues that sell alcohol and provide entertainment and the timing of seafront trading applications has been paused for review of the national situation in May.

5.1 Pavement Licences

- 5.1.1. A review of the temporary Pavement Licence arrangement administered by EDDC was completed by this Committee in February with applications from businesses that wish to place tables and chairs on highways still only possible to the end of September 2021. The government has expressed wishes to extend the option into 2022 requiring an act of parliament in June to approve that. The present responsibility lasts until September 2021.
- 5.1.2. Businesses still have the full and permanent Pavement Licence option by applying to Devon County Council which still affords businesses the option to seek a licence for 12 months.
- 5.1.3. At the time of preparing this report, the Licensing Team has received two further applications being under consultation. It is important to understand that the temporary licences provided by district councils do not allow for furniture and items that cannot be removed overnight and the course for businesses seeking to leave items outside is through the Devon County Council licence.
- 5.1.4. District councils are required to consult highways at Devon County Council when receiving and consulting upon applications for a temporary Pavement Licence. In circumstances where the highways department objects an application, there is absolutely no right to grant or issue the licence contrary to the landowners refusal.

6. Consultation and Partnership Working

6.1. Safety Advisory Group (SAG) Meetings

- 6.1.2. Quarterly meetings of this council's Safety Advisory Group (SAG) consider advanced planning for outdoor events although the number of events has reduced significantly. The

next proposed meeting is to be held on 15 April. The size and potential for outdoor events taking place in 2021 remains unclear currently.

7.2 Safety Advisory Group (SAG) Meetings

- 7.2.1 Officers attend meetings of this council's Safety Advisory Group (SAG) including a meeting in the spring and in June considering advanced planning for outdoor events. The SAG operates as a multi-agency, non-statutory group that meets providing guidance to event organisers. Meetings are arranged quarterly and core members from each responsible authority attend to support safely organised events.
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Financial implications:

There are no finance implications

Legal implications:

There are no legal implications requiring comment.



Ministry of Housing, Communities & Local Government

APPENDIX A

Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities & Local Government

Ministry of Housing, Communities & Local Government

Fry Building
2 Marsham Street
London

SW1P 4DF
TelXXXXXX
EmailXXXXXX

www.gov.uk/mhclg

5 March 2021

Dear Leader,

Supporting the reopening of outdoor hospitality

On 22 February the Prime Minister published a roadmap for easing the lockdown restrictions and set out that in step two, which will be no earlier than 12 April, hospitality venues will be allowed to serve people outdoors. I am writing to you today to highlight the measures in place to support the safe re-opening of hospitality businesses and to urge you to do everything possible to help these businesses reopen safely and prosper again.

All of us in Government are looking forward to seeing pubs, cafes and restaurants open again, and, as Communities Secretary, I'm determined that we don't let red tape to get in the way of a great British summer. Last summer we introduced several measures to support hospitality businesses to reopen safely, enabling business across the country to continue to serve their local communities. The planning changes we put in place last year have been a lifeline to many businesses and they're here to stay for the summer of 2021.

To that end, I am pleased to announce that we will be extending pavement licences for a further 12 months, making it easier and cheaper for pubs, restaurants and cafes to continue to make al fresco dining a reality with outside seating, tables and street stalls to serve food and drinks. We are also continuing to support local communities hold popular outdoor events like summer fairs, car-boot sales, and markets, without the need for planning permission.

The automatic right to provide takeaways and do deliveries we created at the start of the pandemic is going to continue, as will the right for pubs to have marquees and awnings without planning permission for up to two months.

To remind you of the freedoms we have put in place, I have set out all of the measures that we introduced below:

Al fresco dining

We introduced a simplified route for pubs, restaurants and cafes to obtain a temporary pavement licence to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity quickly and at a low cost. We introduced these pavement licence provisions on 22 July 2020 in the Business and Planning Act 2020. They include a capped application fee of £100 and a 10-working day consultation and determination period.

