

**Agenda for Licensing and Enforcement  
Committee  
Wednesday, 5th February, 2025, 10.00 am**



**Members of Licensing and Enforcement Committee**

Councillors: B Bailey, I Barlow, K Bloxham (Vice-Chair),  
M Chapman, O Davey, T Dumper, S Gazzard, J Heath,  
R Jefferies, Y Levine, T McCollum, C Nicholas, J O'Leary,  
S Westerman and J Whibley (Chair)

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

**Venue:** Council Chamber, Blackdown House, Honiton

DX 48808 HONITON

Tel: 01404 515616

**Contact:** Sarah Jenkins;

01395 517406 email [sjenkins@eastdevon.gov.uk](mailto:sjenkins@eastdevon.gov.uk)

(or group number 01395 517546)

Tuesday, 28 January 2025

**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

- 1 Minutes of the previous meeting held on 13th November 2024 (Pages 3 - 7)
- 2 Apologies
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public Speaking  
Information on [public speaking](#) is available online
- 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 are no items which officers recommend should be dealt with in this way.
- 7 Committee update report - Licensing Act 2003, Gambling Act 2005, Taxis and General Licensing (Pages 8 - 12)
- 8 Hackney carriage fare setting procedure update (Pages 13 - 21)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Question Time will be recorded.

[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 at Council Chamber, Blackdown House, Honiton on 13 November 2024**

#### **Attendance list at end of document**

The meeting started at 10.10 am and ended at 11.42 am

#### **9 Minutes of the previous meeting**

The minutes of the previous meeting held on 17 July 2024 were agreed and signed as a true record.

#### **10 Declarations of interest**

There were no declarations of interest.

#### **11 Public Speaking**

One member of the public, Mr Adrian Phillips of Millstream Taxis, Honiton, had registered to speak. On behalf of the member of the public, the Licensing Officer put their concerns to the Committee regarding agenda item 8, Hackney carriage fare setting procedure. The main concern related to when any change to the fare tariff would take effect. Changes to the national minimum wage from April 2025 would significantly impact Mr Phillips' business, and there would be no ability to compensate for this without an increase in the fare tariff coming into effect at the same time.

The Chair thanked Mr Phillips for attending and raising his concerns with the Committee.

#### **12 Matters of urgency**

There were no matters of urgency.

#### **13 Confidential/exempt item(s)**

There were no confidential / exempt items.

#### **14 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, the Licensing team received and processed 222 applications and visited 14 premises of interest,
- No Licensing Act 2003 applications had been referred to the Licensing & Enforcement Sub Committee since 6 March 2024,
- The Home Office consultation in relation to 'Alcohol in licensed pavement areas' had ended in July 2024 and the results were not yet known,
- The Licensing Manager and Police Licensing Officer had visited the Ottery Tar Barrels event,

- Regarding pavement licensing, work was underway with the Devon Licensing Officers Group to produce a draft policy to be used by Local Authorities across Devon,
- A separate report had been circulated regarding the Gambling Act 2005,
- The latest figures showed a significant rise in the renewal of Hackney carriage driver licences, private hire drivers, vehicles and operators,
- One entry to the National Register of Revocations, Refusals and Suspensions had been made during the reporting period,
- Six significant complaints relating to Hackney carriage and private hire drivers were received during the reporting period, with all complaints apart from one being dealt with by Officers,
- All existing Hackney and private hire drivers must have completed safeguarding training by 1 November 2024, and at the time of writing the report, 60% of drivers had completed the training. The remaining drivers would be contacted to complete the course before further action was considered,
- Licensing Officers continue to attend meetings of the East Devon Taxi Association at its request,
- Information from the Government consultation regarding the potential tax impacts of recent High Court judgements was still being analysed and would be published in due course,
- At the time of writing the report, 25 street trading consents were in operation and a separate report had been circulated to the Committee to request a review of the street trading policy and to request a review of the existing fees and charges,
- There were no updates regarding Licensing staffing during the reporting period,
- Refresher training for members of the Committee would be held on 21 November.

Discussion, and responses to questions from Councillors, included the following points:

- With regard to the changes to arrangements for pavement licenses, a list of premises in East Devon had been provided by Devon County Council and EDDC Officers had visited all the businesses affected by the change,
- Any drivers not completing safeguarding training by the end of November would be referred to the Licensing & Enforcement Sub Committee,
- Councillor training on 21 November would be recorded for Members unable to attend.

The Committee agreed to note the report.

The Chair thanked the Licensing Manager for her report and the team for their work.

## 15 **Hackney carriage fare setting procedure**

The Licensing Officer introduced the report which asked the Committee to consider authorising a full review of the procedure used by the Council to calculate and set a table of maximum fares chargeable by Hackney carriages in the district, with a view to introducing a new fare setting procedure for 2025 based upon a methodology produced by Guildford Borough Council.

If a review of the fare setting procedure is agreed, the Licensing & Enforcement Committee is asked to consider authorising a detailed consultation with the taxi trade to ascertain average figures for the cost of running a taxi in East Devon.

It was noted that the current Hackney carriage fare table, at Appendix A of the report, came into effect on 18<sup>th</sup> June 2024, as it had been agreed that a fare increase was needed at that time. This increase had been calculated by increasing the table of maximum fares in line with inflation, fare comparison, trade consultation and trade costs. While this had offered an appropriate way of calculating fares, it was felt that it may now be an appropriate time to consider putting into place a clear and transparent written

procedure. It was further noted that the Guildford Borough Council method had been tested at Judicial Review.

The Licensing Officer thanked Guildford Borough Council for their assistance.

The Licensing Officer highlighted the following points:

- Running costs in East Devon are likely to vary substantially from those in Guildford,
- A detailed consultation would need to be held with the taxi trade as proprietors are best placed to understand the costs involved and it would be difficult to proceed with a review without detailed input from the taxi trade,
- An online survey would be set up as part of the consultation, with a draft survey attached at Appendix B of the report,
- Officers would look to provide draft estimated figures for each cost together with an explanation of how costs had been calculated,
- If agreed, the consultation would be publicised as widely as possible using a variety of different methods including emails to all in the East Devon taxi trade and a taxi liaison meeting at Blackdown House,
- Following the consultation, a report would be brought to the 2 April 2025 Committee setting out a draft Hackney carriage fare setting procedure, a fare calculator populated with estimated costs and a draft revised Hackney carriage fare tariff table informed by the fare calculator,

The Chair thanked the Licensing Officer for their report and noted that this was an extensive piece of work for Officers.

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

- It was acknowledged that there are differences between urban and rural areas in East Devon, however, it would not be possible to provide any separation as part of a fare setting procedure and average figures would have to be used. It was essential that the taxi trade participated fully in any review in order to obtain detailed figures to accurately calculate average costs,
- Regarding concerns as to the levels of participation from the taxi trade, a taxi liaison meeting would be held at Blackdown House to encourage participation. Officers would provide feedback to the Committee on the level of participation,
- The review, if agreed, would require a large amount of staff time which would be resourced from within the Licensing team. Analysis of the consultation data would take time and it was anticipated that the results would not be ready until the April 2025 Committee meeting, with a view to either commencing any changes to the fare tariff, if agreed, from May 2025; or carrying out further trade consultation, if considered necessary,
- Regarding the differences between urban and rural areas in East Devon, Officers were of the view that the Guildford Method was appropriate as a framework, as all costs applicable to the District could be input. Feedback on costs such as dead mileage would be needed from the taxi trade,
- All taxi drivers would be sent an email to encourage participation if the consultation was agreed,
- The taxi trade would be assured that all information collected would be anonymised.

## **RESOLVED**

1. That the Licensing & Enforcement Committee authorised a review of the procedure used to calculate Hackney carriage fares in the district, based upon the methodology and fare setting calculator developed by Guildford Borough Council and adjusted for local considerations.
2. That the Licensing & Enforcement Committee authorised the launch of a consultation with the East Devon taxi trade to ask all Hackney carriage drivers and proprietors to

participate in the setting of suitable average figures for the cost of running a taxi in the district.

3. That the length of the consultation would be 10 weeks.

In response to a question, the Licensing Manager advised that it would not be possible to undertake a review based on the Guildford Method and consider an interim fare rise using existing methodology at the same time due to pressure on Officer capacity.

The Chair reminded the Committee that, although introducing the Guildford Method was a very large piece of work, doing so would remove the need to consider fare increases on an ad hoc and interim basis as accurate figures would be available going forward which could be considered in line with the schedule of Committee meetings.

## 16 **Draft Statement of Gambling Policy 2025 - 2028**

The Licensing Officer presented the report which advised that the Council's current Statement of Licensing policy was written in 2021 and came into effect in January 2022. There is a legal requirement to review such policy statements every three years. The current policy must be reviewed by 31 January 2025. The draft policy, attached to the report, had been reviewed and updated to reflect changes in national guidance, and feedback from the Gambling Commission, but a further, more in depth review of the Policy was proposed to be undertaken once the Gambling Commission had completed updating its guidance to Local Authorities.

At the Committee meeting of 17 July 2024, a statutory consultation on the draft Statement of Licensing policy 2025 - 28 had been approved. The report summarised the responses to that consultation.

It was noted that the consultation had been sent to 31 statutory consultees and interested parties and that two responses had been received. Only one substantive response had been received and the Licensing Officer thanked Public Health Devon for its comments.

### **RECOMMENDATION TO FULL COUNCIL:**

That the draft Statement of Licensing Policy 2025 – 2028, as amended, is adopted at the Council meeting on 4<sup>th</sup> December 2024.

## 17 **Review of Street Trading Policy**

The Licensing Officer presented the report which sought approval from the Committee to review the existing policy for street trading with a view to conducting a consultation regarding proposed amendments after a draft version of the policy is presented to the Members. Contained within the report was a request to the Members to permit the review of existing fees and charges and to consider the introduction of a fee for holding a consent, in addition to the application fee.

The Licensing Authority was of the view that some of the wording within the policy requires further review, and to be more robust to ensure not only clarity for officers and the public, to ensure new applicants and existing consent holders were treated fairly and consistently. It was noted that the current costs of administration and enforcement exceed income under the street trading policy.

**RESOLVED:**

1. That the Committee approved a review of the current street trading policy, a draft policy would be submitted to Members at the next meeting.
2. That the Committee approved a review of the existing fees and charges including consideration of introducing a fee for holding a consent, in addition to the application fee.

**Attendance List**

**Councillors present:**

I Barlow  
K Bloxham (Vice-Chair)  
M Chapman  
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  
G Jung

**Officers in attendance:**

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

**Councillor apologies:**

O Davey

Chair .....

Date: .....

Report to: Licensing and Enforcement Committee

Date of Meeting 5<sup>th</sup> February 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A




---

**Committee Update – Licensing Act 2003, Gambling Act 2005, Taxis & General 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: Phillippa Norsworthy, Licensing Manager (Governance and Licensing).

---

**Portfolio(s) (check which apply):**

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact.

**Climate change** Low Impact.

**Risk:** Low Risk.

**Links to background information** [Summer 2023 consultation – Proposed changes to LCCP and RTS: Consultation Response - Executive summary](#)

**Link to** [Council Plan](#)



## Priorities (check which apply)

- ☐ Better homes and communities for all
  - ☐ A greener East Devon
  - ☒ A resilient economy
- 

## Report in full

### 1 Licensing Act 2003

- 1.1 **Applications received, licences issued, premises visited and number of hearings.**
- 1.2 The reporting period refers to the last quarter reporting period. This will be referred to as the 'reporting period'.
- 1.3 During the reporting period and at the time of writing this report the licensing team received and processed 184 applications, these all included, new premises licence applications, full and minor variations, transfer of the premises licence, DPS variations and Temporary Event Notices (TENs). As well as other miscellaneous administrative functions.
- 1.4 A total of 14 personal licences were issued in the reporting period.
- 1.5 A total of 12 premises of interest were visited during the reporting period.
- 1.6 At the time of writing this report one application to vary a premises licence received representations, and a hearing will be convened to take place on 29<sup>th</sup> January. Two applications for new premises licences received representation and a hearing has been convened to take place on 12<sup>th</sup> February.
- 1.7 To update members, the Home Office Public Consultation in relation to 'Alcohol in licensed pavement areas' is still in the process of analysing the data from the consultation. At the time of writing this report a check was made to the Home Office website to monitor the progress of the consultation. To remind Members, during the COVID pandemic the government passed regulations allowing business licensed for on sales to sell alcohol for takeaway, delivery and to consume alcohol in licensed pavement areas, without varying the premises licence. These regulations are due to expire on 31<sup>st</sup> March 2025. Members will be advised of the outcome of this consultation when the results are published.
- 1.8 The start of the new year has seen a significant increase in the number of premises licence applications. This is typical of the time of year, due to the number of large, licensed events which take place during the summer months, and smaller events, requiring TENs.
- 1.9 The Licensing Act 2003 Statement of Licensing Policy 2021-2026 is due for review, and a revised policy must be in place by 6<sup>th</sup> January 2026. Section 5 of the Licensing Act 2003 requires a licensing authority to publish a statement of its licensing policy every five years. A revised policy will be submitted to the Licensing and Enforcement Committee later this year, following a public consultation.

### 2 Pavement Licensing

- 2.1 On 31 March 2024 the Levelling Up & Regeneration Act 2023 (LU&RA 2023) came into force. This means that the temporary pavement licences issued under the Business & Planning Act 2020 are now permanent by way of the LU&RA 2023. A Devon wide working group has been established from the Devon Licensing Officers Group (DLOG) and work is underway to produce a draft policy to be used by Local Authorities across Devon.
- 2.2 As an update to Members, a draft Devon wide policy has been produced from the DLOG with input from Devon County Council and is in the final stages of drafting. We are looking to submit a draft policy to Members at their next meeting on 2<sup>nd</sup> April and to ask Members if we can proceed with a public consultation. It is hoped that we will have a policy ready for

approval at the meeting scheduled for 16<sup>th</sup> July and a report regarding an increase in the fees and charges for Members to consider.

### **3 Gambling Act 2005**

- 3.1 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest bulletin can be found here:  
[https://mailchi.mp/gamblingcommission/utm\\_sourcelabulletinutm\\_mediumemailutm\\_campaignlabulletin-7922266](https://mailchi.mp/gamblingcommission/utm_sourcelabulletinutm_mediumemailutm_campaignlabulletin-7922266)
- 3.2 The revised Gambling Act 2005 Statement of Policy was adopted by Council on 4<sup>th</sup> December 2024 in line with the statutory policy cycle.
- 3.3 Members may recall the 2023 consultations issued by the Gambling Commission. The consultations related to a number of proposed changes to the Licence Conditions and Codes of Practice (LCCP) requirements placed on gambling businesses. The Gambling Commission also consulted on changes to existing Remote Gambling and Software Technical Standards (RTS). A full summary of the changes can be found within this report (at links to background information).
- 3.4 Although the changes primarily refer to remote gambling, the following requirements were brought into force at end of August 2024 in respect of land-based operators:

*for land-based operators, the requirement for smaller operators to conduct test purchasing as part of controls to prevent underage gambling, alongside an amended (good practice) code to implement Think 25 approaches to age verification.*

### **4 Taxi and Private Hire Licensing**

#### **4.1 Applications Received and Licences Issued.**

- 4.2 Licensing Officers continue to work effectively by issuing licences upon receipt of fees and all relevant documentation. The latest figures indicate a drop in the number of taxi driver and vehicle licences and a slight rise in the number of private hire driver and vehicle licences. The number of private hire operators remains static.

There are currently 23 outstanding applications in progress for new taxi drivers, taxi vehicles, private hire drivers, private hire vehicles and private hire operator licences.

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2022	153	135	52	40	22
2023	155	133	49	42	24
Feb 2024	146	129	51	43	26
May 2024	144	131	51	43	27
July 2024	143	132	49	40	26
November 2024	139	133	52	40	27
February 2025	135	129	53	42	27

- 4.3 Three entries to the National Register of Revocations, Refusals and Suspensions were made during the reporting period. It is mandatory for local authorities in England to input details of individuals whose driver licences have been revoked, suspended, or refused.
- 4.4 The entries to the National Register of Revocations, Refusals and Suspensions were concerning a refusal to grant a hackney carriage driver licence, the revocation of a hackney carriage driver licence and the suspension of a hackney carriage driver licence.
- 4.5 During the reporting period a total of one hackney carriage vehicle licence was revoked and two hackney carriage vehicle licences were suspended.
- 4.6 The licensing team records and investigates complaints received by the public and reported by other drivers which is recognised as an effective procedure by the Department of Transport (DfT). Four complaints relating to hackney carriage and private hire drivers were received during this reporting period. The complaints related to issues such as, careless driving and alleged driving without insurance. All complaints have been resolved by Officers.
- 4.7 Three referrals to the licensing sub-committee for taxi matters occurred during the reporting period. A licensing sub-committee is due to take place on 12<sup>th</sup> February to determine the suitability of a hackney carriage driver.
- 4.8 In November 2023 it became policy that all East Devon hackney and private hire drivers complete Safeguarding Training. The council has chosen the e-learning course ['Safeguarding Children and Adults at Risk' provided by Uniformed Transport Systems](#)
- With effect from 1st April 2024 all existing licenced drivers seeking the renewal of their licence will, within 12 months of any licence being renewed, undertake approved child sexual exploitation and safeguarding awareness training (CSE awareness).
- Licensing Officers have been working hard to ensure all existing drivers have completed the course. All new drivers have 12 months after obtaining their licence to complete the course. Any driver who does not complete this mandatory safeguarding training within the time scales will be referred to a Licensing Sub-Committee.
- 4.9 **The Taxi table of maximum fares methodology – The Guildford Formula.**
- The Guildford Method is a court tested method of calculating the average cost of operating a hackney carriage. A separate report has been submitted for this meeting for Members to be given an update on the recent launch of the online survey to hackney carriage drivers and proprietors, and the outcomes from the explanatory meeting which took place with the hackney carriage drivers and proprietors on 15<sup>th</sup> January.
- 4.10 **Meetings between Councillors, Taxi Proprietors and Officers.**
- Officers remain in regular contact with the East Devon Taxi Association (formerly the Exmouth Taxi Association) and continue to offer support through sharing information to all licenced drivers over email. Officers have also committed to regularly attending the Association's meetings. The role of Officers at these meetings is primarily to answer questions from the Trade and to provide updates on any regulatory or policy changes.
- 4.11 **Consultation on the VAT Treatment of Private Hire Vehicles.**
- 4.12 On 15<sup>th</sup> July 2024 the UK Court of Appeal overturned the previous 2023 High Court ruling that private hire operators must collect VAT on the basis that they act as contract 'principal' (DELTA Merseyside Limited & Anor v Uber Britannia Limited). The 2024 Appeal Court judgement held that the private operator was not always the contracting party, a key

assumption of the High Court decision. The legal opinion at present is therefore that private hire operators (outside of London), should not be required to charge VAT.

- 4.13 On 6<sup>th</sup> November 2024, Uber asked the Court of Appeal for permission to appeal this decision. This was refused by the Court of Appeal, however the Supreme Court disagreed and granted Uber its request to appeal.
- 4.14 The appeal hearing at the Supreme Court will not take place until later in 2025.

## **5 General Licensing – Street Trading Consents.**

### **5.1 Applications received, Street Trading Consents Issued.**

- 5.2 At the time of writing this report 26 street trading consents are in operation. These include sole traders and traders as part of an event not held under a premises licence. At the time of writing this report there are currently 9 applications in progress.
- 5.3 An application for the grant of a street trading consent was referred to a licensing sub-committee hearing on 12<sup>th</sup> December 2024, after public objections were received. The licensing sub-committee determined to grant the application as applied for.
- 5.3 A working group within the licensing team has been established, and work towards reviewing the street trading policy and associated fees and charges has commenced.

## **6 Staffing within the Licensing Team.**

- 6.1 A full time licensing support officer has gone on maternity leave on 10<sup>th</sup> January. This position has not been filled yet.

## **7 Councillor Training and Elections**

- 7.1 Training is mandatory to provide sufficient understanding for Members to determine contested applications at licensing sub-committee hearings and to withstand any challenges upon appeal.
- 7.2 Further to the Councillor training sessions provided by the Institute of Licensing (IOL), subsequent catch-up training for those not able to attend IOL training can be provided.
- 7.3 A refresher training session for Members of the Licensing & Enforcement Committee took place on 21 November 2024. The training was recorded for any Members who were unable to attend.
- 7.4 The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year.

---

### **Financial implications:**

There are no financial implications.

### **Legal implications:**

There are no legal implications requiring comment.

Report to: Licensing and Enforcement Committee

Date of Meeting: 5<sup>th</sup> February 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release: N/A



## Hackney carriage fare setting procedure update

### Report summary:

The purpose of this report is to provide a progress update following the Licensing & Enforcement Committee's resolution, on the 13<sup>th</sup> November 2024, to authorise a review of the procedure used to calculate hackney carriage fares in the district.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

That the Licensing & Enforcement Committee note the contents of the report.

### Reason for recommendation:

The purpose of the report is to provide a progress update only and no decisions need to be taken at this stage.

Officer: Emily Westlake, Licensing Officer, Email: [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk) Tel: 01404 515616

### Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Communications and Democracy
- ☐ Economy
- ☐ Finance and Assets
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk

### Links to background information:

Hackney carriage fare consultation survey: <https://taxifareconsultation.commonplace.is/>

Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

Legislation relating to fixing of fares for hackney carriages: [Local Government \(Miscellaneous Provisions\) Act 1976](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
  - ☐ Carbon neutrality and ecological recovery
  - ☒ Resilient economy that supports local business
  - ☐ Financially secure and improving quality of services
- 

## Report in full

### **Background**

At a meeting held on the 13<sup>th</sup> November 2024, the Licensing & Enforcement Committee resolved to authorise a review of the procedure used to calculate hackney carriage fare tariffs and charges in the district, based upon a methodology and fare setting calculator developed by Guildford Borough Council and adjusted for local considerations.

The Committee also authorised the launch of a 10-week consultation with the taxi trade, in order to ask all East Devon hackney carriage drivers and proprietors to participate in the setting of suitable average figures for annual mileage and vehicle running costs in the district, for inclusion within the draft procedure.

The purpose of this report is to update the Committee on the progress made since that meeting. A more substantive report will be provided once the consultation has ended, and the responses have been analysed.

### **Consultation launch**

After the meeting on the 13<sup>th</sup> November 2024, the Licensing Team began the work required to draft the consultation survey. This included calculating estimated figures for each of the salary, mileage and cost factors involved in running a taxi in East Devon.

These calculations were undertaken using the methodology set out in Guildford Borough Council's procedure, adjusted to account for both local considerations and current prices, using data from East Devon District Council records, national statistics, and other appropriate information sources. This included the AA's Motoring Costs Report from July 2014 adjusted for inflation using the ONS RPI Motoring Expenditure Costs Index.

Once the estimated figures had been calculated, the Licensing Team worked with the Council's Communications Team to create the online survey consultation, and this was published on the **7<sup>th</sup> January 2025**. A link to the survey was sent by email to all East Devon hackney carriage drivers and proprietors on the **8<sup>th</sup> January 2025**.



The live survey consultation can be viewed here: <https://taxifareconsultation.commonplace.is/>.

The “process and intention” section of the survey explains why the Council are looking to draft a fare setting procedure and sets out the methodology involved.

The “taxi fare calculation questions” section then lists all salary, mileage and cost factors included within Guildford’s methodology (and some additional factors which have been identified as relevant to East Devon) and contains, where possible, an estimated figure for each factor together with information about how this has been calculated.

The survey asks respondents to comment on:

- whether they agree with these figures and how they have been calculated
- whether a cost factor should be included or excluded and
- if there are any other costs that haven’t been listed

It also asks for general comments and views on the existing East Devon fare tariff and additional charges.

### **Taxi liaison meeting**

On the 15<sup>th</sup> January 2025 a taxi liaison meeting was held at East Devon District Council's offices at Blackdown House, Honiton and all hackney carriage drivers and proprietors were invited to attend. An initial invite was sent out by email on the 20<sup>th</sup> December 2024 and a further invitation was sent out, with the link to the survey, on the 8<sup>th</sup> January 2025.

The meeting was chaired by the Vice Chair of the Licensing & Enforcement Committee and was attended by the Licensing Manager, Licensing Officer and Democratic Services Officer.

9 members of the taxi trade attended the taxi liaison meeting, including members of the East Devon Taxi Trade Association. An additional 5 members of the taxi trade sent their apologies, 1 acknowledged receipt of the email, and the remaining 120 licence holders gave no response.

At the meeting, the Licensing Officer gave a presentation on the hackney carriage fare setting procedure, and explained why East Devon District Council were looking to put this in place and the process involved in doing so. The Licensing Officer gave a demonstration of the online consultation survey, and explained how to complete the questionnaire and outlined the information the Council was looking to gather.

The Licensing Officer gave an update on the timescales involved and reminded the attendees that the closing date for the survey was the **18<sup>th</sup> March 2025** and, that following this deadline, the results would be analysed and a further report taken to the Licensing & Enforcement Committee for the responses to be considered and the next steps determined.

The attendees were advised that it was likely there would be need for a further consultation once the draft procedure was agreed, and before it could be given final approval and any subsequent fare tariff amendment considered.

The Vice Chair of the Licensing & Enforcement Committee ended the meeting by reminding the attendees how important it was for the taxi trade to participate fully in the consultation and complete the survey, so that Members could ensure the trade's opinions and feedback were fully considered.

A copy of the minutes of the taxi liaison meeting can be found at **APPENDIX A** of this report.

The general feedback from the attendees was as follows:

- The reasons for having a hackney carriage fare setting procedure in place were recognised and the attendees were pleased that this would give scope for an annual fare review going forward.
- There were mixed views about whether a fare rise was necessary at this time. Some of the attendees felt that a further fare rise was necessary, and others felt that the amended fare tariffs introduced in June 2024 went far enough and did not need reviewing for another year or two.
- The general feeling was that it would be very difficult to estimate average figures that were suitable for all drivers and all areas of the district and the attendees highlighted how:
  - Driver's annual mileage figures would vary dramatically.
  - Different drivers worked, and were paid, in very different ways (some drivers are self-employed owner-drivers, some work for a vehicle proprietor on a self-employed basis and some drivers are employed by taxi companies).
  - Vehicle proprietors financed their vehicles in various different ways.
  - Vehicle running costs varied depending on many different factors. Examples given included: how the age of the driver could affect insurance premiums and how the make, model and size/engine capacity of the vehicle could affect the cost of parts and labour, vehicle tax etc.
- There were concerns about not having a booking fee included in the tariff charges and the consensus was that the booking fee should remain due to the diverse and rural nature of the district.

## **Next steps**

**At the time of publication of this report, no responses to the survey have been received.**

Following the end of the consultation period, on the 18<sup>th</sup> March 2025, Officers will look to bring a further report to the Licensing & Enforcement Committee setting out the results of the survey consultation and attaching a first draft of the hackney carriage fare setting procedure.



The Licensing & Enforcement Committee are asked to note that, while Officers aim to bring this report to the meeting scheduled for the 2<sup>nd</sup> April 2025, the timescales for this are very tight as there is only 1 week between the end of the consultation period and the date of publication of the Committee agenda and reports. It may therefore be necessary to delay the meeting or hold a further extraordinary meeting to consider the report, if the work required cannot be completed in time.

The Committee are also asked to note that the recommendation at that time will be for a further consultation to be carried out, once the draft hackney carriage fare procedure has been agreed and before any amended tariff is considered, to enable the taxi trade and interested members of the public to view the draft procedure and give comments and feedback.

---

**Financial implications:**

There are no financial implications contained within the report at this stage of the process.

**Legal implications:**

The report is for noting on progress with the project and requires no legal comment.

## EAST DEVON DISTRICT COUNCIL

### **Minutes of the Taxi Liaison Meeting between Members, Licensing Officers and Hackney Carriage Proprietors and Drivers Wednesday, 15<sup>th</sup> January 2025 at 11am**

**Members and Officers attendance list at end of document.  
9 members of the Taxi Trade were present.**

The meeting started at 11.00am and ended at 12.30pm

The Vice-Chair of the Licensing & Enforcement Committee, Cllr Kim Bloxham, introduced herself and advised that she would be chairing this meeting. The purpose of the meeting was to discuss the Council's proposal to draft a taxi fare setting procedure that can be used to review the Hackney Carriage table of maximum fares on a yearly basis. The Chair then outlined the format for the meeting.

#### **1. Apologies**

The Chair of the Licensing & Enforcement Committee, Cllr Joe Whibley, had hoped to attend, but had not been able to, so had sent his apologies.

#### **2. Hackney Carriage Fare Setting Procedure**

The Licensing Officer, Emily Westlake, thanked the members of the Taxi Trade for attending. All members of the trade in East Devon had been invited to attend.

The Licensing Officer explained the reasons why the Council was proposing to introduce a new taxi fare setting procedure, how Officers intended to draft the procedure and the information which would be needed from the Taxi Trade to assist with this.

The Licensing & Enforcement Committee had reviewed the Hackney Carriage fares in Spring 2024 and authorised a 10% increase to all fare tariffs which had come into effect on 18 June 2024. The Committee had also been asked to consider authorising the drafting of a new fare setting procedure, but decided to delay this until after the fare increase had been implemented due to concerns regarding the rising costs of running a taxi in the District.

Following the introduction of the new fare table in June 2024, the Committee now considered that it was a more appropriate time to review the procedure used to calculate fare tariffs. At the meeting on 13 November 2024, the Committee authorised Officers to begin work and to start gathering information from the Taxi Trade.

The Licensing Officer referred to the Depart for Transport's revised Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities which advised that the Council should consider adopting a simple formula for deciding on fare changes and that tariffs should be reviewed regularly.

In addition, over the past few years several requests from the Taxi Trade had been received as to whether the Council used the “Guildford Method” of fare calculation, and whether an automatic inflationary increase each year could be considered.

The Council now wished to put in place a written procedure which could be used to set a new fare tariff which would also be reviewed on an annual basis. It was intended to use the method already produced by Guildford Borough Council which was considered by many to be best practice for setting Hackney Carriage fare tariffs.

The “Guildford Method” involved a formula that produces the basic charge per mile (travelled with one passenger by an average driver) required to provide an annual salary for the driver or proprietor once the average running costs have been covered. This method comprised the following: written methodology setting out the process and the formula used; the fare calculator; the table of maximum fares.

The Council acknowledged that the total running costs associated with operating a taxi in East Devon were likely to be very different from those associated with operating a taxi in Guildford. Therefore, costs for wages, mileage and other figures would be adjusted to relate specifically to East Devon.

There would be a large amount of work involved to determine the costs of running a taxi in East Devon and it was recognised that the East Devon Hackney Carriage drivers and proprietors were best placed to know those costs. The Licensing Officer emphasised that the participation of the Taxi Trade in providing the information needed would be key to drafting the new fare setting procedure.

Responses to questions and issues raised by the Taxi Trade included the following points:

- The recently announced devolution and local government reorganisation was likely to have a significant impact on the East Devon Taxi Trade and its costs, which could not be known at this stage.
- Officers advised that the earliest changes could come into effect would be May 2027 or 2028, and until then, the Council was operating on a business as usual basis.

### 3. **Consultation Survey Demonstration**

The Licensing Officer introduced the survey which would enable the Council to gather as much relevant information as possible about the costs of running a taxi. An email had been sent to all East Devon taxi drivers and proprietors asking them to participate in the survey. A high level of participation by the Taxi Trade would help to ensure that the average costs included in the fare setting formula were as accurate as possible.

The survey was shown on the Chamber screens and the Licensing Officer explained in more detail how to complete each question and the information required. Attention was drawn to the mileage record sheet which could be downloaded to record journeys over one or more typical work days.

Responses to questions and discussion of issues raised included the following points:

- As much information as possible was needed in order to calculate the average number of live miles each year. An accurate average figure would take account of variables such as different journey types, drivers working full time or part time and crossing of fare tariff boundaries. An average figure for live miles would also take account of some taxis being used for personal mileage and the number of dead miles. The Council therefore needed information on personal, live and dead mileage per year from the Taxi Trade.
- The names of those responding to the survey would be collected to ensure that responses were legitimate. Personal details would not be included in any published results of the survey.
- None of the survey questions were mandatory and comments boxes had been included for respondents to add further information.
- The Council would like to hear from the largest taxi company to single drivers so that all information was included.
- At this stage electric cars had not been included as the East Devon Taxi Trade only had a couple of vehicles. In future years electric cars would be included in the survey as numbers increased.
- Licensing Officers would be pleased to help drivers complete the survey.
- With regard to training for taxi drivers, disability awareness training would be provided at a future date, but was not imminent.
- Results from the survey would not be used for any purpose other than drafting the new fare setting procedure. Results would not be shared with HMRC.
- Initial work on the spreadsheet of average costs seemed to indicate that the new tariffs could be higher than the existing fare tariffs.

Members of the Taxi Trade thanked Licensing Officers for the work they had put in to set up the survey.

#### 4. **Timeline and Next Steps**

The consultation was launched on 7 January 2025, with an email to all taxi drivers sent on 8 January.

A brief update on progress with the survey would be provided at the next meeting of the Licensing & Enforcement Committee on 5 February 2025.

The survey would close at 3.00pm on 18 March 2025.

Licensing Officers would be pleased to provide assistance with completing the survey either at Blackdown House, or at Exmouth Town Hall.

It was hoped that the survey responses and draft fare setting procedure would be considered at the Licensing & Enforcement Committee meeting on 2 April 2025.

It was difficult to set a timescale beyond April, however, should the Committee agree the draft procedure in principle, it is likely this would be put out to public consultation before further consideration by the Committee at its meeting in July 2025.

Updates would be provided to the Taxi Trade at each stage of the process and following any decisions by the Licensing & Enforcement Committee.

Comments and responses to questions included the following points:

- The Licensing & Enforcement Committee would consider the issue should the new fare setting procedure result in a lower fare tariff than was currently in place.
- Members of the Taxi Trade considered the current fare tariff to be suitable.
- A member of the Taxi Trade was of the view that the current tariff is slightly too high.
- It was noted that there was a different demographic in the various areas of the District.

### 5. **Question and Answer Session**

There were no further questions.

### 6. **Any Other Business**

There was no other business and the Chair thanked everyone for attending.

#### **Attendance List**

##### **Councillors present:**

K Bloxham (Vice-Chair of Licensing & Enforcement Committee)

G Jung (Portfolio Holder for Coast, Countryside and Environment)

##### **Officers in attendance:**

Phillippa Norsworthy, Licensing Manager

Emily Westlake, Licensing Officer

Zoe Jones, Licensing Support Officer

Martha Loak, Licensing Support Officer

Melanie Wellman, Director of Governance and Licensing

Sarah Jenkins, Democratic Services Officer

##### **Councillor apologies:**

J Whibley (Chair of Licensing & Enforcement Committee)