

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 7 December 2022**

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

The meeting started at 10.03 am and ended at 10.41 am

#### **17 Public Speaking**

Mr Stuart Phillips, one of the proprietors of Millstream Taxis, Honiton, requested clarity regarding the date on which the adoption of the new hackney carriage fare table would come into effect. The newspaper notice of the fare increase had indicated that the revised fare tariff would take effect on 30 November, subject to there being no objections, whereas the increase was being discussed at the meeting today under item 9.

The Licensing Manager confirmed that there had been no objections and advised that taxi fare increases come back to the Committee for ratification. The earliest date a meeting could be held was today, and subject to the discussion at item 9, the fare increase would take effect from today's date.

#### **18 Minutes of the previous meeting**

The minutes of the meeting held on 26 October 2022 were agreed and signed as a true record.

#### **19 Declarations of interest**

There were no declarations of interest.

#### **20 Matters of urgency**

There were no matters of urgency.

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

There was one item which officers recommended should be dealt with under Part B.

#### **22 Hackney carriage fares - adoption of new fare table**

With the agreement of the Committee, this item was brought forward on the agenda.

The Licensing Manager summarised the consultation process which had been widely viewed. No objections had been received. Subject to the Committee's decision, the new hackney carriage fare tariff would come into effect immediately and taxi operators would be made aware of the change later today.

The Licensing Manager advised that the recommendation had been amended to reflect that the Committee had the power to agree the adoption of the new fare table.

In response to a question regarding changing taxi meters to reflect the new tariff, the Licensing Manager advised that it was anticipated that operators would wish to make the change as soon as possible and that this could be done quickly by appointment. All meters should be changed by the cut-off date of 1 March 2023.

## **RESOLVED**

That the Hackney Carriage table of fares as attached to the report at Appendix A be adopted with immediate effect.

## 23 **Quarterly update report**

The Licensing Manager presented the quarterly update 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.

The following points from the report were highlighted:

- Film makers have the right under the Licensing Act 2003 to have a film classified by the relevant Licensing Authority where they have not sought classification from the British Board of Film Classification, usually due to the cost involved. Only two such requests have been received in recent years, although the Licensing Team is aware that this is emerging work and should the need arise, the Committee will be provided with further updates. The request highlighted in the report at section 1.1.5 was in connection with a historic film to be shown at a folk festival next year.
- It is anticipated that the Licensing Act 2003 will be reviewed next year together with easements to support the industry as it recovers from the pandemic.
- The bulk renewal of licences had been completed and it was noted that taxi driver licences had decreased slightly due to a couple of retirements, with all other licences increasing.
- It was anticipated that the temporary pavement licences legislation is likely to be made permanent next year with the licensing work undertaken by the County Council being transferred to EDDC which will involve more work for the team.

In response to questions from Members, the following points were advised:

- Regarding the transfer of pavement licensing from the County Council, this would involve considerable work with thirty premises needing to be visited and enforcement checks undertaken. The Licensing Manager advised that there would need to be a review of officer capacity when this work transfers.
- With regard to the training of applicants to hold a premises licence, there is a requirement to attend an accredited training course provided by the Institute of Licensing.
- The Licensing Authority had not been made aware of any incidents of needle spiking within East Devon. It was noted that members of the public should report any incidents which occur.

The Licensing Manager was thanked for his report which was noted.

## 24 **Street Trading policy and designation of streets**

The Licensing Manager presented the report which set out the background to and the request for the public consultation to be undertaken on changing the current Street Trading policy which was due for review after its introduction in 2017.

Since 2017 there has been considerable growth in street trading, particularly due to the effects of the covid pandemic when street trading provided support to the public.

The proposal was to review the policy, including a review of the prohibitions around Sidmouth town centre, with a proposal to open Sidmouth seafront for longer periods. It was also appropriate to consider the district as a consent location and to consider the level of fees due to the costs borne by officers in administering applications.

Subject to approval, the consultation would commence in the new year for two months, followed by a formal consultation in the newspapers.

It was noted that there are locations where the public could queue on public land to access traders on private land. The Licensing Authority would only engage where street trading was impinging on public land.

The consultation would include the length of time ice cream vans were able to trade as this could have a significant impact on the trade of other similar business premises should vans be parked in close proximity.

## **RESOLVED**

1. That the Committee authorise public consultation in accordance with the legislative requirements on proposals to:
  - a. Rescind all the Council's previous resolutions to designate streets as 'Prohibited Streets' and 'Consent Streets' within the District, and
  - b. Designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (listed in Appendix D to the report) which shall be 'Prohibited Streets' except during a set period of time each year.
2. To commence public consultation on the Council's revised Street Trading policy and to set application fees to be charged for Consent to be granted.
3. That the Committee will receive a further report that will consider any subsequent representations received during the public consultation exercise and will make further recommendations to be adopted by the Council.

## 25 **Exclusion of Press and Public**

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).

## 26 **Suspension of hackney carriage driver licence**

The report provided the Committee with an update regarding the suspension of a licensed Taxi (Hackney Carriage) driver. The report was noted and the Committee supported the action taken by officers.

### **Attendance List**

#### **Councillors present:**

J Whibley (Chair)  
K Bloxham (Vice-Chair)  
M Chapman  
A Dent  
P Jarvis

B Taylor  
T Wright

**Councillors also present (for some or all the meeting)**

**Officers in attendance:**

Phillippa Norsworthy, Licensing Officer  
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)  
Sarah Jenkins, Democratic Services Officer  
Stephen Saunders, Licensing Manager  
Zoe Jones, Licensing Support Officer

**Councillor apologies:**

O Davey  
S Gazzard  
P Millar

Chair .....

Date: .....