

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 3 July 2019**

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

The meeting started at 9.30 am and ended at 10.30 am

#### **1 Public Speaking**

There were no questions raised by members of the public.

The Chairman welcomed everyone to the meeting and invited those present to introduce themselves.

He suggested that the start time of the sub-committee meetings change from 9:30am to 10:30am. Licensing and Enforcement Committee meetings would continue to commence at 9:30am.

**RESOLVED:** that the sub-committee meeting start time be amended from 9:30am to 10:30am for future meetings.

#### **2 Minutes of the previous meeting**

The minutes of the Licensing and Enforcement Committee held on 20 February 2019 were confirmed and signed as a true record.

#### **3 Declarations of interest**

9. Proposed Hackney Carriage (Taxi) Tariff Changes.  
Councillor Sarah Jackson, Personal, She had close friendships with taxi drivers..

#### **4 Matters of urgency**

There were no matters of urgency raised at the meeting.

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

There were no confidential or exempt items.

#### **6 Committee Update - Licensing Act 2003, Gambling Act 2005, Taxis & General (Street Trading) Licensing**

The Licensing Manager presented his report to the committee. It 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.

The Licensing Manager highlighted that the licensing team covered almost everything across East Devon. This included:

- All alcohol related matters.
- Taxis and private hire work.
- Gambling (excluding online betting).

- Street trading.
- Charitable collections.
- Cemeteries and burial bookings.

It was noted that officers undertook compliance visits to licensed premises. Visits with partner agencies occurred when there was a need in addition to those inspections completed each month by the team. Two mediation meetings had occurred for new license applications during the March to July 2019 period. It was noted that each case was dealt with on its merits and that about 70% of mediation was successful.

At the last meeting of the Licensing and Enforcement Committee members raised a need for officers to consider a review of the street trading policy by exploring options to re-introduce application charges for commercial street trading consents. It was not proposed to charge fees for charitable/community events, but would be applied to commercial trading. The background behind the previous removal of the street trading charges was explained and discussed. The situation had been reviewed for the past two year and there was a dedicated officer post for delivering the work required to manage applications. It was noted that street traders tended to be more common in the western side of the district, particularly in locations adjacent to Exeter (where street trading fees were charged). The Licensing Manager advised that there were approximately 20 constant traders who moved to different locations around the district. There was no application fee for street trading consents, so if one location was refused, traders simply applied elsewhere. This was expensive and time consuming process for officers.

It was noted that town and parish councils were consulted during the process for dealing with a street trading application, however, they were not informed whether or not an application was successful. The Licensing Manager acknowledged that it would be good practice to inform town and parish councils when a street trading consent was granted.

**RESOLVED:**

1. that the Licensing Manager's update report be noted.
2. that a detailed structure for charging commercial street trading fees be brought to the next meeting of the Licensing and Enforcement Committee to allow further consideration of charging fees.

7 **Sex Establishment Licensing Policy**

The Licensing Manager's report updated the committee on the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 – Sex Establishment Licensing Policy and standard conditions, and sought approval to make minor amendments to update the policy.

The Licensing Manager explained that there had only been one sex establishment in East Devon, which had closed in 2014. The legislation did not require the Council to have a policy relating to the licensing of sex establishments, however it was regarded as good practice in order to indicate the authority's approach to licensing premises of this type. It was noted that the changes to the policy were minor but that the Council was vulnerable without an updated policy.

**RECOMMENDED:** that Council adopt the revised Sex Establishment Licensing Policy.

**RESOLVED:** that the minor revisions to the Council's Sex Establishment Licensing Policy be approved.

## 8 **Proposed Hackney Carriage (Taxi) Tariff Changes**

The Licensing Manager's report asked the Licensing and Enforcement Committee to consider a proposed increase to the Hackney Carriage Fare Tariff. The tariff set the maximum fares that taxis could charge the public when using their vehicles. The last tariff increase was agreed by the Committee in December 2012.

Since the 2012 increase the subject of fare increases had been kept under review and discussed at twice yearly meetings held between taxi proprietors, the chairman and vice chairman of the Licensing and Enforcement Committee and licensing officers. The taxi trade's opinion had generally been divided over the past two years in view of the economic situation that some did not wish to see a fare increase as the costs for fares were met by the public using taxis. In late 2018 all taxi drivers were balloted and asked whether a fare review was necessary. Two thirds who responded were in favour of a fare increase and one third against. It tended to be the taxi companies that wanted to the fare increase and the self-employed/individual drivers not wanting it. No figures were provided in the consultation.

Officers had researched and produced a comparison table of current fares set by EDDC and other authorities which was considered by the committee. EDDC sat mid table in the Devon comparison. If EDDC increased Tariff 1 it would become second in the Devon fares comparison table and become one of the 16 Council's in the national table that had set the charge of £6.60 for the first two miles of a journey

It was noted that legislation required that before any alteration to the tariff table could take effect a public notice explaining the changes must be placed in a local newspaper. An alternative was to continue to consult with taxi drivers, with indicative price increase figures and review taxi fares again at the next committee meeting.

The Chairman advised the committee that he has met with the trade in taxi licenses in Exmouth to discuss a 'keep safe campaign' for taxi drivers, to show support that there was no excuse for abuse. He would also be taking the issues of lack of police presence/response times to the Police and Crime Panel

**RESOLVED:** that the Licensing Manager carry out further consultation with taxi drivers on a proposed increase to the Hackney Carriage Fare Tariff and report back with a full update to the next meeting of the Licensing and Enforcement Committee.

### **Attendance List**

#### **Councillors present:**

P Jarvis (Chairman)  
K Bloxham (Vice-Chairman)  
C Brown  
M Chapman  
N Hookway  
S Jackson  
J Rowland  
B Taylor

J Whibley

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

**Officers in attendance:**

Stephen Saunders  
Alethea Thompson, Democratic Services Officer  
Nicola Cooper, Solicitor

**Councillor apologies:**

I Chubb  
S Gazzard  
T Wright

Chairman .....

Date: .....