

Report to: Licensing and Enforcement Committee



Date of Meeting 2nd April 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Committee Update – Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing.

Report summary:

The report provides 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.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the report be noted.

Reason for recommendation:

To keep the Council's statutory committee up to date with current arrangements relating to the Licensing Service.

Officer: Phillippa Norsworthy, Licensing Manager (Governance and Licensing).

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact.

Climate change Low Impact.

Risk: Low Risk.

Links to background information [Government confirms off-sales easement will not continue beyond 31st March 2025 - Poppleston Allen](#) [Have your say on proposals to make gambling safer](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1 Licensing Act 2003

- 1.1 **Applications received, licences issued, premises visited and number of hearings.**
- 1.2 The reporting period refers to the last quarter reporting period. This will be referred to as the 'reporting period'.
- 1.3 During the reporting period and at the time of writing this report the licensing team received and processed 77 applications, these all included, new premises licence applications, full and minor variations, transfer of the premises licence, DPS variations and Temporary Event Notices (TENs). As well as other miscellaneous administrative functions.
- 1.4 A total of 5 personal licences were issued in the reporting period.
- 1.5 A total of 3 premises of interest were visited during the reporting period.
- 1.6 At the time of writing this report one application for the grant of a premises licence received representations, and a hearing was convened on 12th February, the application was granted.
- 1.7 On 27th February we received notification regarding the easement of licensing regulations to permit licensed premises to sell alcohol for takeaway, delivery and to consume alcohol in pavement areas, without the requirement of making a formal application to vary their premises licence. This relaxation was introduced to assist business' during the Covid pandemic. The easement in these regulations will expire on 31st March 2025, and the Government is not intending to make the relaxation in licensing regulations permanent, nor will the date for the relaxations be extended past 31st March 2025. The Government has proposed to amend the s.182 Guidance to advise Local Authorities to accept a Minor Variation of a premises licence if premises licence holders decide to add off sales to their premises licence permanently. A link to an article published from licensing solicitors, Poppleston Allen is available to view in '*Links to background information*'.
- 1.8 The licensing team have commenced work in contacting our licence holders taking advantage of the current relaxations to advise them of the Government's decision. This will be a significant amount of work for licensing staff in accepting and processing an increase in the number of Minor Variation applications and the potential officer time in the enforcement of advising premises to apply for a Minor Variation.
- 1.9 The number of premises licence applications remains steady; however we are yet to receive some of the larger annual premises licence applications, and the number of TENs is expected to increase due to the imminent Devon County Show and other local summer shows and fetes.
- 1.10 The Licensing Act 2003 Statement of Licensing Policy 2021-2026 is due for review, and a revised policy must be in place by 6th January 2026. Section 5 of the Licensing Act 2003 requires a licensing authority to publish a statement of its licensing policy every five years. At this point in the year, the licensing authority would like to request that a public consultation for the review of this policy commences after 1st May with a draft version of the policy, after the consultation to be presented to members at their meeting in July, giving the members time to consider the policy, ahead of being presented with a final policy version in November.

- 1.11 The Licensing Act 2003 Statement of Licensing Policy runs on a statutory five-year cycle, therefore the revised policy will be in place from 2026 to 2031. Due to devolution and local government reorganisation, it is proposed for members to consider conducting a summary review of this policy and through a public consultation any comments or proposed amendments from consultees will be proposed during the summary review for members to consider. A summary review will consist of ensuring links and references throughout the policy are up to date, as will be any updates to statutory guidance. It is not proposed to conduct a full review of this policy at this time.

2 Pavement Licencing

- 2.1 On 31 March 2024 the Levelling Up & Regeneration Act 2023 (LU&RA 2023) came into force. This means that the temporary pavement licences issued under the Business & Planning Act 2020 are now permanent by way of the LU&RA 2023. A Devon wide working group has been established from the Devon Licensing Officers Group (DLOG) and work is underway to produce a draft policy to be used by Local Authorities across Devon.
- 2.2 A separate report will be presented to the members with a draft version of the new Pavement Licensing Policy for their consideration with a request to launch a public consultation, at their next meeting in July.

3 Gambling Act 2005

- 3.1 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest bulletin can be found here: [March LA Bulletin](#)
- 3.2 The revised Gambling Act 2005 Statement of Licensing Policy was adopted by Council on 4th December 2024 in line with the statutory policy cycle.
- 3.3 Licensing Officers attended training and an advice seminar from the Gambling Commission on 25th February. The Gambling Commission had the following update to advise that they had launched a consultation with proposals to gaming machine technical standards, gaming machine testing strategy and licence conditions and code of practice. The consultation includes proposals to:
- Introduce five new standards, a licence condition and a social responsibility code provision designed to support and empower consumers to use gaming machines safely, at every stage of the game play. This includes proposals on time and monetary limit setting and information provision such as safer gambling messaging and the display of net position and session time. Full details of the consultation can be found at '*Links to background information*'. The consultation closes on 20th May 2025.

4 Taxi and Private Hire Licensing

4.1 Applications Received and Licences Issued.

- 4.2 Licensing Officers continue to work effectively by issuing licences upon receipt of fees and all relevant documentation. The latest figures indicate a drop in the number of taxi driver and vehicle licences. The drop can be attributed to drivers taking retirement and leaving the trade for a number of reasons. The number of private hire operators remains static.
- There are currently 25 outstanding applications in progress for new taxi drivers, taxi vehicles, private hire drivers, private hire vehicles and private hire operator licences. This number includes renewal applications, transfers and the surrender of driver and vehicle licences.

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
2022	153	135	52	40	22
2023	155	133	49	42	24
Feb 2024	146	129	51	43	26
May 2024	144	131	51	43	27
July 2024	143	132	49	40	26
November 2024	139	133	52	40	27
February 2025	135	129	53	42	27
March 2025	133	128	51	40	27

- 4.3 No entries to the National Register of Revocations, Refusals and Suspensions were made during the reporting period. It is mandatory for local authorities in England to input details of individuals whose driver licences have been revoked, suspended, or refused.
- 4.4 During the reporting period a total of one hackney carriage driver licence was revoked.
- 4.5 The licensing team records and investigates complaints received by the public and reported by other drivers which is recognised as an effective procedure by the Department of Transport (DfT). No complaints relating to hackney carriage and private hire drivers were received during this reporting period.
- 4.6 No referrals to the licensing sub-committee for taxi matters occurred during the reporting period.
- 4.7 Officers conducted evening inspections at the taxi ranks in Exmouth on 27th February, a total of five vehicles were available for an inspection. All the vehicle inspections were satisfactory. During the evening officers observed the other designated taxi ranks in Exmouth, as part of an ongoing complaint from the trade regarding members of the public using the designated ranks for pick up/drop off points and for parking. DCC civil enforcement have been notified.
- 4.8 In November 2023 it became policy that all East Devon hackney and private hire drivers complete Safeguarding Training. The council has chosen the e-learning course ['Safeguarding Children and Adults at Risk' provided by Uniformed Transport Systems](#).
With effect from 1st April 2024 all existing licenced drivers seeking the renewal of their licence will, within 12 months of any licence being renewed, undertake approved child sexual exploitation and safeguarding awareness training (CSE awareness).
Licensing Officers have been working hard to ensure all existing drivers have completed the course. All new drivers have 12 months after obtaining their licence to complete the course. Any driver who does not complete this mandatory safeguarding training within the time scales will be referred to a Licensing Sub-Committee.
- 4.9 **The Taxi table of maximum fares methodology – The Guildford Formula.**
The Guildford Method is a court tested method of calculating the average cost of operating a hackney carriage. A separate report will be submitted to members at a later meeting to be given an update on the outcome of the consultation which closed on 18th March, the level of engagement from the taxi trade and for members to consider the next appropriate steps in producing a protocol of the methodology and a proposed table of fares.

4.10 Meetings between Councillors, Taxi Proprietors and Officers.

On 25th February officers met with the East Devon Taxi Association (formerly the Exmouth Taxi Association) and continue to offer support through sharing information to all licenced drivers over email. Officers have also committed to regularly attending the Association's meetings. The role of Officers at these meetings is primarily to answer questions from the Trade and to provide updates on any regulatory or policy changes.

4.11 Consultation on the VAT Treatment of Private Hire Vehicles.

4.12 On 15th July 2024 the UK Court of Appeal overturned the previous 2023 High Court ruling that private hire operators must collect VAT on the basis that they act as contract 'principal' (DELTA Merseyside Limited & Anor v Uber Britannia Limited). The 2024 Appeal Court judgement held that the private operator was not always the contracting party, a key assumption of the High Court decision. The legal opinion at present is therefore that private hire operators (outside of London), should not be required to charge VAT.

4.13 On 6th November 2024, Uber asked the Court of Appeal for permission to appeal this decision. This was refused by the Court of Appeal, however the Supreme Court disagreed and granted Uber its request to appeal.

4.14 The appeal hearing at the Supreme Court will not take place until later in 2025.

4.15 There have been no further updates to the appeal hearing.

5 General Licensing – Street Trading Consents.

5.1 Applications received, Street Trading Consents Issued.

5.2 At the time of writing this report 27 street trading consents are in operation. These include sole traders and traders as part of an event not held under a premises licence. At the time of writing this report there are currently 21 applications in progress, these include new and renewal applications.

5.3 Work is progressing in reviewing the current street trading policy and a draft version of this policy will be presented to members in July and a request to go to a public consultation.

5.4 Significant work has been made regarding a costing exercise to increase the current street trading consent fees, and to introduce an application fee. The findings from the costing exercise will be presented to members in July for consideration.

6 Staffing within the Licensing Team.

6.1 One licensing officer has reduced their weekly working hours, and a request has been made to ELT to increase another licensing officer's hours to meet the shortfall. The proposed increase is within budget. We are currently have a short fall of one licensing support officer, due to maternity leave.

7 Councillor Training and Elections

7.1 Training is mandatory to provide sufficient understanding for Members to determine contested applications at licensing sub-committee hearings and to withstand any challenges upon appeal.

7.2 Further to the Councillor training sessions provided by the Institute of Licensing (IOL), subsequent catch-up training for those not able to attend IOL training can be provided.

- 7.3 A refresher training session for Members of the Licensing & Enforcement Committee took place on 21 November 2024. The training was recorded for any Members who were unable to attend.
- 7.4 The [Licensing Act 2003 Councillor's handbook \(England and Wales\)](#) is also an informative briefing that was updated last year.
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Financial implications:

There are no financial implications.

Legal implications:

There are no legal implications.