

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Tuesday, 29 September 2009

Present: Councillors:
Graham Godbeer (Chairman)
Chris Gibbings (Vice Chairman)
David Atkins
Pat Graham
Steve Hall
May Hardy
John Jeffery
Jim Knight
Ann Liverton
Marion Olive
Ken Potter
Mark Williamson

Officers: Ian Carter, Senior Licensing Officer
Christopher Holland, Democratic Services Officer
Douglas Jackson, Licensing Officer
John Loveridge, Assistant Licensing Officer
John Tippin, Licensing Manager
Giles Salter, Assistant Solicitor

The meeting started at 9.32 am and ended at 11.22 am.

***6 Minutes**

The minutes of the meeting of the Licensing & Enforcement Committee held on 9 June 2009, were confirmed and signed as a true record subject to the minute relating to taxi rank spaces in Eyrecourt Road being amended to read:

“The issue of an additional two taxi rank spaces Eyrecourt Road was mentioned, this matter would be further investigated.

***7 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Members noted that the Council had received a sum of £800 for costs of legal expenses regarding an appeal withdrawn by local residents over an application granted for a Premises License to Courtlands House, Courtlands Lane, Exmouth.

The Licensing Manager also reiterated points to Members made in the report including an update on a multi service operation at Exeter Airport on 12 June 2009 to check that taxis and private hire vehicles were being operated legally. He also pointed out that an operation to check that taxis and private hire vehicles, in particular stretched limousines, were being operated legally at the Exmouth Community College Prom on 2 July 2009. The Chairman congratulated the Licensing Service on both operations and reiterated the importance of multi agency working.

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

Members noted that the amount received in fees for Street Trading in Sidmouth during Folk week had increased from £6400 in 2008 to £7500 in 2009. It was noted that illegal parking on The Esplanade had created traffic difficulties at times. This would be enforced carefully in future years.

It was noted by Members that the description of one of the proposed Seaton Taxi ranks was incorrectly provided by Devon County Council. It was suggested that a meeting be held with Devon County Council Officers to inspect all proposed taxi rank sites in Seaton

- RESOLVED:**
- 1) that the report be noted.
 - 2) that the County Councillor Jim Knight, the Licensing Manager John Tippin and Douglas Jackson, Licensing Officer meet to inspect all proposed taxi rank sites in Seaton and record accurately the locations.

(Councillor Jim Knight declared a Personal Interest regarding the report on Seaton Street Trading and the meeting held on 18 June with Seaton Town Council as he was the Chairman of Seaton Phoenix Charity. He remained in the Chamber to speak).

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

Consideration was given to the report of the Licensing Manager, which explained to Members the consultation process and timescales for the tri-annual review of the Council’s Gambling Act. It was noted that the Communities Overview and Scrutiny Committee would discuss the matter on 28 October 2009 before it was returned to the Licensing and Enforcement Committee on 24 November 2009. The Licensing and Enforcement Committee would then be asked to agree a final draft of the Policy for approval by Council on 9 December 2009.

RESOLVED that the report be noted.

*9 **Licensing Act 2003 – Effect of Minor Variation Procedure and DPS Disapplication**

Consideration was given to the report of the Licensing Manager providing an explanation on the recent changes to the Licensing Act 2003. The changes relate to a new minor variation application procedure and the ability for Community Premises that either hold a Premises licence or wish to apply for one which authorises the sale of alcohol, to disapply the condition requiring the premises to have a Designated Premises Supervisor.

*9 **Licensing Act 2003 – Effect of Minor Variation Procedure and DPS Disapplication (cont'd)**

- RESOLVED:**
- 1) that the report be noted;
 - 2) (a) that the approval of minor variations under the Licensing Act 2003 be delegated to the Head of Legal, Licensing and Democratic Services, with the Licensing and Enforcement Committee and Sub Committees being able to exercise those powers concurrently if required.
 - (b) that where there is the requirement to determine an application for the disapplication of the need for a Designated Premises Supervisor at community premises under the Licensing Act 2003
 - (i) Where a relevant representation has been made and not withdrawn the application to be considered by a Sub Committee of the Licensing and Enforcement Committee.
 - (ii) In all other cases the determination to be delegated to the Head of Legal, Licensing and Democratic Services.

*10 **Request to amend the Council's Street Trading Policy and Guidance to incorporate changes with regard to Charitable Street Trading in Seaton**

Consideration was given to the report of the Senior Licensing Officer which set out the request to formally adopt the interim measures approved by this Committee at its meeting on 9 June 2009 into the Council's street trading policy and guidance.

- RESOLVED:** that the interim measures relating to Seaton agreed at the Licensing and Enforcement Committee meeting on 9 June 2009 be adopted as amendments to the Council's street trading policy and guidance.

(Councillor Jim Knight declared a Personal and Prejudicial Interest as he was the Chairman of Seaton Phoenix Charity and left the Chamber during discussion and voting).

*11 **Proposed new Taxi Ranks for Honiton**

Consideration was given to the report of the Licensing Officer on proposed changes to the Hackney Carriage ranks in Honiton town. Members noted that at present Honiton only had one rank accommodating two vehicles at one time. This was far fewer spaces than other comparable sized towns. As a result, many taxis were forced to double park in the high Street, park in ordinary parking spaces or even to park on double yellow lines.

In the past the Police had complained about double parking in the High Street when the rank has been full. It was noted that the proposed scheme had received favourable comments from the majority of organisations and businesses in the town including the Town Council.

RESOLVED:

- 1) that the powers under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, be exercised to appoint two areas on the northern side of the High Street, Honiton as taxi ranks. One rank for four vehicles being located 77 metres east of its junction with Dowell Street for a distance of 16 metres in an easterly direction and the other rank for three vehicles being located from a point 98 metres east of its junction with Dowell Street for a distance of 10 metres in the same direction (easterly);
- 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 two ranks referred to in resolution 1 above will be deemed appointed;
- 4) that following the appointment of the two taxi ranks Devon County Council as the Highway Authority be requested to put in place the appropriate legal provisions and to mark out the ranks as appropriate.

*12 **Central Law Training – Licensing Act 2003 Conference, London**

Members noted that the Senior Licensing Officer and Assistant Solicitor had recently attended a Licensing Conference in London. At the Conference, it was noted that solicitors including Turbevilles and TLT had publically thanked the East Devon Licensing Team for their support and also congratulated the whole team on their achievements and professionalism. The Chairman congratulated the Licensing Team for their achievements to date and hoped that the excellent work would be continued into the future.

Chairman Date