

# South Hams Licensing Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Thursday, 31st March, 2022</b>										
<b>Time:</b>	<b>12.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Brown</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Foss</td> <td style="width: 33%;">Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Pannell</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Foss	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Holway	Cllr Smerdon	Cllr Kemp	Cllr Thomas	Cllr Pannell	Cllr Taylor
Cllr Foss	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Holway	Cllr Smerdon										
Cllr Kemp	Cllr Thomas										
Cllr Pannell	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk										

**1. Apologies for absence**

**2. Minutes of last meeting**

**1 - 26**

to approve as a correct record the minutes of the meeting of the Licensing Committee held on 30 June 2021 and the Licensing Sub-Committee meetings held between 7 January 2021 and 4 August 2021

**3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**4. Declarations of interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

**5. Proposed Amendment to the South Hams Hackney Carriage Fare Tariff**

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## MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD IN THE REPTON ROOM, FOLLATON HOUSE, TOTNES ON WEDNESDAY, 30 JUNE 2021

### MEMBERS

\* Cllr D Brown - Chairman

\* Cllr R Rowe - Vice-Chairman

∅ Cllr R Foss

\* Cllr J M Hodgson

∅ Cllr T R Holway

∅ Cllr K Kemp

\* Cllr G Pannell

\* Cllr K Pringle

∅ Cllr H Reeve

\* Cllr P C Smerdon

\* Cllr B Taylor

∅ Cllr D Thomas

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

Licensing Specialist; Deputy Monitoring Officer; and Democratic Services Manager

### L.01/21 MINUTES

The minutes of the meeting of the Licensing Committee held on 5 November 2020 were confirmed as a true and correct record.

### L.02/21 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:

Having sought the advice of the Deputy Monitoring Officer, Cllr P C Smerdon declared a personal interest in agenda item 5: '*Consideration of whether a driver remains a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence*' (Minute L.04/21 below refers) by virtue of his use of a local business that was referred to in the exempt agenda report and remained in the meeting and took part in the debate and vote thereon.

### L.03/21 EXCLUSION OF PUBLIC AND PRESS

#### RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

## L.04/21 **CONSIDERATION OF WHETHER A DRIVER REMAINS A 'FIT AND PROPER' PERSON TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

Consideration was given to an exempt report that sought a decision as to whether an individual remained a 'fit and proper' person to hold a hackney carriage and private hire driver licence with South Hams District Council.

Following the report being introduced by the Licensing Specialist, the Chairman invited the licensed driver and his colleague to provide a detailed account of why they considered that the licensed driver remained a 'fit and proper' person.

Upon the conclusion of their representations, Members were invited to ask them questions of clarity.

Once all parties in attendance were content that they had no further questions or issues to raise, the Committee then adjourned (at 11.10am) in the presence of the Deputy Monitoring Officer to consider the matter.

The meeting was subsequently reconvened at 11.30am and the Chairman proceeded to read out the Committee decision as follows:

### **The Decision**

*'Members of the Licensing Committee have considered very carefully the facts surrounding the allegations and subsequent investigation by the Police.*

- *We have read the Licensing Specialist's report, which you have had sight of;*
- *We have read the information provided by the Police;*
- *We have read any additional documents provided by the licence holder ahead of this meeting;*
- *We have also listened very carefully to what you have told us today and to your representative;*
- *The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities – the onus being on yourself to satisfy the Authority that remain a 'fit and proper' person to hold a joint Private Hire and Hackney Carriage drivers licence / vehicle licence.*

*The Committee has decided to take no further action. This decision is based on:*

- *The Committee recognises that there has been a dispute and breakdown of relationship between the licensed driver and the complainants;*
- *The licensed driver recognises that the actions on social media were inappropriate and have ceased;*
- *The CCTV evidence is not conclusive that the licensed driver was responsible for the damage and the Committee do not consider it reasonable to give it any weight;*
- *The Committee is satisfied that the licensed driver remains a 'fit and proper' person to hold a licence.'*

(Meeting commenced at 10.10 am and concluded at 11.35 am)

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Chairman

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 7 JANUARY 2021**

**Present:** Cllrs Dan Brown (Chairman), Tom Holway and Peter Smerdon  
David Fairbairn, Monitoring Officer  
Tara O’Keefe, Senior Case Manager – Licensing  
Darryl White, Senior Specialist – Democratic Services

**Also in attendance and participating:**

Mr Lance Whitehead (Applicant)  
Mr James Clarke (Objector)  
Mr David Furneaux (Objector)  
Ms Emma Cane (Objector)  
Mrs Sally Hosking (Objector)

**LSC.5/20 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr Holway declared a personal interest in agenda item 3: ‘Application for a Variation to the Premises Licence at The Boathouse, 28-30 Island Street, Salcombe TQ8 8DP’ (Minute LSC.3/18 below refers) by virtue of knowing two of the objectors for the application.

**LSC.6/20 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT  
CALANCOMBE WINERY, MODBURY, IVYBRIDGE PL21 0TU**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Calancombe Winery, Modbury, Ivybridge PL21 0TU.

The Senior Case Manager – Licensing introduced the report and outlined the details of the application (as stated in the application form at Appendix A of the presented agenda report). In so doing, she highlighted that the ‘wards affected’ in the published agenda report had incorrectly shown that the premises were located in the ‘Ermington and Ugborough’ Ward when they were actually sited in the ‘Charterlands’ Ward.

**1. Address by the Applicant**

In his address, the applicant provided some background information to the establishment of the business and proceeded to make specific reference to:-

- there being absolutely no intention for either a farm shop, pub or restaurant to be created through the proposals. Furthermore, Mr

- Whitehead confirmed that he had no desire to open the premises outside of the hours that were being sought as part of the application;
- planning permission not being required alongside this licensing application. At this point, the Monitoring Officer clarified to the Sub-Committee that this Hearing was solely concerned with consideration of the merits of the application in line with the four Licensing Objectives and the planning merits were therefore outside the jurisdiction of this Hearing;
  - the intention to tightly control the numbers and timings of groups visiting the application site. When questioned, Mr Whitehead advised that, whilst difficult to predict demand, he did not envisage groups being in excess of 12 people at any given time. Also, Mr Whitehead was of the view that there would be no more than six tours taking place each week and it was the aim of the business to target both local visitors and tourists;
  - the local economic benefits of granting this application. In expanding the point, Mr Whitehead informed that the premises would be recruiting a number of employees;
  - the potential to expand the business into alcoholic spirits that were based upon the fruits grown on site; and
  - he was fully aware and appreciative of the concerns that had been raised over traffic implications. Whilst Mr Whitehead had suggested a number of potential traffic mitigations to the objectors, unfortunately each one had been rejected by them.

## **2. Addresses by the Objectors**

In their respective addresses, the objectors made particular reference to:

- the traffic access routes into the application site being wholly inappropriate (and indeed dangerous) for any additional vehicular movements. In addition, the objectors were of the view that the applicants had vastly underestimated the access issues especially when considering that a number of drivers were unfamiliar with driving on such narrow and dangerous roads;
- if approved, a condition should be imposed whereby tours should be booked by advanced appointment only;
- the lack of dialogue with the applicants was felt to be unfortunate and causing some ill feeling between the objectors and the applicants;
- some contradictions between the comments expressed by the applicants and the contents of their website;
- the proposals having a detrimental impact on neighbouring farm businesses; and
- the public notice being inappropriately displayed.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 3.15pm) in the presence of Mr Fairbairn to consider the application and then reconvened at 4.00pm.



In announcing the Sub-Committee decision, the Chairman read out the following statement:

1. *The aim of the Licensing Act 2003 is to provide a more flexible licensing system, by reducing the burden of unnecessary regulation, but still maintaining public order and safety.*
2. *The 2003 Act makes it clear that licensable activities are to be restricted only where it is necessary to promote the four Licensing Objectives.*
3. *In determining an application with a view to promoting the Licensing Objectives in the overall interests of the local community, the Sub-Committee is required to give appropriate weight to:*
  - *the steps that are appropriate to promote the Licensing Objectives;*
  - *the representations (including supporting information) presented by all the parties;*
  - *the Guidance issued under section 182 of the 2003 Act; and*
  - *our own statement of licensing policy.*
4. *The statutory guidance provides that it is imperative that our decision is evidence-based and that in reaching a decision the factors which are to be taken into account are limited to a consideration of the promotion of the licensing objectives and nothing outside those parameters.*
5. *The Licensing Specialist's report also highlighted relevant provisions of the statutory guidance and our own statement of licensing policy.*
6. *Finally, by way of setting the scene for our decision, the Licensing Sub-Committee is mindful that an application that must be considered on its own merits. Our function is to take such steps as we consider appropriate for the promotion of the licensing objectives having regard to the representations we have received and heard.*
7. *It is against this background that the Sub-Committee has considered the application by Calancombe Estate Holdings Limited, for a new premises licence at Calancombe Winery, Modbury. The Application is for the supply of alcohol for consumption on and off the premises Monday to Saturday 11:00am to 5:00pm, and Sunday 11:00am to 4:00pm. These hours had been modified following the consultation process as a result of representations from the Police about non-standard timings.*
8. *The Applicant represented by Lance Whitehead set out its arrangements for promoting the Licensing Objectives in the Application and in evidence before the Licensing Sub-Committee. Mr Whitehead explained that the proposals were limited in scope with guests being invited to taste and buy wines made from produce grown on the Estate and that there was no desire to open outside of the hours applied for. The number of guests on organised tours would be*

*limited given that the premises were part of a working farm and had to be managed by the Applicant. He suggested that there might be two groups of 12 guests on 3-4 days a week. At certain times of the year Mr Whitehead said the number of guests would be very low as there would be nothing for them to see. There would be sales to passing people.*

9. *Mr Whitehead also responded to the objections received by suggesting that they were not relevant to the licensing objectives. Nevertheless he explained his understanding of the judgment in Millington v Secretary of State for the Environment, Transport and the Regions [2000] JPL 297 and how it concerned the "right" of a vineyard to open the site to public viewing of the wine making process and to offer the wine for sale along with light refreshments.*
10. *With regard to road safety Mr Whitehead said that the roads giving access to the premises were no different from others in this part of the country. He also referred to other venues in the vicinity that hosted other social events involving large numbers which he said had similar road access.*
11. *The Sub-Committee also heard from a number of local residents who had made written representations, either in person or by their representatives.*
12. *Graham Clarke objected to the Application. Mr Clarke lives at Bearscombe near Modbury. He set out his objections in writing and was represented by his son, James Clarke at the Sub-Committee. Mr Clarke's objections were he said related to public safety, prevention of public nuisance and protection of children from harm. The basis for his objections were that there were few passing places on the roads leading to the premises; the roads were not safe due to the number of blind bends and drivers unfamiliar with the roads would drive too fast.*
13. *David Furneaux objected to the Application. Mr Furneaux lives and farms land at Spriddlescombe Manor Farm, Modbury. Like Mr Clarke he told the Sub-Committee that the access roads were a problem and had it not been he would not be objecting. He considered that the increase in traffic that would be the result of the Application would have a detrimental impact on his farm business. He questioned the Applicant's ability to rely on the Millington judgment referring to the sale of Dartmouth Gin, which he said relied on 99% of its ingredients being brought into the Estate. Mr Furneaux drew a comparison with Sharpham Estate and told the Sub-Committee that Calancombe had twice as many vines. He believed that the numbers of guests to the premises would therefore be more than the Applicant was suggesting and that the Applicant was underplaying the impact of numbers on the roads.*
14. *Emma Cane and Martin Daw objected to the Application. They live at Higher Witchcombe Farm, Ugborough. Mrs Cane said that she shared the views of Mr Clarke and Mr Furneaux. She said that she recognised that the Applicant was trying run a commercial business,*

*but suggested that if it extended with more signs, this would raise interest and encourage the simply curious to visit the premises which would add to the issues with the road. Mrs Cane then drew the Sub-Committee's attention to the Applicant's website which she said suggested that there would not be any need to pre-book an organised tour and therefore there would be, she said, continuous custom. Mrs Cane concluded by saying that she also was trying to build a farm business and that it was not possible for her or any other farmer simply to operate their business depending on whether the premises were open or closed as had been suggested by the Applicant.*

15. *Mr Roger Hosking also made representations objecting to the Application on the basis of public nuisance. He lives at Crofts Park Modbury and was represented at the hearing by his wife, Mrs Sally Hosking. Mrs Hosking explained on her husband's behalf that the access roads to the premises were totally unsuitable and that existing traffic was already causing problems and incidents. She therefore agreed with what had been said by the other objectors. Mrs Hosking questioned the ability of visitors to the premises to drive along the roads in the vicinity of the Estate safely. She referred to there being an increase in traffic since the vineyard started. Finally, she suggested that the notice publicising the Application had been deliberately placed so that it would be difficult to read and described the steps some people had told her they had taken to read it. She also complained about the choice of newspaper in which the notice had been published.*
16. *With regard to the last point raised by Mrs Hosking, the Licensing Specialist confirmed that she was satisfied that the statutory requirements had been met.*
17. *None of the Responsible Authorities raised objections nor were any representations received from local councillors.*
18. *All of the representations that have been made objecting to the Application have alleged that the roads giving access to the premises are unsuitable and as a result their use to access the premises for the purposes of the licensable activities would give rise to a public nuisance or otherwise offend the Licensing Objectives. The Sub-Committee was also invited by more than one of the objectors to have regard to planning matters. As was said during the hearing and has been repeated earlier, the Sub-Committee is bound to consider only those matters that relate to the Licensing Objectives. The Sub-Committee cannot take into account any issues that are dealt with in other legislation. Planning and highway safety are not matters that can be taken into account. In view of the obvious feelings and differences of opinion on such issues however, the Sub-Committee would encourage all parties to seek to resolve those differences insofar as they are able to do so.*
19. *Having considered what had been said and written by the various parties, and having regard to the statutory guidance, and the adopted Statement of Licensing Policy, it is considered that the Application*

*should be granted on the terms applied for subject to the Mandatory Conditions.*

- 20. All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of written notification of the Licensing Sub-committee's decision.*
- 21. Finally, at any stage, following the grant of a premises licence a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.*

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Chairman

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD REMOTELY  
VIA TEAMS, ON WEDNESDAY, 24 FEBRUARY 2021, 10:00 am**

**Present:** Cllrs Dan Brown (Chair), Kate Kemp, and Dan Thomas  
Becky Fowlds, Specialist Legal Services  
Naomi Stacey, Specialist – Licensing  
Tara O’Keefe, Senior Case Manager - Licensing  
Janice Young, Specialist – Democratic Services  
Anna Gribble, Senior Case Manager – Democratic Services  
Steve Gardiner, Specialist – IT

**Also in attendance and participating:**

Mr A Apthorpe (Applicant)  
Ms S Baylis (Applicant’s representative)

**LSC.8/20      DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. There were none.

**LSC.9/20      TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT  
DOLIUM, 7 FORE STREET, KINGSWEAR, DARTMOUTH, TQ6 0AD**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Dolium, 7 Fore Street, Kingswear, TQ6 0AD.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A, B, C, D, E, and F of the presented agenda report). The Licensing Specialist reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

The Officer confirmed that, since the agenda had been published, further information had been received from the applicant to further address the four licensing objectives and this had been disseminated to Committee Members beforehand.

**1. Address by the Applicant’s Representative**

In her address, the applicant’s representative provided some background information to the establishment of the business and proceeded to make specific reference to:-

- The small number of customers who would be able to buy wine to consume on the premises, alongside a small amount of tapas;

- The applicant was also the Licensee of another pub in the near vicinity, and therefore well aware of his obligations towards responsible alcohol consumption; and
- The need for this service following the closure of the only other off-licence in the town.

Following questions from the Committee, the applicant confirmed that no one would be permitted to drink glasses of wine outside the shop. The applicant also clarified that the food menu would be limited to cold tapas only, as there would be no kitchen on the premises. The applicant confirmed he would wish to hold wine tasting evenings at the venue.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 10:18 am) to consider the application and then reconvened at 10:37 am.

## 2. The Decision

In announcing the Sub-Committee decision, the following statement was read:

“We have considered the application for a new premises licence, we have considered the statement of licencing policy, the Government guidance, and our objectives that relate to the promotion of the licencing objectives. We have read carefully the written representations from all parties and additional information provided to us today. It is our decision to grant this application subject to two additional conditions, in addition to the standard decisions and those proposed by the applicant. Customers will not be permitted to take open containers of alcoholic drinks from the premises. Alcohol sold for consumption off the premises will be in sealed containers only. The reason for both conditions is to assist in the prevention of crime and disorder. The full written decision of the Committee will be sent to the applicant within five working days.”

The full written decision is as below:

1. *The Licensing Sub-Committee was convened on 24 February 2021 to determine an application by the Applicant for a new Premises Licence under the Licensing Act 2003.*
2. *The Sub-Committee considered the application form and representations received in writing and made at the hearing.*
3. *The Sub-Committee decided to GRANT the Application, subject to additional conditions listed in the Schedule below.*

### REASONS FOR THE DECISION

4. *The Sub-Committee considered the application form together with representations received in writing, the Licensing Officer's report, and the representations of the Applicant.*

5. *The Sub-Committee considered the application in line with the four Licensing Objectives and consideration was also given to the Government Guidance issued under Section 182 of the 2003 Act, the submitted Operating Schedule and the Council's Statement of Licensing Policy.*
6. *The Sub-Committee received a presentation from the Licensing Officer who referred to the officer report and advised that no objections had been received from any of the Responsible Authorities. The officer confirmed to the Sub-Committee that the objections advising that there was no demonstrable need for the premises were not relevant and could not be taken into account. The Sub-Committee was referred to conditions proposed by the Applicant in section M of his application and the additional summary provided by the Applicant in response to the representations.*
7. *The Sub-Committee heard oral representations from Sophie Baylis on behalf of the Applicant who was also present. The purpose of the application was outlined as a wine shop in small premises with tables identified on the plan provided with the application, for limited food, namely tapas. The Sub-Committee was advised that the Applicant was the Designated Premises Supervisor at the Ship Inn which is in close proximity to the premises.*
8. *The Members of the public who had written in support and against the application had not requested to appear at the Licensing Sub-Committee and the Sub-Committee relied on the written representations received.*
9. *The Sub-Committee found that the application was for a small premises, primarily to sell wine, located on the main street in Kingswear and public houses were located in the vicinity. The Sub-Committee gave great weight to the fact that the Applicant was the current DPS for the Ship Inn and that the police had raised no objection to his suitability to hold a licence, had raised no objection to the application nor had they considered any additional conditions were necessary.*
10. *The Sub-Committee noted that no representations had been made in relation to the Licensing Objective regarding the Protection of Children from Harm. Mandatory Conditions relating to age verification will be imposed on the licence and the Applicant will adopt a Challenge 25 policy in respect of sales of alcohol in addition to the conditions proposed at Section M of the application.*
11. *The Sub Committee had noted the objection on the grounds of public safety because of the absence of a pavement directly outside the premises. In the absence of any concern from the police, the size and purpose of the premises and the conditions in section M and the additional summary submitted, the Sub-Committee considered that an objection on this ground could not be sustained.*
12. *The Sub-Committee did note the location of the premises may attract some customers to take advantage of the views on the opposite*

*side of the road. Representations had been made that the application could result in public nuisance with consumption of alcohol off the premises. The Sub-Committee noted the Challenge 25 policy but felt it appropriate to impose two additional conditions as follows:-*

- i) Customers will not be permitted to take open containers of alcoholic drinks from the premises.*
- ii) Alcohol sold for consumption off the premises will be in sealed containers only.*

13. *Details of the hours permitted for licensable activities and opening hours and additional conditions are in the attached Schedule.*

<b>Activity</b>	<b>Description</b>	<b>Time from</b>	<b>Time to</b>
<b>Sale and Supply of Alcohol (consumption off the premises)</b>	Monday to Saturday	10:00	23:00
<b>Opening hours</b>	Monday to Sunday	10:00	23:00

*Additional conditions:*

*Prevention of crime and disorder/public nuisance*

*Customers will not be permitted to take open containers of alcoholic drinks from the premises.*

*Alcohol sold for consumption off the premises will be in sealed containers only.*

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Chairman

(meeting closed at 10:39 am)



**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD REMOTELY  
VIA TEAMS, ON WEDNESDAY, 22 APRIL 2021, 2:00 pm**

**Present:** Cllrs Dan Brown (Chair), Helen Reeve, and Pete Smerdon  
Becky Fowlds, Specialist Legal Services  
Naomi Stacey, Specialist – Licensing  
Tara O’Keefe, Senior Case Manager - Licensing  
Janice Young, Specialist – Democratic Services  
Anna Gribble, Senior Case Manager – Democratic Services  
Steve Gardiner, Specialist – IT

**Also in attendance and participating:**

John Belcher, Martin Sibley, Dr Polly Magne

**LSC.10/20 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. Cllr P Smerdon declared a personal interest in the application by virtue of having used the Ivybridge Rugby Club facilities in the past. The Member remained in the meeting and took part in the debate thereon.

**LSC.11/20 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT  
IVYBRIDGE RFC LTD, IVYBRIDGE RUGBY CLUB, EXETER ROAD,  
IVYBRIDGE, PL21 0LR**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at the Ivybridge Rugby Club, Exeter Road, Ivybridge, PL21 0LR

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A, B, C, and D of the presented agenda report). The Licensing Specialist clarified that the report should have read Friday and Saturday evenings not Saturday and Sunday evenings, as outlined in the attendant report. The Specialist reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

**1. Address by the Applicant**

In his address the applicant made specific reference to:

- The set up at the Rugby Club, including terms of membership;
- The hours requested were for only when the building was hired out for external functions;
- Noise control measures were in place already and most events would be held inside;

- When the building was hired out with a bar, bar staff would be on hand, building hire without a bar would have someone on site;
- A safeguarding officer was required as part of the Rugby Football Union membership;
- No extensions were requested for Fridays in school term time as this night was reserved for youth rugby.

## 2. Address by objectors

During the presentations by the objectors, the following points were raised:-

- Concerns over underage drinking in the area;
- The potential increase in traffic to and from the Rugby Club;
- Noise levels would potentially increase; and
- Mitigation may include limiting alcohol sales to on-site only and amplified music to be restricted in sound level.

(The Sub Committee then adjourned, in the presence of the Lawyer, at 2:48 pm to consider the application and reconvened at 3:24pm.)

## 3. The Decision

In announcing the Sub-Committee decision, the following statement was read:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from all parties and additional information provided to us today.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be appropriate in order to achieve the licensing objectives:

1. No sales of alcohol to be consumed off the premises

(The reason we have decided upon this the concerns about people, particularly children congregating off the premises in the nearby vicinity. Thus contributing to the promotion of all four licensing objectives.)

2. Sale of alcohol for consumption on the premises to be limited on Friday and Saturday from 10am to 11.30pm. This does not affect the special events listed in the application.

(The reason for this is to promote the prevention of public nuisance licensing objective.)

The Council will publish its decision with reasons in writing and send to relevant parties within five working days.”

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Chairman

(meeting closed at 3:30 pm)

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT  
FOLLATON HOUSE, TOTNES ON THURSDAY 29 APRIL 2021**

**Present:** Cllrs Dan Brown (Chairman), Tom Holway and Guy Pannell  
David Fairbairn, Monitoring Officer  
Naomi Stacey, Licensing Specialist  
Darryl White, Senior Specialist – Democratic Services

**Also in attendance and participating:**

Mr Chris Hart (Applicant's Representative)  
Mr Matt Prowse (Applicant)  
Mr Mitch Tonks (Applicant)

**LSC.12/20 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

**LSC.13/20 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE AT  
ROCKFISH TAKEAWAY, 28 LOWER STREET, DARTMOUTH TQ6 9AN**

The Sub-Committee considered a report that sought to determine an application for a new premises licence at Rockfish Takeaway, 28 Lower Street, Dartmouth TQ6 9AN.

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendix A of the presented agenda report). In so doing, she highlighted that objection numbers 2 and 8 had been withdrawn subject to adherence to the updated conditions.

**1. Address by the Applicant's Representative**

In his address, the applicant's representative provided some background information to the establishment of the business and proceeded to make specific reference to:-

- the application being reflective of customer demand and only seeking approval of one licensable activity;
- all nine of the other Rockfish establishments already having a premises licence. The representative advised that none of these nine establishments had ever received any complaints related to any of the four licensing objectives. Furthermore, the applicants were highly experienced and committed to training their staff;
- the premises were food led and there was no interest from the applicants in developing a public house type establishment;
- mitigating the concerns expressed over additional littering. To mitigate the concerns that had been raised, the representative informed that

three additional conditions had been put forward that had resulted in the removal of two of the objections that had been initially submitted;

- any objections relating to licensing need being irrelevant to this Hearing;
- alcohol would only be sold alongside 'substantial food' purchased from the premises; and
- the lack of evidence to support some of the objector comments whereby the bulk of littering was alleged to have been generated from the Rockfish Takeaway. In reply, a Member stated his hope that all neighbouring premises could work together in a concerted effort to reduce the amount of littering in Dartmouth.

## 2. Addresses by the Applicants

In their respective addresses, the applicants made particular reference to:

- their commitment to the town of Dartmouth and the prevention of littering within the town;
- the onus on staff cleaning and training regimes were highlighted; and
- the company being particularly aware of its environmental responsibilities. As an example, returnable packaging was currently being trialled by the company and, if successful, it was hoped that this would be in place in time for the summer of 2022.

Once all parties were content that they had no further issues or questions to raise, the Sub Committee then adjourned (at 3.00pm) in the presence of Mr Fairbairn to consider the application and then reconvened at 3.45pm.

## 3. The Decision

In announcing the Sub-Committee decision, the Chairman read out the following statement:

*"We have considered the application for a new premises licence in accordance with the Licensing Act 2003.*

*We have considered the application form, including the plan of the premises and representatives received in writing and made at this Hearing.*

*We have decided to GRANT the Application subject to inclusion of the additional conditions as set out below.*

*By way of setting the scene for our decision, the Licensing Sub-Committee is mindful that an application must be considered on its own merits. Our function is to take such steps as we consider appropriate for the promotion of the licensing objectives having regard to the representations we have received and heard.*

*Having considered what had been said and written by the various parties, and having regard to the guidance, and the adopted Statement*

*of Licensing Policy, the Sub-Committee consider that if the Application was to be granted then it would depend upon there being appropriate and enforceable conditions. The Applicant has proposed additional conditions to deal with the representations that had been received. During the hearing the Sub-Committee asked about the precision and enforceability of those conditions with the Applicant. In light of which, it is considered that the Application should be granted on the terms applied for subject to the Mandatory Conditions, the operating schedule conditions and the additional conditions proposed by the Applicant, the additional conditions are amended as follows:*

*Public Safety*

- 1. No alcohol shall be served in a glass container*

*Prevention of public nuisance*

- 3. Members of staff will ensure that all litter and waste food generated by patrons in the vicinity of the premises will be collected and disposed of. Periodic checks (being no fewer than four times each day, including one at closing time) will be conducted by the staff to enable this to be done. Records of the periodic checks shall be made and the records shall be made available for inspection by the Licensing Authority upon reasonable request.*

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Chairman

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE  
REPTON ROOM, FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 4 AUGUST 2021,  
10:00 am**

**Present:** Cllrs Dan Brown (Chair), Rosemary Rowe, and Bernard Taylor  
David Fairbairn, Monitoring Officer & Solicitor  
Naomi Stacey, Specialist – Licensing  
Tara O’Keefe, Senior Case Manager – Licensing  
Janice Young, Specialist – Democratic Services  
Anna Gribble, Senior Case Manager – Democratic Services  
Steve Gardiner, Specialist – IT

**Also in attendance and participating:**

Mr R Mitchell, Mr P Bulraff, Mr R Moreley, Mr R and Mrs P Sargent, Mr J Salkins and Ms H Carter

**LSC.14/21 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. There were none.

**LSC.15/21 TO DETERMINE THE VARIATION TO THE PREMISES LICENCE AT THE ALBERT INN, TOTNES**

The Sub-Committee considered a report that sought to determine an application for a variation to the premises licence at The Albert Inn, Totnes

The Licensing Specialist introduced the report and outlined the details of the application (as stated in the application form at Appendices A(i), A(ii), B(i), B(ii), C, D, E, F, G, and H of the presented agenda report). The Licensing Specialist reminded the Sub-Committee that its decision had to be based upon the four licensing objectives.

Following clarification, sale of alcohol four times a year to set up a little bar outside, with sitting anytime.

**1. Address by the Applicant**

Two Letters of Representation had been withdrawn on clarification of the parking lot, and another one had been received in support from CamRA. It was confirmed that the sale of alcohol in the bar outside would be for four times per year when the pub would be having beer festivals. These events had occurred in the past but had previously been covered by applying for TEN (Temporary Event Notice) applications.

A smoking area in the garden had been constructed to stop people standing and smoking on the public pathways. Covid impact would continue to result in the increased use of the garden, however, no heaters had been placed out in the garden so that drinkers would not be encouraged to remain outside when it got cold. It was confirmed that the fence and smoking area already had signage asking patrons to show respect for the neighbours. Any noisy disruptive customers would be asked to be quieter, noted in the diary, and if continued the customer would be refused service.

The applicant clarified that he had to check with the internet to discern when dusk was each day and he would prefer therefore consistent time defined as part of the license.

## **2. Address by objectors**

The objector highlighted that noise was an issue for him as his living room was positioned at the same level as the outside space. He maintained that no real action was taken when the noise had been previously complained about and, such was the close proximity of his living space, that it sometimes appeared as if there were physical confrontations taking place in his living room.

## **3. Address by supporters**

The supporters maintained that the applicant had been amenable to solving issues raised with him and that any transgressions in the beer garden were quickly resolved. Most in the vicinity were in support of the application and concurred that the noise was not excessive.

A question was asked of the applicant to ascertain if he would be willing to compromise and close the garden at 10:00 pm. The applicant agreed this would be acceptable for the winter months, but would prefer 11:00pm for the summer months. The applicant suggested summer months as being 1<sup>st</sup> April to 31<sup>st</sup> October as his Halloween beer festival was on 31<sup>st</sup> October.

(The Sub Committee then adjourned, in the presence of the Lawyer, at 10:48 am to consider the application and reconvened at 11:07am.)

## **4. The Decision**

In announcing the Sub-Committee decision, the following statement was read:

- “1. The aim of the Licensing Act 2003 is to provide a more flexible licensing system, by reducing the burden of unnecessary regulation, but still maintaining public order and safety. The 2003 Act makes it clear that licensable activities are to be restricted only where it is necessary to promote the four Licensing Objectives.

- “2. In determining an application with a view to promoting the Licensing Objectives in the overall interests of the local community, the Sub-Committee is required to give appropriate weight to:
  - the steps that are appropriate to promote the Licensing Objectives;
  - the representations (including supporting information) presented by all the parties;
  - the Guidance issued under section 182 of the 2003 Act; and
  - our own statement of licensing policy.
- “3. The statutory guidance provides that it is imperative that our decision is evidence-based and that in reaching a decision the factors which are to be taken into account are limited to a consideration of the promotion of the licensing objectives and nothing outside those parameters.
- “4. The Licensing Specialist’s report has also highlighted relevant provisions of the statutory guidance and our own statement of licensing policy.
- “5. Finally, by way of setting the scene for our decision, the Licensing Sub-Committee is mindful that an application that must be considered on its own merits. Our function is to take such steps as we consider appropriate for the promotion of the licensing objectives having regard to the representations we have received and heard.
- “6. It is against this background that the Sub-Committee has considered the application to vary to the Premises Licence at The Albert Inn, Totnes. The proposal seeks to extend the premises licence plan to include an area used previously for private parking so that it can be used for the sale and consumption of alcohol. In addition, the application proposes the replacement of the conditions currently included at Annex 2 of the premises licence with a new set of conditions that are said to be more up-to-date and enforceable.
- “7. During the public consultation on the application, seven representations were received from members of the public. Those representations objecting to the proposal were mainly concerned about the extension of the hours during which licensable activities were permitted in the beer garden from dusk to 11pm and the potential for public nuisance due to noise.
- “8. The Sub-Committee recognised that due to changes in the law since the premises licence was granted originally, there were conditions in Annex 2 that duplicated the mandatory conditions in Annex 1 and it was quite right that these should not be carried over. The Sub-Committee also recognised that again due to changes in the law there were further conditions that were unenforceable and likewise should not remain on the premises licence. However, the Sub-Committee was concerned that the proposed variation did not include all of the conditions that were neither irrelevant nor unenforceable.

- “9. On the principal concern of those objecting to the proposed variation on the basis of noise and disturbance we noted that there had been no representations from Environmental Health raising concerns about the potential for noise and disturbance. This does not mean that the concerns of those objecting were not genuinely held. However, the Sub-Committee noted that “Dusk” was an imprecise term capable of producing at least three different timings. The suggestion of setting a time is something that the Sub-Committee therefore considered to be sensible and appropriate. During the hearing it was suggested a potential compromise would be for 10pm, Having heard the further representations, we consider that the time for closure of the outside area for the consumption of alcohol should be 10pm between 1 November to 31 March; and 11pm between 1 April to 31 October.
- “10. So, having considered what had been said and written by the various parties, and having regard to the statutory guidance, and the adopted Statement of Licensing Policy, the Sub-Committee considered that the application should be granted, but with the additional condition suggested by the Police requiring a refusals register to be kept and those existing conditions for which no direct replacement had been proposed added to those proposed by the Applicant. The details will be included in the formal decision.
- “11. All parties have the right to appeal to the Magistrates’ Court within 21 days of receipt of written notification of the Licensing Sub-committee’s decision.
- “12. Finally, at any stage, following the grant of a premises licence a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.”

It was clarified that the conditions for which there was no direct replacement and therefore were to be carried over were:

3, 7, 8, 10, 12, 20, 24, 28, 30 – 36, 42, 43 and 47.

The full written decision would be sent out within five working days.

