

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 19 July 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.08 am

1 Public Speaking

There were no members of the public registered to speak at the meeting.

2 Minutes of the previous meeting

The minutes of the meeting held on 15 March 2023 were agreed and signed as a true and accurate record.

3 Declarations of interest

There were no declarations of interest.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

There were no confidential or exempt items.

6 Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing update

The Interim 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. The following points were highlighted:

- The Licensing Service have received a very high number of applications for Temporary Event Notices (TENs) for festivals and events in East Devon.
- The volume of sub-committee hearings during the period containing elections and subsequent Member training has placed significant pressure on officers and members. The Licensing Team expressed thanks for the support received during this period.
- The Government published its White Paper 'Gambling Reform for the Digital Age' in April 2023. The majority of proposed reforms relate to online gambling, including amendment to the maximum stakes for online gaming, potential changes to age-limits and controls, and increased checks on possible problem gamers. There were also a number of proposals of particular relevance to Local Authority Licensing Teams, set out in the update report. The Gambling Commission are debating the white paper and are expected to put out consultations over the summer.
- Taxi numbers are stable and officers are now using the NR3 Register of Revocations, Refusals and Suspensions to check all new applications and applications for renewal.

Discussion and clarification included the following points:

- The Portfolio Holder for Culture, Leisure, Sport and Tourism was pleased to note the number of applications for festivals and events since this ties in with the Leisure and Tourism Strategies and impacts positively on the economy of the district. He recognised the challenges involved in administering this number of applications and thanked the Licensing Service for their work in this area.
- Whilst the administration of TENs is time intensive for the Licensing Service, at £21, the cost of the TEN does not incentivise applicants to progress to a full Premises Licence; however, TENs are restricted to 26 days per year and this is a significant constraining factor for event organisers.
- The increased workload is putting a strain on staffing resources and a report will be going to SMT about resource levels and the possibility of implementing changes. Some Licensing staff have been working additional hours and this has been appreciated.
- A lot of work goes on behind the scenes by officers with a lot of pre-application advice offered at no cost to the applicant, to ensure that the number of licensing applications going to hearing is reduced.
- It was noted that this authority administers licences for approximately 80 different types of activities.
- Members expressed concern about some of the proposed gambling reforms set out in the government's white paper and it is intended that this Committee will make a consultation response. The Interim Licensing Manager stated that he would inform Members when the consultation is live.

The update report was noted.

7 **Taxi and Private Hire Licensing Policy**

The Interim Licensing Manager introduced this report the purpose of which was to seek Members' approval to recommend to Council adoption of an amended Taxi and Private Hire Licensing Policy.

There were no changes to the Policy other than those required to align with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards which the government had been clear councils should follow, unless there were compelling local reasons to not do so.

In discussion, it was agreed that whilst not relevant for the current changes being put forward, the Licensing team would seek feedback from the trade on the following points potentially for inclusion in a future iteration of the Policy:

- That taxis should have signage on the side of their vehicles identifying which company they are.
- That customers should be offered a choice of paying by either cash or card.

In a vote of all Members present, the recommendations set out in the report were approved.

RESOLVED:

1. That the Licensing and Enforcement Committee notes the content of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (DFT Standards).
2. That the Licensing and Enforcement Committee considers the following proposed changes to the Hackney Carriage and Private Hire Policy:-
 - a. Appendix D is amended to align the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy with the 'Institute of licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades';

- a. That applications are reviewed against the National Register of Revocations and Refusals (Part 1 Para 10.9);
- b. Referral to the barred list where the individual is thought to present a risk of harm to a child or vulnerable adult (Part 1 Para 10.11);
- c. Amendment of the notification period for Licence Holders/Applicants to notify the Licensing Authority of arrest/conviction/caution etc from 5 days to 48 hours;
- d. Introduction of a requirement for vehicle proprietors to provide a basic DBS certificate as part of the application process (Part 2 Para 26.1);
- e. Introduction of a mandatory requirement to display a “How to Complain” sticker within Licensed vehicles (Part 2 para 28.4);
- f. Introduction of a requirement from 1st April 2024 for private hire operators to obtain a basic DBS disclosure certificate for all controllers (call handling and dispatching staff), and have a written policy on employing ex-offenders (Part 2 Paras 41.6-41.7);
- g. Introduction of additional record keeping requirements for private hire operators from 1st April 2024 (Part 2 para 48.1).

RECOMMENDED to Council:

1. That the draft Hackney Carriage and Private Hire Policy, as amended, is adopted at the meeting on 18th October 2023.

Reason for recommendation:

The legislation does not require the Council to have a policy relating to the licensing of hackney carriages, private hire vehicles, their drivers and private hire operators, however it is regarded as good practice to have a policy to indicate the Authority’s approach to taxi licensing within its area.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
V Bonetta
M Chapman
O Davey
T Dumper
S Gazzard
N Hookway
C Nicholas
J Whibley (Chair)

Councillors also present (for some or all the meeting)

Officers in attendance:

Sarah James, Democratic Services Officer
Giles Salter, Solicitor
Lee Staples
Emily Westlake, Licensing Officer

Councillor apologies:

B Bailey

S Hawkins
J O'Leary

Chair:

Date: