

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 12 February 2020**

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

The meeting started at 10.30 am and ended at 11.30 am

#### **26 Public Speaking**

There were no questions raised by members of the public.

#### **27 Minutes of the previous meeting**

The minutes of the meeting of the Licensing & Enforcement Committee held on 16 October 2019 were confirmed and signed as a true record.

#### **28 Declarations of interest**

Minute 31 Cranbrook Town Council: Kim Bloxham Cranbrook Town Councillor. Personal interest.

Minute 32 Seaton Taxi rank: Jack Rowland Seaton Town Councillor and member of Seaton Seafront enhancement scheme. Personal interest.

#### **29 Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

#### **31 Committee Update - Licensing Act 2003, Gambling Act 2005, Taxi & 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 on 5 November 2019, officers attended the Ottery St Mary Tar Barrel event checking the various Temporary Event Notices issued for sales of alcohol and late

night refreshment food stalls. 25 licensing checks were conducted and the working arrangements involving licensing and the organisers works effectively over many months prior to the event.

In December an email was received from the Home Office sent to all Licensing Committee with an attachment letter from Kit Malthouse MP, Minister for Crime & Policing. The contents were provided for the information of the Committee as an Appendix and primarily referred to the government's desire to improve collaboration between Planning and Licensing Committees.

The Licensing Manager reported that the statutory fees prescribed by the Licensing Act 2003 had not been increased since they came into force on 7<sup>th</sup> February 2005. These fees were set centrally by the Secretary of State and there was no discretion on these fees, which must be administered and collected in accordance with the regulations.

Officers from EDDC Licensing and Finance services reviewed costs incurred to grant alcohol licences and notices and identified that a Temporary Event Notice (TEN), having a nationally set fee of £21, actually cost the council in excess of £60 to administer in 2015. The impact of fees not increasing is evident given that the licensing team administered 849 TENs for the year 2018/19 amounting to uncollected fees of more than £30,000.

It was noted that the number of taxi/private hire drivers was reducing year on year with fewer new drivers coming forward to replace them. The officers had conducted inspections of taxi vehicles whilst parked on East Devon taxi ranks ensuring that vehicles comply with legislation and meet required safety standards. Officers had also investigated five licence holders over the previous period, three of which concerned vehicle compliance and two relating to the behaviour of drivers resulting in written warnings being administered.

Members noted that from January 2020, new regulations introduced by Defra required all licensing authorities in England and Wales to submit details of currently licensed vehicles under the Air Quality (Taxis and Private Hire Vehicles Database) Regulations 2019. On 15<sup>th</sup> January 2020 licensing officers attended a licensing briefing organised by the Institute of Licensing where staff from Defra provided an update on the air quality Regulations including progress made by the cities creating Clear Air Zones (CAZs). Bristol has announced its aim of preventing privately owned diesel vehicles from entering the central zone in the day time whilst proposing that taxis and buses will pay a charge to enter the CAZ. This aspect of the CAZs had generated most interest from the East Devon taxi trade particularly regarding possible plans for other south west cities considering CAZs in the future.

The Council had identified climate change as a priority and has reflected this with the need for delivering green policies along with examples being the possible uptake of Ultra-Low and Zero emission vehicles.

Members had approved an increase to the Hackney Carriage Fare Tariff and resolved that Tariff 1 be increased on the first half mile by £0.50 to £3.50 along with the vehicle soiling charge being increased from £50 to £80. Before the resolution can proceed, the proposal must be advertised. The final stage will require every hackney carriage having the meter changed in each vehicle. Officers have identified that a number of taxis in the district operate on outdated meters and whilst they function correctly, they would not have the technical capacity to accept another tariff upgrade. To replace these would be another additional cost for the trade.

It was noted that the uptake of street trading has been high for events occurring in villages and towns since October 2017 and implementation had identified changing trends in locations being sought by applicants with Cranbrook being an area where consents had been granted over the last two years. Licensing Officers had worked closely with Cranbrook town council and gained greater understanding of the issues in the town. Following objections from the town council, two applications seeking to trade from vans parked in the town were refused by officers on the grounds of road safety.

The Licensing Manager reported that the Sidmouth Folk Festival event took place between 2<sup>nd</sup> and 9<sup>th</sup> 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.

The Licensing Manager reported that the meeting between Members, Taxi Proprietors and Officers, which had been bi-annual would revert from 2020 to being annual, due to workload. With the next meeting being in November 2020.

During discussions the following points were noted:

- Suggested changes to the fees for Licensing Act 2003 applications, including TENS to allow the Council to recover its costs.
- Concerns that any excessive increases to TENS fees would discourage the applicants from smaller organisations.
- Could the increase in fees for Licensing Act 2003 and TENS applications be on a sliding scale depending on what is applied for and the level of income expected.
- Concern expressed that there were a number of late applications made for TENS. It was noted that there was little available in law to allow local authorities to restrict the late applications for TENS.

- RESOLVED**
1. that the Chairman be requested to contact the Home Office and Local Government Association to argue for the principle of the introduction of locally set Licensing Act 2003 fees.
  2. that the Licensing Manager's update report be noted.

## 32 **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 requested this change which would require a series of legal steps to be taken before adopting the change. The Devon County Council

Highways Officer had now indicated that they were happy for EDDC to consult on relocating the taxi rank in Seaton. The results of this consultation would be reported to the meeting of the Committee on 15 April 2020.

**RESOLVED** that the Committee note the update.

### 33 **Street Trading**

Members noted that following introduction of a new street trading regime in October 2017, there had been a number of changes, including removal of application fees in 2018. Through gaining a clearer understanding of how the regime had grown there was a proposal to further revise the policy. It was also proposed to commence the necessary work to require applicants to pay fees for obtaining consent, as detailed in the report, if approved, the changes were to recover costs incurred and to ensure standards were maintained for obtaining street trading consents across the district.

During discussions the following points were noted:

- The £30 Street Trading fee for each individual site may affect the viability of smaller businesses.
- The Street Trading situation in East Devon was constantly changing and it was not certain what was coming next.
- Are there any sites in East Devon where street traders know they could operate from? The Licensing Manager reported that this was a work in progress.
- Question about the rationale for reducing the time that a street traders can trade in once place from 30 to 20 minutes. The Licensing Manager reported this was a proportion timescale, if traders were allowed to stay any longer they could be expected to be charged for a street trading permit.
- The next meeting will discuss the consultation responses for these changes from Street Traders in East Devon.

The Chairman wished to thank the Licensing Office for the report.

- RESOLVED**
1. that the charging fees for Street Trading Consents with Application and Trading Fees as appended to Appendix B be approved and consultation be undertaken.
  2. that the revised Street Trading Policy including new guidelines relevant to Cranbrook be adopted.
  3. that the actions that will be taken as a consequence of the above be noted.

### **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

T Wright  
P Millar

**Officers in attendance:**

Christopher Lane, Democratic Services Officer  
Giles Salter, Solicitor  
Steve Saunders, Licensing Manager  
Zoe Jones, Licensing Officer

**Councillor apologies:**

S Gazzard

Chairman .....

Date: .....