

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee

Held at Knowle, Sidmouth on Monday, 2 March 2009

Present:

Councillors:

Graham Godbeer (Chairman)
Chris Gibbings (Vice Chairman)

David Atkins
Derek Button
Steve Hall
May Hardy
John Humphreys

Ann Liverton
Frances Newth
Ken Potter
Mark Williamson

Officers:

John Tippin, Licensing Manager
Ian Carter, Senior Licensing Officer
Giles Salter, Assistant Solicitor
Chris Lane, Democratic Services Officer

Apology:

Councillor:
David Chapman

The meeting started at 9.30 am and ended at 11.15 am.

*18 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 1 December 2008, were confirmed and signed as a true record.

*19 **Licensing Act 2003, Gambling Act 2005, taxis and general licensing**

Consideration was given to the report of the Licensing Manager, which provided Members with an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters.

Members noted that the pro-active educational partnership approach to enforcement with the aim of compliance through consent continued to be successful, this included close liaison with partner agencies and the licensing trade. Very few formal complaints had been received against licensed premises and to date the Council had received no applications to review licences. The Head of Legal, Licensing & Democratic Services would prepare a report on who may make representations under the Licensing Act 2003 and the Gambling Act 2005 and whether there was any room for change of the current arrangements in time for the next meeting of the Committee.

The Licensing Team had continued the education based enforcement and monitoring approach to Hackney Carriage and Private Hire drivers and vehicles as was used with the Licensing Act. Again close liaison was maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality were maintained.

*19 **Licensing Act 2003, Gambling Act 2005, taxis and general licensing (Cont)**

An evening safety check on taxis in Exmouth on Friday 20 February 2009 had inspected 28 vehicles and found a number of faults, these had included: defective tyres, handbrake defects, a broken suspension coil spring and a split cv joint boot. Members expressed their concern

over the number of defects found on taxi vehicles. It was suggested that the Chairman send a letter to all operators whose vehicles were reported as having no problems congratulating them on the condition of their vehicles and also send a letter to all those operators whose vehicles were found to have problems, pointing out that the Council expected their vehicles to be of a higher standard.

Members noted the updates on the progress for the taxi ranks in Seaton and Honiton. The rank for Seaton had been delayed due to lack of progress with the County Highways section. Further suggestions were also being made on a new site for a taxi rank in Honiton.

The officers involved with the enforcement checks on taxis in Exmouth on 20 February were congratulated on their work.

RESOLVED

1. that the report be noted;
2. that the Chairman speak to Councillor Mrs Margaret Rogers, County Council member for Seaton, regarding progressing the Seaton taxi rank;
3. that the start time of Licensing & Enforcement Committee meetings be changed from 9.30 am to 10.00 am.

*20 **Retention of the Esplanade and Promenade, Sidmouth as a consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982**

Consideration was given to the report of the Senior Licensing Officer, which updated Members on the Street Trading experience from last year's Sidmouth Folk Festival and requested that Members consider retaining the designation of the Esplanade and Promenade as consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982 and approve the amended Fees, Policy and Conditions.

Members noted that the Street Trading operations at the Folk Festival on Sidmouth Esplanade was a good example of cross departmental and inter agency working.

The officers involved with the Street Trading operation on Sidmouth Esplanade and in particular Ian Carter, Douglas Jackson and Trevor Russell, were congratulated on their work.

*20 **Retention of the Esplanade and Promenade, Sidmouth as a consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982 (Cont)**

RESOLVED

1. that the update report and the responses to the consultation be noted;
2. that the designation of the Esplanade and Promenade as consent streets for street trading under Schedule 4, paragraph 2(1) (c) of the Local Government (Miscellaneous Provisions) Act 1982 be retained;
3. that the following be approved:
 - (a) The policy for the issue and enforcement of the consents
 - (b) The set of standard conditions to be attached to all Consents to Street Trade
 - (c) The fees to be charged for the issue of Consents to Street Trade on the Esplanade and Promenade
4. that the Head of Legal, Licensing and Democratic services be given delegated authority to
 - (i) make administrative arrangements for the issuing and management of street trading consents in line with the policy
 - (ii) update the standard conditions from time to time, in consultation with the Chairman as necessary
 - (ii) revoke street trading consents, in consultation with the Chairman, where not practicable to refer it to a Licensing Sub-Committee
 - (iii) to review the operation of consents granted during the Sidmouth Folk Festival, and report back to committee on the outcome.

*21 **Resolution to designate streets in Seaton as consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982 with effect from Monday 6 April 2009**

Consideration was given to the report of the Senior Licensing Officer, which explained the responses to the Council's public notice of the Committee's proposal agreed on the 1 December 2008 to re-designate streets in Seaton as consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982 with effect from Monday 6 April 2009.

*21 **Resolution to designate streets in Seaton as consent streets for street trading under Schedule 4, paragraph 2(1)(c) of the Local Government (Miscellaneous Provisions) Act 1982 with effect from Monday 6 April 2009**
(Cont)

RESOLVED

that the following resolution be passed:

1. With effect from Monday 6 April 2009 the Square and the Esplanade, Seaton from Fisherman's Gap to Beach Road be re-designated as Consent Streets for the purpose of Street Trading under Schedule 4, paragraph 2(1) (c) of the Local Government (Miscellaneous Provisions) Act 1982, and deleted from the Schedule of Prohibited streets which came into force on the 29 June 1998;
2. that the following be approved:
 - (a) The policy for the issue and enforcement of the consents
 - (b) The set of standard conditions to be attached to all Consents to Street Trade
 - (c) The fees to be charged for the issue of Consents to Street Trade within East Devon.
3. that the Head of Legal, Licensing and Democratic Services be given delegated authority to
 - (i) make administrative arrangements for the issuing and management of street trading consents in line with the policy
 - (ii) update the standard conditions from time to time, in consultation with the Chairman as necessary
 - (ii) revoke street trading consents, in consultation with the Chairman, where not practicable to refer it to a Licensing & Enforcement Sub-Committee

Chairman Date