

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 16 October 2019

Attendance list at end of document

The meeting started at 10.30 am and ended at 11.40 am

16 Public Speaking

There were no questions raised by members of the public.

17 Minutes of the previous meeting

The minutes of the meeting of the Licensing & Enforcement Committee held on 18 September 2019 were confirmed and signed as a true record.

18 Declarations of interest

Minute 22 Seaton Taxi rank: Jack Rowland Seaton Town Councillor and member of Seaton Seafront enhancement Scheme. Personal interest.

19 Matters of urgency

There were no matters of urgency raised at the meeting.

20 Confidential/exempt item(s)

There was one confidential item to be considered.

21 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 many things 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 the district received more TENs than other Devon authorities due to higher numbers of outdoor events happening in East Devon and during summer months work increased considerably for the licensing team with officers conducting compliance visits to many outdoor festivals including Sidmouth Folk week, Beautiful Days and other large outdoor events.

The licensing team also continued to offer mediation meetings when representations had been made against new licensing applications to ascertain whether objectors and applicants could reach an agreed position. Mediation was often successful and reduced the number of contested hearings that need to go before a licensing sub-committee.

Members noted that changes at the Gambling Commission had seen the withdrawal of the Commission regional officer from undertaking compliance work with officers in the region. This was a positive working arrangement and although licensing officers are suitably trained and knowledgeable regarding gambling legislation, the opportunity for staff from both organisations to undertake joint inspections had been effective in maintaining compliance. It was noted that East Devon had completed a premises inspection rate of 50 to 74% which was above average compared to other licensing authorities. Some of whom had not completed any inspections at all

A Licensing & Enforcement Sub Committee meeting was held on 18 September to consider a new private hire vehicle application for a zero emission vehicle. Being a hybrid electric vehicle without an internal combustion engine it fell outside the criteria set in the Taxi Policy for the minimum of 1000cc engine. A separate report was made to the Committee to allow the current policy to be revised to allow the licensing of electric vehicles without a combustion engine.

It was noted that the number of taxi/private hire drivers was reducing year on year. There is a requirement for licensed drivers to maintain a higher level of medical fitness than general drivers undergoing medical assessments upon first being licensed and upon key anniversary ages to ensure they are fit to carry the public. Activities and strategies were being considered that can support the continued wellbeing of licensed taxi drivers and engagement by the Licensing Manager with management of Leisure East Devon has identified an opportunity to arrange corporate membership at gyms across the district for licensed drivers.

Officers also met with the Council's Public Health Project Officer to consider other options such as using One Small Step and promoting the Stoptober Campaign that encourages smokers to quit.

It was noted that the taxi trade in East Devon should be encouraged to provide more wheelchair accessible vehicles. But the cost of these vehicles was often a barrier to more being purchased.

The Licensing Manager reported that the Sidmouth Folk Festival event took place between 2nd and 9th August and all 60 sea front pitches managed by the licensing team were allocated under the process that had operated since 2008. Officer's work extended hours with a presence in the town from 7am over all eight days. It was noted that the council's move to offices in Honiton had increased the time officers were engaged in the event. The time spent by the licensing team each year from March through to August and the overall commitment involving members of the team is considerable as officers are engaged in trader applications from March through to summer.

This level of involvement through to attending the event impacts upon other areas of licensing work and it was considered timely to consider the future approach given increasing demands on the licensing team by reviewing whether the current process remained cost effective and the best use of council resources. An option that was at an early stage would be for the organisers of Sidmouth Folk week to have responsibility for trading on The Esplanade.

RESOLVED:

1. that the Licensing Manager's update report be noted.
2. that the Licensing Manager prepare a report considering short term incentives in support of reducing emissions within the district for licensed hackney carriage and private hire vehicles for the next meeting.

22 **Seaton Taxi Rank**

The Licensing Manager's report updated the Committee on Seaton Town Council's request to remove the taxi rank in Marine Place and to relocate it on Castle Hill, Seaton. It was noted that the Town Council had made this request which would require a series of legal steps to be taken before adopting the change. It was noted that the local taxi drivers who regularly use the rank in Seaton had been consulted and two responses received which were considered by the Committee.

It was noted that Seaton Town Council were funding the first part of the seafront enhancement scheme and that the cost of the overall scheme would be over £4M.

RESOLVED

that the Committee considered the responses for relocating the Hackney Carriage rank from Marine Place to Castle Hill, Seaton and approve the following, namely;

1. To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to appoint the rank in Castle Hill, Seaton
2. That the requisite public notice be given of the proposed appointment as required by Section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976.
3. That if no written objection or representation is received relating to the notice given under Section 63(2) of the Local Government (Miscellaneous Provisions) Act 1976 within the 28 day period following the publication of that notice the rank subject of this recommendation will be deemed appointed.
4. That following the appointment of the taxi rank Devon County Council Highways Authority be requested to put in place the appropriate legal provisions and to mark out the rank

23 **Taxi Licensing Policy**

The Licensing Manager's report asked the Licensing and Enforcement Committee to consider a proposed revision to the current taxi policy in line with recent developments and green priorities to remove the minimum engine capacity requirement for Ultra Low and Zero Emission Vehicles.

RECOMMENDED that the Council meeting on 23 October 2019 adopt the revised Taxi Policy following approval by Committee on 16 October 2019.

24 **Exclusion of the Public**

RESOLVED

that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part

B).

25 **Hackney Carriage Driver Licences suspended under powers delegated to Strategic Lead for Governance and Licensing**

The Licensing Manager's report provided the Licensing and Enforcement Committee with an update regarding suspended Hackney Carriage Driver Licences.

RESOLVED that the report be noted.

Attendance List

Councillors present:

P Jarvis (Chairman)
C Brown
M Chapman
S Gazzard
S Jackson
J Rowland
B Taylor
J Whibley
T Wright

Councillors also present (for some or all the meeting)

Officers in attendance:

Christopher Lane
Giles Salter, Solicitor
Stephen Saunders

Councillor apologies:

K Bloxham
I Chubb
N Hookway

Chairman

Date: