

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee

Held at Knowle, Sidmouth on Tuesday, 2 March 2010

Present:

Councillors:

Graham Godbeer (Chairman)

David Atkins
Pat Graham
John Humphreys
Jim Knight

Ann Liverton
Ken Potter
Mark Williamson

Officers:

John Tippin, Licensing Manager
Ian Carter, Senior Licensing Officer
Giles Salter, Assistant Solicitor
Douglas Jackson, Licensing Officer
Chris Lane, Democratic Services Officer
Paul Wilson, Devon County Council
Neil McDonald – Licensing Officer

Apologies:

Councillors:
Steve Hall
May Hardy
John Jeffery
Marion Olive

The meeting started at 9.30 am and ended at 11.00 am.

*17 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 24 November 2009, were confirmed and signed as a true record.

*17 **Cumulative Impact Zone**

The Chairman reported that the Licensing Authority had received advice from Devon & Cornwall Constabulary for the creation of a Cumulative Impact Zone for the centre of Exmouth. Officers were currently investigating this issue and it was intended that a report on this issue would be made to the next meeting of the Committee.

*18 **Licensing Act 2003 – Councillors as Interested Parties**

Consideration was given to the report of the Licensing Manager, which set out an explanation of the recent changes to the Licensing Act 2003 relating to the role of elected members as Interested Parties.

Section 33 of the Policing and Crime Act 2009 came into force on 29 January 2010. This section had the effect of changing the definition of "Interested Parties" under the Licensing Act 2003 by adding a new category: "a member of a relevant licensing authority", East Devon District Council is a "relevant licensing authority". The effect of this change was that the definition of "interested parties" had been expanded to include all members of local authorities, so that elected Councillors of the licensing authority could now make representations or seek a review in their own right. This included the ability to make

***18 Licensing Act 2003 – Councillors as Interested Parties (Cont)**

representations on behalf of Town/Parish Council's who were still excluded from making representations on their own behalf as they were not included in the Licensing Act 2003.

Members welcomed this change to the Licensing Act 2003. They recognised that LACoRS had provided guidance only and that the Committee should follow the previous advice given by the Legal Section, namely that Town/Parish Council's were not able to make their own representations under the Licensing Act 2003.

- RESOLVED**
1. that the report be noted;
 2. that Town and Parish Council's be notified of the change in the role of elected members.

***19 Committee update – Licensing Act 2003, Gambling Act 2005 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 since the commencement of the Licensing Act in November 2005, a total of 2,857 Temporary Event Notices had been given. The pro-active educational partnership approach to enforcement with the aim of compliance through consent continued to be successful. Although there had been complaints received against licensed premises all had been resolved without the need for formal enforcement action. To date the Council has received no applications to review existing licences. Inspections under the premises risk rating continued and despite the poor weather in January restricting the amount of visits that could be undertaken, the team was still on target to complete by 31 March 2010.

With regard to taxis, members noted that there was currently a fleet of 215 licensed vehicles in East Devon 179 of which were Hackney Carriages and 36 were Private Hire vehicles. There were 226 licensed Hackney Carriage Drivers and 57 Licensed Private Hire Drivers. There were also 17 licensed Private Hire Operators. Since the last meeting of the Committee there had been two hearings relating to Hackney Carriage driver suitability and also one on the suitability of a vehicle over four years at time of relicensing. The next liaison meeting with the taxi trade would be held on 7 April 2010.

- RESOLVED** that the report be noted.

***20 Committee Update – Consultations and Responses**

Consideration was given to the report of the Senior Licensing Officer, which summarised the District Council's responses to recent Government consultations affecting the Licensing service.

- RESOLVED** that the report be noted.

***21 Proposed permanent Taxi Ranks for Exmouth Town**

Consideration was given to the report of the Licensing Officer, which updated Members on the proposed changes to the Hackney Carriage ranks in Exmouth Town Centre. This change was part of the regeneration scheme for the town centre and it would ensure that local transport demands were met, with Hackney Carriage drivers having lawful stands from which to operate their trade. The Chairman welcomed Paul Wilson from Devon County

*21 **Proposed permanent Taxi Ranks for Exmouth Town** (Cont)

Council who explained the background to the establishment of the taxi ranks in Exmouth Town Centre.

RESOLVED

1. to exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to appoint the following rank in Exmouth:
The Strand to Chapel Hill – 24 Hour Rank
On the north-east side of road
From a point 11 metres south-east of The Strand's junction with Victoria Road for a distance of 50 metres in a south-easterly direction
Restriction: No Waiting At Any Time except taxis
Rank creates 10 new spaces;
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 ranks referred to in paragraph 1 of this recommendation will be deemed appointed;
4. that following the appointment of the taxi ranks Devon County Council as the Highways Authority be requested to put in place the appropriate legal provisions and to mark out the ranks as appropriate.

*22 **Proposed permanent and part time Taxi ranks for Seaton town**

Consideration was given to the report of the Licensing Officer, which updated Members on the proposed changes to the Hackney Carriage ranks in Seaton Town Centre. These ranks were needed to make available an acceptable level of taxi spaces for residents of Seaton Town. The Chairman welcomed Paul Wilson from Devon County Council who explained the background to the establishment of the taxi ranks in Seaton Town Centre.

RESOLVED

- 1 To exercise the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 to appoint the following ranks in Seaton:
 - (a) Queen Street
West side of road from a point 61 metres north from its junction with Beer Road for a distance of 6 metres in a northerly direction
Restriction: No Waiting At Any Time except taxis
Rank creates 1 space
 - (b) Fore Street
West side of road from a point 162 metres from its junction with Manor Road for a distance of 6 metres in a southerly direction
Restriction: No Waiting At Any Time except taxis
Rank creates 1 space
 - (c) Fore Street
East side of road from a point 61 metres north of its junction with Marine Place to a point 73 metres north of that junction
Restriction: No Waiting At Any Time except for taxis between the hours of 21.00 and 03.00 hours only
Rank creates 2 spaces
 - (d) Marine Place
North side from a point 3 metres east of its junction with Seahill for a distance of 15 metres in an easterly direction
Restriction: No Waiting At Any Time except taxis
Rank creates 2 spaces
- 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 ranks referred to in paragraph 1 of this recommendation will be deemed appointed;
- 4. that following the appointment of the taxi ranks Devon County Council as the Highways Authority be requested to put in place the appropriate legal provisions and to mark out the ranks as appropriate.

Chairman Date