

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 13 March 2024

Attendance list at end of document

The meeting started at 10.05 am and ended at 11.12 am

15 Minutes of the previous meeting

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

16 Declarations of interest

There were no declarations of interest.

17 Public Speaking

Mr Adrian Phillips and Mr Stuart Phillips of Millstream Taxis were present.

Mr Stuart Phillips addressed the Committee with regard to item 9 [proposed hackney carriage fare tariff review] and the following points were included:

- EDDC is slipping down the league table of national hackney fares and currently stands at 81.
- To date in 2024 11 councils have increased their tariffs.
- Millstream Taxis looks to replace its vehicles regularly which is proving difficult currently.
- The increase in the minimum wage will impact on the business.
- The cost of second hand vehicles with low mileage also impacts the business.
- The business is also badly affected by the state of the roads and the number of potholes, with one vehicle needing 12 replacement tyres in the current tax year.
- Operating from Honiton results in a high level of dead mileage due to the rural nature of the area.
- The business will face difficult decisions in the next few months.

Mr Phillips was grateful to the Licensing Officers for attending the taxi trade meetings.

The Chair thanked Mr Phillips for bringing these concerns to the Committee's attention.

18 Matters of urgency

There were no matters of urgency.

19 Confidential/exempt item(s)

There were no confidential / exempt items.

20 Proposed hackney carriage fare tariff review

It was agreed to re-order the agenda and consider this item first as the public speaker had addressed this issue.

The Licensing Manager presented the report which asked the Committee to consider authorising a full review of both East Devon District Council's hackney carriage table of fares and the procedure used by the Council to calculate and set the table of fares.

The report outlined the next steps to be taken were a full fare review agreed and included a proposal to carry out a fact-finding survey of the East Devon taxi trade to assist with outlining a set procedure for calculating the cost of running a taxi in the district and determining an appropriate table of fares.

The Licensing Manager highlighted the following points:

- The most recent review had been carried out in 2022 and the current fare tariff had come into effect from December 2022.
- EDDC has received several requests from the taxi trade asking that consideration be given to a further fare rise.
- The Licensing Manager and Licensing Officer had attended the East Devon Taxi Association meeting on 12 December 2023 where taxi fares had been discussed as well as the cost of living, the increase in national minimum wage from 1 April 2024 and the increased costs of running a taxi. A further meeting had also been attended on 27 February 2024.
- Best Practice Guidance also referred to the needs of the travelling public with reference to what is reasonable to expect the public to pay, and to the need for taxi drivers to earn a sufficient income and to provide a service when it is needed.
- Officers were recommending introducing the "Guildford Method" of calculating taxi fares for future fare increases.
- The "Guildford Method" provides a methodology, fare calculator and fare table template which takes into account the costs of running a licensed vehicle including an average salary over time for the driver.
- If this method were to be adopted by EDDC, Officers recommended undertaking a full fact finding survey to ascertain the costs of running a taxi in the district.
- If the recommendations in the report were agreed, a further report would be brought to the 17 July meeting of the Committee.

It was noted that if the Committee agrees to adopt the recommendations in the report and a further report is brought to the July meeting, the legislation provides for a 14 day advert with regard to a proposed fare increase. If no representations are received during the advert period, the revised fare tariff comes into effect. If representations are received, a further report would have to be brought to the Committee.

Discussion and questions included the following points:

- It was considered that a fare increase should be discussed by the Committee much sooner than July.
- If the current method of calculating fare increases is used in the interim, a report could be brought to the Committee meeting of 8 May and, following the statutory 14 day advert, with no representations, a fare increase would come into effect by the end of May.
- It was noted that the decision to increase the fare tariff can be made by the Committee.
- Concern was expressed that taxi services should be kept as they are vital in a rural area with a poor bus service and a high proportion of older residents.
- It was noted that there is a small decline in the number of licensed taxi drivers in recent years.
- The Committee could consider an increase calculated using current methods as an interim measure, and then consider implementing the "Guildford Method" for future years.

In response to the last point, the Licensing Manager advised that, should the "Guildford Method" be introduced, fares would be reviewed annually and so remove the need to review on an ad hoc basis every few years.

The Licensing Officer advised that it was proposed to launch a survey around the start of April on the costs of running a taxi in East Devon for completion by hackney carriage drivers and proprietors. The results of the survey would inform the introduction and use of the "Guildford Method" should this be agreed.

RESOLVED

That a report be brought back to the Committee meeting on 8 May 2024 using the current method of calculating hackney carriage fare tariffs and increases and that a further report be brought to a future meeting of the Committee regarding the introduction of the "Guildford Method" in 2025.

The Chair thanked the members of the public for attending the meeting and for their contribution.

21 **Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & 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. The report covered the period from December 2023 to February 2024.

The following points were highlighted:

- The Licensing Team has re-established its bi-monthly liaison meetings with Environmental Heath to discuss any concerns.
- During the period covered by the report, two applications under the Licensing Act 2003 were heard by the Sub Committee on 6 March 2024 relating to the Sidmouth Folk Festival.
- Members were asked to note recent Government and Gambling Commission consultations as outlined in the report. Consultations related primarily to online gambling and gambling licensees. A further update will be provided when the Gambling Commission has analysed responses received in October 2023.
- With regard to taxis, the latest figures indicated a small drop in the number of taxi driver and vehicle licences, and an increase in the number of private hire driver, vehicle and operator licences.
- During the period covered by the report, eight complaints relating to drivers and vehicles had been received.
- Licensing Sub Committees relating to taxi matters had been held on 6 February and 21 February 2024 with one licence being suspended and one refused.
- Members were asked to note that a review of the street trading policy would take place over the summer.
- It was also noted that recruitment has started for the Licensing Support Officer role as a member of staff is due to leave in July, and recruitment has been successful for an additional Licensing Officer role to fill the deficit of 18 hours per week. Both posts were in budget.

The Chair thanked the Licensing team for their work and for the speed with which they dealt with a recent issue.

Questions and discussion included the following points:

- With regard to pavement licences, Devon County Council are advising that they are no longer issuing permanent pavement licences and it appears that this work will come to

district councils. However, there is no commencement date as yet for the Levelling Up and Regeneration Act 2023 and the position with regard to district councils remains unclear. There is no issue currently with the work undertaken by StreetScene and Licensing with regard to temporary events and pavement licences.

- It is unclear as to why there is a decrease in the number of taxi driver and taxi vehicle licences and an increase in the number of private hire drivers, vehicles and operators. Anecdotal evidence suggests that drivers prefer contract work to the unsociable hours associated with hackney carriage work.
- Both hackney carriage and private hire drivers are vetted to the same standard through the same processes.

The Committee agreed to note the report.

22 **Review of taxi rank provision in East Devon and proposals for amendment**

The Licensing Manager provided a verbal update since the publication of the report. Following correspondence and a meeting with Devon County Council Highways, there was concern that Members had not been provided with clear information regarding DCC's intention and position regarding the upgrade and management of taxi ranks across the district.

The Licensing Manager therefore requested that Members disregard the published report and outlined the proposed changes as currently understood. DCC Highways had informed Licensing that they propose asking EDDC to revoke all hackney carriage stands [taxi ranks] designated by EDDC under the Local Government Miscellaneous Provisions Act 1976. DCC then intend to replace those ranks with Traffic Regulation Orders (TRO) under the provisions of the Road Traffic Regulation Act 1984 to impose "no stopping at any time except taxis" parking restriction in each location.

DCC are looking to undertake this exercise across other Devon districts in order to bring taxi ranks under their control as landowners, avoid conflicts in legislation and allow unlawful parking to be enforced by means of fixed penalty notices.

The Licensing Manager advised that further investigation and information was required for Members to make an informed decision and proposed that a report be brought back to the May Committee meeting setting out the position in full.

The Legal Advisor advised that EDDC would need to know where DCC proposed to introduce the new TROs to ensure that the current East Devon taxi ranks continue in the same locations.

Cllr Dumper advised that he and two other Members sit on the East Devon Highways and Traffic Orders Committee and could raise any questions at the next meeting in April.

It was agreed that a full report be brought to the next meeting.

Attendance List **Councillors present:**

K Bloxham (Vice-Chair)
M Chapman
T Dumper
J Heath
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:

B Bailey
V Bonetta
P Faithfull
S Gazzard
S Hawkins

Chair

Date: