

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 5 February 2025

Attendance list at end of document

The meeting started at 10.04 am and ended at 11.15 am

It was noted that, with the agreement of the Chair and the Committee, the meeting could not be live-streamed to YouTube due to an issue with the internet in the Council building.

18 Minutes of the previous meeting held on 13th November 2024

The minutes of the previous meeting held on 13th November 2024 were agreed and signed as a true record.

19 Declarations of interest

There were no declarations of interest.

20 Public Speaking

There were no members of the public registered to speak.

21 Matters of urgency

There were no matters of urgency.

22 Confidential/exempt item(s)

There were no confidential / exempt items.

23 Committee update report - Licensing Act 2003, Gambling Act 2005, Taxis and General Licensing

The Licensing Manager presented the report which provided 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 during the last quarter reporting period. Key points which were highlighted included:

- During the reporting period, under the Licensing Act 2003, 184 applications had been processed, 14 personal licences had been issued and 12 premises of interest had been visited.
- One application to vary a premises licence had been received with representations and considered at a hearing on 29 January 2025. A further application would be considered at a hearing convened for 12 February 2025.
- There had been a significant increase in the number of Temporary Event Notices for various local shows and events during the reporting period.
- The Home Office public consultation on 'Alcohol in licensed pavement areas' was still in process of analysing data received.
- The Licensing Act 2003 Statement of Licensing Policy 2021-2026 was due for review and a revised policy would be brought to the Committee later in the year.
- Work was on-going to draft a Devon wide policy on pavement licensing.

- Under the Gambling Act 2005, requirements were brought in for smaller operators to conduct test purchasing alongside an amended good practice code to implement Think 25 approaches to age verification. This was a move from Think 21 to Think 25.
- During the reporting period there had been a slight drop in Hackney Carriage driver and vehicle licences and a slight rise in private hire drivers and vehicles.
- Three entries to the National Register of Revocations, Refusals and Suspensions had been made.
- Three referrals to the Sub Committee had been made during the reporting period.
- Drivers not completing the mandatory safeguarding training during the agreed timescales would be referred to the Sub Committee.
- An online survey had been launched regarding the proposed changes to the Hackney Carriage fare setting procedure.
- Officers continue to attend meetings of the East Devon Taxi Association, when invited.
- Regarding the VAT treatment of private hire vehicles, at the time of writing the report, legal opinion was that private hire operators outside of London should not be required to charge VAT.
- 26 street trading consents were currently in operation.
- A full time Licensing Officer had gone on maternity leave and the position had not yet been filled.
- Refresher training for Committee members had been held in November 2024.

The Licensing Manager would circulate an article regarding VAT treatment of private hire vehicles and the link to the refresher training following the meeting.

Discussion and responses to questions from Members included the following points:

- The decrease in taxi driver and vehicle licences could be due to a variety of factors.
- A premises licence does not automatically include a pavement licence. Where an outside area is not immediately attached to a premises, a separate licence would be required.
- All new drivers have one year in which to complete the mandatory safeguarding training. At the time of the meeting, approximately 12 – 15 drivers had not completed the training, although some had not yet reached the deadline for completion. Licences would not be renewed if a driver had not completed the training.
- Betting premises were not required to inform the Council how often they undertake test purchasing. Large operators had compliance teams in place to undertake regular testing. Testing of smaller operators was led by the Police and Trading Standards using persons over 18. Currently there were no small independent betting operators in East Devon.
- Unlicensed family entertainment centres were open to any age. Higher paying machines, not available for children under 18, had to be sited in a separate designated area.

The Chair thanked the Licensing Manager for the report.

The Committee agreed to note the update report.

24 **Hackney carriage fare setting procedure update**

The Committee received a progress update report following the resolution at the meeting held on 13 November 2024 to authorise a review of the procedure used to calculate hackney carriage fares in the district.

A ten week consultation with the taxi trade had been launched to collect average figures for annual mileage and running costs for inclusion in the draft procedure.

An online survey had been published on 7 January 2025 and link sent to all taxi operators on 8 January. The survey asked respondents whether they agreed with the estimated average figures or if there were any omissions.

A taxi trade liaison meeting had been held on 15 January 2025 at Blackdown House, to which all members of the East Devon taxi trade had been invited. 9 members of the trade had attended, with 5 sending apologies.

To date, no responses from the 120 licence holders in the district had been received. The consultation remained open until 18 March 2025.

Licensing Officers would send further reminders to the taxi trade before the close of the consultation.

It was hoped to bring a draft procedure to the Committee meeting on 2 April 2025, although the timescale was tight.

The Chair asked Members who had any contact with the taxi trade to encourage them to participate as their information was vital to understanding operating costs.

Discussion and responses to questions from Members included the following points:

- It was difficult to quantify how many responses from the taxi trade would make the fare setting procedure viable. The estimated draft figures were based on East Devon data rather than Guildford figures. If there was no input from the taxi trade, the Committee could proceed to agree the methodology. It was noted that the Guildford consultation had received a poor response and the Judicial Review had concluded that the Guildford taxi trade had chosen not to respond to the opportunities to consult.
- The East Devon Taxi Association was open to all drivers in the district, although the majority of the 10-15 drivers who usually attend were from Exmouth.
- The Taxi Trade Liaison meeting had been held at Blackdown House as this was located more centrally in the district and considered to be a neutral location.
- If the Guildford fare setting procedure was adopted, an annual review would be undertaken with a less detailed survey to capture any variations to the costs involved.
- It was noted that there would be many variabilities in the costs across the district and a second consultation on the draft procedure, including all estimated figures, would be a vital part of the process towards implementing the final procedure.
- Paper copies of the current survey would be available and drivers would also be able to access assistance to complete the survey in person if required.

The Chair thanked Officers for the considerable work involved in setting up the consultation for the review of the fare setting procedure.

The Committee agreed to note the contents of the update report.

Attendance List

Councillors present:

I Barlow
K Bloxham (Vice-Chair)
M Chapman
O Davey
T Dumper
S Gazzard
J Heath

R Jefferies
Y Levine
C Nicholas
S Westerman
J Whibley (Chair)

Councillors also present (for some or all the meeting)

R Collins

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Manager
Giles Salter, Solicitor
Emily Westlake, Licensing Officer

Councillor apologies:

Chair

Date: