EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held On line via the Zoom app on 3 September 2020

Attendance list at end of document
The meeting started at 10.00 am and ended at 11.20 am

41 Public Speaking

There were no members of the public who wished to speak.

42 Minutes of the previous meeting

The minutes of the meeting held on 27 July 2020 were agreed as a true record.

43 Declarations of interest

There were no declarations of interest.

44 Matters of urgency

There were no matters of urgency.

45 Confidential/exempt item(s)

There were no matters of urgency.

46 Quarterly Update report -September 2020

The Licensing Manager presented his report to the Committee. It provided an update of the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, taxi legislation and general licensing, including street trading and pavement licensing.

The Licensing Manager highlighted that the licensing team covered many things across East Devon. This included:

- All alcohol related matters.
- Taxis and private hire work.
- Gambling (excluding online betting)
- Street trading.
- Pavement Licensing
- Charitable collections
- Cemeteries and burial bookings.

The previous update provided to the committee was in February 2020 before the impact of Covid 19 that has since impacted working procedures for licensing staff. New and emergency legislation was introduced by the government over the previous months and the Coronavirus Act 2020 introduced the need for licensed premises to close and gave enforcement powers to Environmental Health Teams and Trading Standards.

The Taxi and Private Hire Driver trade was also significantly challenged as a result of the Coronavirus lockdown. A number of drivers and businesses continued to provide essential transport for vulnerable members of the community.

It was reported at the extraordinary meeting on 27th July that the responsibility for issuing short term Pavement Licences would pass to district Councils in August. These procedures were now in place, but despite the high profile and level of awareness there have been fewer applications than were expected.

During discussions the following points were noted:

- In view of the fewer number of applications received for Pavement Licences than expected, would the post of the new member of staff be taken up? The Licensing Manager reported that this work had been very onerous on licensing staff and it was still expected that this post would be needed; although the post had not yet been filled.
- With regard to outdoor areas, were separate areas required for smokers and non-smokers? The Government had given an exemption for licensed premises to use outside areas until September 2021.
- Would Licensing staff be expected to carry out premises inspections soon? This would be part of the Councils overall Covid 19 risk assessment.
- How many Pavement Licences had been received so far? There had been two applications received by the Licensing Service, but more were expected.
- Is there an update by Licensing on the services ability to close premises if they were not complying with Covid 19 regulations regarding such things as social distancing. The Licensing Manager reported that were was continually changing Government guidance on this area. There were 500 licensed premises in East Devon and there had been no complaints received from the public or police about failure to comply with Covid 19 guidelines.
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RESOLVED that the report be noted

47 Licensing Act Policy consultation

Members received the report of Steve Saunders, Licensing Manager, which updated the committee on the review of the Council's Statement of Licensing (Act 2003) Policy and sought approval to commence the consultation process on the draft policy which had been updated in the light of recent changes in legislation and experience over the past five years.

During discussions the following points were noted:

- Could more consideration be given to the public health impacts of the Licensing policy. Although it was noted that public health at Devon County Council were a consultee.
- Would like to see research carried out to see the effect of lockdown on the late night trade of the lockdown and how much was saved by the police and other agencies during this period.
- Designated Premises Supervisors should be held responsible for tidying any litter produced by their customers outside their premises.
- Some of the problems caused in late night premises were customers consuming alcohol bought in supermarkets prior to going out.

RESOLVED that approval be given to the draft Statement of Licensing Policy as attached to the report, subject to addition of the point made above regarding litter outside licensed premises and for the Licensing Service to start the formal consultation process that was required by legislation.

48 Taxi Fare Tariff

Members received the report of Steve Saunders, Licensing Manager which asked the committee to note the new Hackney Carriage Fare Table following the public consultation and to consider timeliness and procedures of future fare review processes.

During discussions the following points were noted:

- Is there a definition of soiling of taxis and the charges? The Licensing Service normally mediated on any of these issues which arose each year. There was no data available to show that taxi cab soiling by passengers had increased. The website would be updated to add a comment regarding the Licensing Services ability to mediate on taxi cab soiling issues.
- That for the sake of clarity, points 9 & 10 in Appendix B be added to the first paragraph.

RESOLVED 1. that with the addition of the amendment made above, the Hackney Carriage Table of Fares as attached to the report be adopted with immediate effect.

2. that agreement be given that the Table of Fares be reviewed annually and no earlier than 12 months after a previous review through an agreed procedure.

49 Taxi Policy

Members received the report of Steve Saunders, Licensing Manager which informed the committee on recent Government guidance issued in July 2020 with regard to the Taxi Licensing Policy ahead of full implementation.

In response to a question it was noted that the Licensing Service had not received sufficient data to make CCTV in taxi cabs mandatory and certainly not many complaints from members of the public. It was noted that there was a considerable cost for drivers to introduce CCTV in cabs and the recording equipment. The requirement for DBS checks for taxi drivers was an additional cost, but other licensing authorities in Devon had introduced a service for driers at a cost of £30 each whereby they would make on line DBS checks for drivers every six months.

RESOLVED that the new statutory guidance which the Licensing Authority will have regard to until it is full incorporated into the Councils Taxi Licensing Policy be noted.

50 Covid 19 Taxi Policy

Members received the report of Steve Saunders, Licensing Manager, which asked the Committee to note the COVID-19 Taxi Policy and sought approval to continue adoption of the policy. It was noted that the taxi trade had significantly reduced trade during the lockdown period and were continuing to see a reduction in customers. Some drivers had chosen to SORN their vehicles to save money.

RESOLVED 1. that the temporary adoption of the Emergency Covid 19 policy introduced in April 2020 be noted.

2. that its continuing use, in conjunction with the full taxi policy, be approved until further review by this committee at a later date

Attendance List

Councillors present:
J Whibley (Chairman)
K Bloxham (Vice-Chairman)
M Chapman
A Dent
S Gazzard
S Jackson
G Pratt
B Taylor
T Wright
L Jeffery
T Woodward

Councillors also present (for some or all the meeting)
S Hawkins
P Millar

Officers in attendance:
Christopher Lane, Democratic Services Officer
Giles Salter, Solicitor
Stephen Saunders
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:
F Caygill
N Hookway
P Jarvis

Chairman ..... Date: .....