

# **EAST DEVON DISTRICT COUNCIL**

## **Minutes of a Meeting of the Licensing & Enforcement Committee**

**Held at Knowle, Sidmouth on Tuesday, 9 June 2009**

**Present:**

Councillors:

Graham Godbeer (Chairman)

Steve Hall  
May Hardy  
John Humphreys  
John Jeffery  
Jim Knight

Ann Liverton  
Barry Nicholson  
Marion Olive  
Ken Potter  
Mark Williamson

**Officers:**

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

**Apologies:**

Councillors:  
Roger Boote  
Chris Gibbings  
Pat Graham

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

**\*1 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 2 March 2009, were confirmed and signed as a true record.

**\*2 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 since the commencement of the Licensing Act in November 2005, a total of 2,365 Temporary Event Notices had been given. In the summer there was an average of 4 – 5 TEN's applications made a day. The Licensing Service had designed a risk rating system, which had rated each licensed premises as Low, Medium or High Risk, this system had been adopted by other Local Authorities.

With regard to taxis, further enforcement action was planned for the summer months. The Licensing Manager reported that it was anticipated that Devon County Council would prepare the traffic order and mark out the ranks for Seaton within the next 3 months. Concern was expressed about whether the 2 spaces in Eyrecourt Road were designated as taxi ranks or disabled spaces, this matter would be investigated. A meeting would be held on 18 June with Devon County Council to discuss the proposed changes to the taxi rank at The Strand, Exmouth, due to proposed enhancement works. Taxi drivers and the Licensing section were concerned over the changes proposed to this taxi rank. It was hoped that a successful solution had been achieved for increasing the number of taxi ranks in Honiton and it was anticipated that a report would be made to the next meeting of the Committee.

**\*3 Licensing Act 2003, Gambling Act 2005, taxis and general licensing (Cont)**

**RESOLVED** that the report be noted;

**\*4 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 request from Seaton Town Council’s Amenities Committee to remove the designation of the Esplanade, Seaton as a consent street for street trading under Schedule 4, paragraph 2(1) (c) of the Local government (Miscellaneous Provisions) Act 1982.

Members noted that if a decision was made to deregulate the Esplanade, Seaton this would take 2 – 3 months to process. This would mean that the “consent” street designation would still be in place for most of the summer.

- RESOLVED**
1. that the requests from Seaton Town Council’s Amenities Committee supported by some charities in the town to remove the designation of the Esplanade, Seaton as a consent streets for street trading under Schedule 4, paragraph 2(1) (c) of the Local Government (Miscellaneous Provisions) Act 1982 be deferred to allow further consultation and investigation of the options,
  2. that the interim measure proposed by the Licensing Service (paragraph 4.4) to facilitate local charities to run street markets on Seaton Esplanade during the summer be agreed.

(Councillor Jim Knight declared a pecuniary interest in this item as Chairman of a local charity and left the room during discussion of the item, having made a brief statement)

**\*5 Parish and Town Council involvement in Licensing**

Consideration was given to the report of the Head of Legal, Licensing & Democratic Services on an explanation of the statutory frameworks governing parish council involvement in licensing. Some concern was expressed that parish and town councils were not included in notification procedures and not able to make representations on under the Licensing act 2003 and the Gambling Act 2005.

Members had queried the statutory framework and were unhappy that parish and town councils could not automatically make representations on licensing applications.

**RESOLVED** that the Licensing Manager write to all parish and town councils to make them aware of a link in the Knowledge which took them through to the section of the Council’s website which listed all applications made under the Licensing Act 2003 and the Gambling Act 2005.

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