

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 18th 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 4th 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: