

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee

Held at Knowle, Sidmouth on Tuesday, 24 November 2009

Present:

Councillors:

Graham Godbeer (Chairman)
Chris Gibbings (Vice Chairman)

Pat Graham
Steve Hall
John Humphreys

Jim Knight
Barry Nicholson
Marion Olive

Officers:

John Tippin, Licensing Manager
Ian Carter, Senior Licensing Officer
Giles Salter, Assistant Solicitor
Douglas Jackson, Licensing Officer
John Loveridge, Licensing Officer
Chris Lane, Democratic Services
Officer
Mark Dauncey, Devon County
Council

Apologies:

Councillors:
May Hardy
John Jeffery
Ann Liverton
Ken Potter
Mark Williamson

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

*12 **Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 29 September 2009, were confirmed and signed as a true record.

*13 **Proposed new and temporary taxi ranks for Exmouth Town**

Consideration was given to the report of the Licensing Manager, which asked Members to consider proposed temporary and full time changes to the Hackney Carriage ranks in Exmouth Town. These changes were needed to accommodate the regeneration scheme for the town centre planned to commence in February 2010.

Members noted that a meeting had been held with Paul Wilson from Devon County Council to discuss the matters raised by the Exmouth Taxi Drivers at a recent consultation meeting. This included the possibility of extending the rank in Victoria Road to enable it to take four vehicles. Members also expressed some concerns about the amount of disabled parking in the Strand area.

The need to keep the taxi trade in the Exmouth area informed of the proposals was considered to be a priority and the Licensing Manager acknowledged that a letter should be sent to all taxi drivers in Exmouth informing them of the proposed changes to taxi ranks in Exmouth.

***13 Proposed new and temporary taxi ranks for Exmouth Town (Cont)**

- RESOLVED** 1. that the Council's powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 be exercised to appoint the following ranks in Exmouth:
- (a) **Rolle Street (Temporary Rank) – 24 Hour Rank**
South west side from a point 9 metres south east of its junction with Strand for a distance of 40 metres in a south westerly direction
Rank creates 8 spaces
Restriction: No Waiting At Any Time except taxis.
 - (b) **The Parade - Evening Only Rank**
Side of road south from a point 95 metres west of its junction with Albion Street for a distance of 15 metres in a westerly direction
Rank creates 3 spaces
Restriction: No Waiting 6pm-midnight and midnight-8am except taxis.
 - (c) **Imperial Road – 24 Hour Rank**
Side of road south-west from a point 18 metres north-west of its junction with Rolle Street for a distance of 15 metres in a north-westerly direction
Rank creates 3 spaces
 - (d) **Victoria Road – 24 Hour Rank**
Side of road south from a point 11 metres west of its junction with road from The Strand to Chapel Hill: for a distance of 21 metres in a westerly direction
Rank creates 4 spaces
Restriction: No Waiting at Any Time except taxis.
 - (e) **Chapel Street – 24 Hour Rank**
West side of Chapel Street from its junction with Church Street for a distance of 13 metres in a northerly direction
Rank accommodates 2 spaces
Restriction: No Waiting at Any Time except taxis.
 - (f) **Esplanade – 24 Hour Rank**
South West side of the Esplanade nearly opposite the Pavilion from a point 43 metres north-west of the southern boundary line of the Beach Gardens for a distance of 13 metres in a north-westerly direction
Rank accommodates 2 spaces
Restriction: No Waiting at Any Time except taxis.
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.

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

Consideration was given to the report of the Licensing Manager, 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 2,733 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.

With regard to taxis, members noted that there was currently a fleet of 211 licensed vehicles in East Devon 179 of which were Hackney Carriages and 34 were Private Hire vehicles. There were 247 licensed Hackney Carriage Drivers and 54 Licensed Private Hire Drivers. There were also 16 licensed Private Hire Operators. A recent examination had been undertaken of taxis in the Honiton and Axminster areas and with one exception, the ten vehicles examined had been found to be in good condition.

Members noted that Devon County Council had not yet marked out the taxi ranks in Seaton that had been agreed in 2005. Following a meeting with Paul Wilson from Devon County Council and Councillor Jim Knight, it had been agreed to remove the rank in Eyrecourt Road and replace it with one on Seaton seafront outside the Social Club. This would be considered by the Committee in the New Year. It was anticipated that Devon County Council would prepare the traffic order and mark out the ranks for Seaton within the next three months.

The Licensing Manager reported that the Licensing Section had been awarded the Customer Services Excellence award and all members of the Committee congratulated the Licensing Section on this award. Members noted that there was only one other Licensing Department in the country that had received this award.

RESOLVED that the report be noted.

15 **Gambling Act 2005 – Tri-annual review of the Council’s Licensing Policy 2009 and Policy adoption**

Consideration was given to the report of the Licensing Manager, which updated Members on the tri-annual review of the Council’s Gambling Act 2005 Licensing Policy and the results of the consultation process and invited the Committee to recommend that the Council adopted the amended Licensing Policy as required by the Gambling Act 2005 at its next meeting on the 9 December 2009.

Members discussed a comment made by Woodbury Parish Council in the consultation responses section that Parish and Town Councils should be regarded as responsible bodies and in future be consulted on such matters relating to licensing. It was acknowledged that, as a matter of good practice, the Licensing Section should inform Town/Parish Council’s of any gambling applications in their area. Members noted that there were very few new gambling applications made in East Devon as a whole each year.

15 **Gambling Act 2005 – Tri-annual review of the Council’s Licensing Policy 2009 and Policy adoption** (Cont)

RESOLVED that the results of the public consultation undertaken on the Council’s draft Licensing Policy relating to the Gambling Act 2005 be noted.

- RECOMMENDED**
1. that the Area Child Protection Committee and Local Safeguarding Children Board (Devon County Council) be nominated as the body competent to advise the authority about the protection of children from harm issues as required by the Gambling Act 2005, Section 157(h);
 2. that the East Devon Gambling Licensing policy as attached at Appendix A be adopted, for the period 31 January 2010 to 30 January 2013.

Chairman Date