

## EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Exmouth Town Hall, Exmouth on Wednesday, 20 February 2019

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.35 am

### 16 Minutes

The minutes of the meeting of the Licensing & Enforcement Committee held on 21 November 2018, were confirmed and signed as a true record.

### 17 Declarations of interest

Councillor Steve Hall

Minute 18

Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary

Minute 18

Disclosable Pecuniary Interest – Designated Premises Supervisor

Councillor Steve Gazzard

Minute 19

Disclosable Personal Interest – Event Organiser

### 18 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing

The Licensing Manager presented his report - the following issues were highlighted and discussed.

#### 1. Licensing Act 2003

Over the previous period relating to this report officers had issued 205 alcohol licenses relating to new and variations of licensed premises, personal alcohol licenses and temporary event notices (TEN’s) throughout the district. Work undertaken by the licensing team during the previous quarter predominantly concerned applications and issuing licences in the run up to Christmas and the New Year festive period.

On 5 November 2018 officers attended the annual Ottery St Mary Tar Barrel event to check the various temporary event notices issued for alcohol sellers and late night refreshment food stalls. A total of 24 checks were made and all were found to be in order.

#### 2. Gambling Act 2005

The licensing team had continued its work to ensure gaming machine permits were submitted on the occasions when licensees left and took over a premises licence. Following approval by the Committee the Council’s revised Gambling Policy was successfully published in January 2019 for review in 2022.

The programme of visits to licensed premises and other premises where gaming was permitted continued and whenever a licensed premises inspection occurred, the existence of gaming machines and any issues of compliance were duly considered and inspected. Officers assess compliance and suitability of gaming

machines sited in public houses and to date it had not been necessary to take enforcement action.

### 3. Taxis

Although the previous period saw some taxi licence holders retiring or leaving the trade during the autumn renewal period, this had been balanced by a recent increase in new driver applications over the previous three months.

Reports to this Committee had highlighted the increase in officer time completing new processes and online checks and although some online processes reduce the amount of paperwork that applicants need to provide it has increased the time spent by officers.

In addition to those processes already being completed, advance notice had been issued by DEFRA to all licensing authorities of a forthcoming duty to provide information on licensed taxis and private hire vehicles. Under the Air Quality Regulations 2019, it was proposed that regulations would come into force on 1 April requiring all licensing authorities to provide details on a minimum weekly basis about vehicles that had been licensed including as a minimum, the Registration Number, start and expiry date of the vehicle licence and whether the vehicle was a taxi or Private Hire. A new database would form part of the infrastructure that government was developing to support the introduction of charging Clean Air Zones by some local authorities from 2020 to ensure compliance with statutory nitrogen dioxide limits. These new requirements would further add to processing work that officers undertake in the future.

It was noted that the introduction of a National Register regarding taxi driver revocations and refusals was being implemented by the Local Government Association formalising information sharing between licensing authorities concerning applicants that were revoked or refused a licence. Further progress had not yet been forthcoming and further updates would be provided when available during 2019.

At the previous meeting of the Committee members were informed that the ballot was open following requests by some sections of the taxi trade to review fares that could be charged by taxis. Each hackney carriage proprietor was balloted for a five week period from 5 November to 7 December 2018 asking the question of whether a fare review was necessary. Subsequent responses were two to one in favour of an increase with 66% answering yes to raise fares. A comprehensive update on the proposed tariff increase would be discussed at the next meeting of Officers, Councillors and trade members in early April. Although no new tariff would be introduced before the financial implications of Brexit on 29 March were better understood.

Officers have continued to prepare plans to introduce safeguarding awareness briefings for hackney and private hire drivers in line with protecting safeguarding children and vulnerable adults in society. An additional report had been prepared seeking approval to revise the taxi policy to make attendance at Safeguarding Awareness briefings mandatory.

Members noted that following the festive break officers had received two complaints of taxis overcharging customers for journeys. Each allegation had been investigated by officers comparing the fare tariff costs against the route and fee that customers were required to pay. Calculations for one journey had identified a slight overcharge

for which the proprietor had been formally warned. The second allegation was still under review at this time to establish whether the charged fare was correct. At the meeting the Licensing Manager received another complaint over overcharging from a member of the Committee. He confirmed that he would update members on this issue at the next meeting. Meters should be used in taxis except where the customer and driver agree.

The training provider who delivered safeguarding awareness sessions for other Devon authorities had proposed dates to deliver sessions later this year throughout 2019. It remained the aim to provide funded awareness sessions free to licence holders in the first year in advance of costs being charged and included within later fee reviews.

#### 4. General Licensing

Following the introduction of a new street trading regime in October 2017 with further revisions to the policy approved by the Committee in March 2018, there had been 185 street trading consents granted. The trend continued with ten percent of applications granted being for commercial food vendors with 18 consents granted across the district to business traders operating weekly and continually throughout the year.

Amendments to the current street trading policy were addressed under a separate report to the Committee (see minute 19 below).

#### 5. Consultations and Partnership Working

Officers attend Licensees meetings within the East Devon area whenever possible as it was felt that these meetings should be supported and were a useful forum for the exchange of ideas, information and keeping up to date with issues within each area. Officers had attended licensees meetings over the previous period in Exmouth, Sidmouth and Axminster.

Members noted that licensing officers were attending meetings of the Safety Advisory Group (SAG), which had been established earlier in the year and being chaired by managers from Environmental Health. The SAG operated as a multi-agency partnership meeting to provide advice and guidance to event organisers when planning events. Meetings were now arranged quarterly and in advance for 2019 with core members from each Responsible Authority including the licensing authority.

#### 6. Licensing Team update

Since the last meeting of the Committee in November, the licensing officer role vacated as a result of Neil McDonald's retirement had been filled through the recruitment of Licensing Support Officer, Lucy Maxwell being successful in her application.

#### 7. Training for Members

Work by the managers of Licensing and Democratic Services had identified the need for training for Licensing Committee members and it was hoped this would happen during the first week of June, with the Barrister Philip Colvin providing training for members.

#### **RESOLVED:**

that the report be noted;

19 Street Trading

Following the introduction of a new Street Trading regime in October 2017, with further revisions to the policy in March 2018, it was noted that there was now a need to include amendments including new Guidance to Pedlars, revising the approach to block booking arrangements, addressing environmental concerns and amending processes following feedback from applicants when using street trading consents. This would include a section to ensure that applicants had the relevant insurance.

**RESOLVED**

- 1 that the revised street trading policy as attached as Appendix A to the report be adopted;
2. that the new guidance to Pedlars as attached as Appendix B to the report be adopted;
3. that the actions that will be taken as a consequence of the above being agreed be noted.

20 Taxi Licensing Policy

Members received the report of the Licensing Manager which sought approval to revise the Taxi Licensing Policy, namely an additional requirement that all new driver and renewal applications should be accompanied by evidence that the applicant had attended a Safeguarding Awareness Workshop relating to Children and Vulnerable Adults. This was in line with the Council's commitment to protect the safety of those most vulnerable in our communities.

**RECOMMENDED:** that Council at its meeting on 24 April 2019 adopts the revised Taxi Policy.

21 The Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018

The report advised the Licensing & Enforcement Committee of the fee review process which had been carried out in accordance with both DEFRA guidance and the Open for Business requirements.

Members noted that there was no update on the issue of legally regulating professional dog walkers.

**RESOLVED:** that the following new fees be adopted from 1 April 2019:

- a) New and Renewal applications - £330
- b) Annual Compliance Visit - £50
- c) Minor changes during licence period – No charge
- d) Review of star rating – No charge
- e) Vets Fees – Invoiced per premises where required.

22 Committee update – National Consultation on Statutory Guidance for Licensing Authorities “Taxi and Private Hire Vehicle Licensing: Protecting Users”

The report provided an update to the consultation commencing in February and ending on 22 April 2019. The Government hoped to see national standards for taxi and private hire licensing in place across the country. The Committee wished to thank the Licensing Team for their valuable contribution to this initiative.

**RESOLVED:** that the report be noted.

**Attendance list**

**Councillors present**

Steve Hall (Chairman)  
John O’Leary (Vice Chairman)  
Megan Armstrong  
Maddy Chapman  
Bruce de Saram  
John Dyson  
Steve Gazzard  
Cherry Nicholas  
Pauline Stott

**Councillor apologies:**

Brian Bailey  
Colin Brown  
Paul Carter  
Geoff Jung  
Jim Knight  
Geoff Pratt

**Officers present**

Giles Salter, Solicitor  
Steve Saunders, Licensing Manager  
Janet Wallace, Principal Environmental Health Officer  
Chris Lane, Democratic Services Officer

Chairman ..... Date .....