We have made clear in the pavement licence guidance that we expect local authorities to grant licences for 12 months or more unless there are good reasons not to, such as plans for future changes in use of road

space. Therefore, unless there are very good reasons, we would expect licences granted under these provisions to continue to apply into this summer so that businesses do not have to reapply or be charged a further application fee when they are able to re-open to serve customers outdoors. These temporary provisions are currently due to expire on 30 September 2021, but to give further certainty to businesses I will be introducing secondary legislation to extend these provisions for a further 12 months, subject to Parliamentary approval.

Given the continuing importance of the outdoors to reduce transmission of the virus, I strongly encourage you to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public.

Freedom to use land for community events and outdoor hospitality

Last year we provided greater flexibility for businesses to hold outdoor events such as summer fairs or motorsports on land without the need for a planning application, while events such as car-boot sales, or people or businesses such as pubs wishing to set up marquees will also be exempt. We have increased the number of days allowed for such temporary events from 28 to 56, and in November extended this provision until 31 December 2021.

Outdoor markets

We have also introduced a new temporary right, extended to March 2022, that allows local authorities, either by themselves or by others on their behalf, to use land to hold a market without having to apply for planning permission.

Takeaways

Finally, we also introduced measures to support restaurants, drinking establishments such as pubs and cafes to serve takeaway food when they were otherwise closed due to coronavirus restrictions. These measures will continue to apply until March 2022.

We introduced these changes to provide much needed support to hard-hit hospitality businesses. It is vital that local authorities use these measures in a pragmatic way to help support the high street, businesses and jobs, once restrictions allow them to do so.

Thank you for all you have done in your local community to help businesses prepare for a safe reopening. As we emerge from this incredibly challenging period – let's not let bureaucracy get in the way of a great British summer for the hospitality industry.



A handwritten signature in black ink that reads "Robert Jenrick". A single horizontal line is drawn underneath the signature.

RT HON ROBERT JENRICK MP



Licensing Act 2003: Guidance on Making a Representation

Introduction

This guidance is to help members of the public, Councillors and anyone wishing to make a **representation** against an application for a premises licence in East Devon.

When an application is made for the grant or the variation of a premises licence, any person may make a representation about the application. The guidance only applies to applications for premises that want to supply alcohol, provide entertainment such as live music or provide late night refreshment (food after 11pm).

Representations must be made to the Licensing Authority in writing and during the 28 day consultation period, including by letter or e-mail. To be considered as relevant representation, it must relate to the likely effect of the grant of a licence on the promotion of one or more of the **four licensing objectives**:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

There is nothing in the Act to say that a representation must be of a negative nature and the Licensing Authority will consider both positive and negative representations provided they are relevant to these objective. To be a 'relevant' representation it should express whether **being in support** or **objecting** to an application.

Each licence application will set out the proposed activities, the operating hours and should also contain a section explaining what the applicant proposes to do to promote the **four licensing objectives**.

What is relevant to the four licensing objectives?

Each of the four licensing objectives has equal importance and your concerns on one of the objectives may overlap with another. For example, anti-sociable behaviour at a venue may lead to public nuisance, crime & disorder and public safety.

You could think about the possible causes of harm to each of the licensing objectives that could arise by the venue operating as requested under the terms its application.

APPENDIX B

If you think a risk that relates to one of the licensing objectives, has not been properly addressed in the application, then this will be relevant.

You can refer to our Licensing Policy, which provides more detail on the risks and measures that the applicant could take to minimise or eliminate them under a Pool of Conditions.

What can you comment on?

You can comment on anything in the application but it will only be regarded as being ‘relevant’ if your comments clearly relate to the potential impact the application may have on the **licensing objectives**. In simple terms, a relevant representation for it to be considered must:

- Be received within the 28 day application period
- Clearly outline whether in ‘Support’ or an ‘Objection’ to an application
- Comment clearly on how that licence (if granted in the form it was applied for) will impact or relate specifically to one or more of the licensing objectives
- Avoid general comments around uncertainty, fear, concern instead being specific around risk to each or any of the four licensing objectives
- Comments should not be ‘frivolous’ or ‘vexatious’.

For example, the licensing authority might find the representation is vexatious if it arises because of disputes between rival businesses or it might be a frivolous representation if it clearly lacks seriousness. If a representation is not relevant, or is frivolous, vexatious or repetitive, it will not be possible to accept it and the Licensing Authority will confirm that.

Licensing and Planning Applications

Licensing applications should not be seen as a repeat of a planning application process as planning permission, building control approval and licensing regimes will be properly separated.

Planning matters cannot be reconsidered at licensing hearings which will not be a rerun of contested planning decisions.

Advertising Applications

The applicant must advertise the application by placing a blue notice at or on the premises and must also place a notice in a local newspaper circulating in the area of the venue. There are rules about the format of the advert and notice but the main aim is to inform the community that an application has been submitted and to provide a summary to give people the opportunity to comment. There may be reasons why an application merits written support too.

APPENDIX B

When an application is submitted, the licensing team will publish the application details on our website. You will have 28 days from the day after we receive the application to submit a supporting comment or objection. Under the Act, any response received after 28 days cannot be accepted or considered after this time.

You can view new applications on our licensing register. Using the register, you will be able to check what the applicant is proposing to do, for example the opening hours and activities such as selling alcohol and providing entertainment.

End of the 28 day consultation

Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application may be considered by a Licensing Sub Committee at a hearing. Any party to a hearing may expand on their representation but may not introduce new or different representations.

Where a notice of a hearing is given to an applicant, the licensing authority is required to provide the applicant with copies of the relevant representations that have been made which will include names and address of any person who has made a representation. Persons making representations should be aware that their personal details will be disclosed during the hearing process and anonymous representations will not be accepted.

Where relevant representations have been made, the Licensing Authority may consider mediation between the applicant and any objectors. Due to reasons of timeliness, this may occur through emailing or telephone contact with relevant parties as mediation can allow each party to express concerns in an attempt to reach an agreed position which can remove need for contested hearings.

You must give us notice at least 5 working days before the start of the hearing, stating:

- whether you will attend the hearing in person
- whether you will be represented by someone else such as your ward Councillor or a solicitor
- whether you think that a hearing is unnecessary, if for example you have come to an agreement before the formal hearing)
- if you want another person to appear at the hearing (not to represent you) and details of their name and how they may be able to assist us in relation to the application.

The timescales from the period the 28 day application closes through to arranging a hearing are short and specific, it is not possible to delay unnecessarily.

This guidance provides an outline

It is not a complete statement of the law, therefore, it is important that you do not rely on this document alone and if you want to know more you should read the Licensing Act 2003 (the Act), Home Office Guidance issued under section 182 of the Act and our current Licensing Policy.

Date: 06 April 2021
Direct email: licensing@eastdevon.gov.uk
Our ref: LIC



APPENDIX C

Mr Simon Jupp/ Mr Neil Parish MP
Sent via Email

Dear Mr Jupp/Parish

Financial Funding for the Taxi and Private Hire Industry

At the most recent meeting of East Devon District Council's Licensing & Enforcement Committee it was resolved to write to Simon Jupp MP to seek clarification why a response was not received to the previous letter sent to you in December 2020 (Appendix A).

This Council like most other has explored all possible options of funding available to the local taxi trade and has promoted the availability of grants through the ARG process when the scheme has been available. Unfortunately there has been no revenue allocated centrally for local authorities to distribute to the taxi and private hire industry.

The Licensing and Enforcement committee, ask again whether you support other funding streams being available to all licensed drivers suffering from hardship, to ensuring the taxi trade remains viable and can continue to function when we emerge from the clutches of the COVID – 19 pandemic.

Yours sincerely

(Signature)

(Signature)

Councillor Joseph Whibley

Chair – Licensing & Enforcement Committee

Councillor Kim Bloxham

Vice Chair – Licensing & Enforcement Committee

(On behalf of the East Devon District Council Licensing and Enforcement Committee)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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