(meeting closed at 11:11 am)

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Chairman

Report to: **Licensing Committee**  
Date: **31 March 2022**  
Title: **Proposed Amendment to the South Hams  
Hackney Carriage Fare Tariff**

Portfolio Area: **Cllr Hawkins – Health and Wellbeing**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: If approved, the consultation will commence on 4 April 2022

Author: **Anita Kidby** Role: **Environmental Health Specialist**

Contact: **Email: [anita.kidby@swdevon.gov.uk](mailto:anita.kidby@swdevon.gov.uk)**

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## **RECOMMENDATIONS:**

**That the Licensing Committee be RECOMMENDED to:**

- 1. Consider whether to:**
  - i. Modify the current table of maximum fares, or;**
  - ii. Make no modification to the current table of maximum fares;**
- 2. In the event that modification of the table of maximum fares is considered acceptable, indicate their preferred option from those set out below;**
- 3. Approves that, in the event that the current table of fares is modified, the date upon which the modifications to the maximum fares take effect shall be one month after the end of the fourteen-day minimum statutory consultation period if no representations are received.**
- 4. Approve the departure in this instance, from the previously adopted Maximum Chargeable Fare Setting Policy (2016), on the basis that not all of the information required by that policy for the calculation of the maximum fare is currently readily available, and instead use the Consumer Price Index inflation rate.**

## 1. Executive summary

- 1.1 The purpose of this report is to inform members that a request has been made for a review to the Hackney Carriage Fare Tariff.
- 1.2 Under the Local Government (Miscellaneous Provisions) Act 1976 Section 65, the Council has the power to set the fares charged within its area by Hackney Carriage (taxi) drivers.
- 1.3 The fares were last reviewed in 2016 (coming into effect in early 2017), and it appears to now be an appropriate time to review the fares given recent significant rises in the cost of living, in particular fuel price increases. It is however recognised that raising the cost of fares too greatly may adversely impact the ability of vulnerable users to be able to afford this essential service.

## 2. Background and Proposals

- 2.1 South Hams District Council have set a maximum chargeable fare for taxis under the Local Government (Miscellaneous Provisions) Act 1976 Section 65. This in effect caps the salary of taxi drivers.
- 2.2 There has been no review of the taxi fares since 2016, but there has been an approximate 12.1% increase in the consumer price index (CPI) during this period. On this basis it can be argued that the charges are significantly lower than is appropriate.
- 2.3 There is on a monthly basis published a national rank of taxi fares, currently South Hams are 192nd out of 358 for the cost of a 2-mile journey, and are the second lowest in Devon, as well as being well below the national average 2 mile fare. Due to the rural nature of the South Hams it would be expected that our fares would be higher than urban areas, where there would be less dead mileage (the amount of mileage spent driving without a passenger in the vehicle i.e. non-earnable mileage).
- 2.4 Four potential options for amendment of taxi fares have been developed, in addition to the option of maintaining the current fare structure. The tables are attached at Appendices A-D for Member's convenience. The options presented were:
  - I. A 4.9% rise across the fare table based on the most recent CPI inflation figure. (**Option one**)
  - II. A 12.1% rise across the fare table based on the current CPI inflation figure (4.9%), plus the estimated inflationary rise since January 2018 (7.2%) (**Option two**)
  - III. A 6.7% rise across the fare table based on the current CPI inflation figure (4.9%), plus the average CPI inflation figure since January 2018 (1.8%) (**Option three**)
  - IV. Proposed Via Totnes Taxis Ltd on 18<sup>th</sup> March 2022. A 21% rise on the tariff one for the first 880 yds. Subsequent

distance charge reduced from 170 yards to 140 yards (remaining at 20p but for 140 yards as opposed to 170 yards currently). Increase of 10% to tariff 2 for the first 880yds, and 15% to tariff 3. (**Option four**)

V. No Change to the current table of fares. (**Option five**)

### **3. Outcomes/outputs**

- 3.1 The Council needs a mechanism for regularly reviewing the maximum chargeable fares in a manner that is fair and transparent to both the taxi trade and the public who use them. The policy and formula approved in 2016 achieved these goals and led to the implementation of the current fare table, but since 2016 one of the key components of the formula outlined in the policy (the AA estimated vehicle standing charges), is no longer being published. The AA do publish a detailed explanation as to how a vehicle proprietor can estimate their vehicle standing charges, but this requires multiple figures/ data, and would lead to a highly case specific end figure. It is therefore considered that this data is not currently readily available on the basis that we would require an average figure for South Hams Taxis, and as such this would require significant work and co-operation from the taxi trade to facilitate the base figures for the calculation.
- 3.2 Given the recent dramatic rises in the cost of living, it is considered more appropriate to look at options for amendment of the current table of maximum fares based on CPI inflation data. This has the significant advantage of being both very transparent, and also allows the Committee to consider options for amendment in a much more-timely manner than if we persisted with trying to produce the vehicle standing charge figure. The CPI inflation figures are produced by the Office for National Statistics and reflect the change in prices for goods and services over time at a national level, and are updated every month and tracked over many years previous. It is therefore considered by Officers that the use of the CPI inflation figures to suggest amendment to the table of maximum fares would be both fair and transparent, particularly given that the previous fare table (the baseline figure in this case) was produced using a sound rationale, and use of the CPI inflation figures would reflect realistic cost of living changes since that time.
- 3.3 In addition to the options set out for amendment to the table of maximum fares, it is also proposed that an exceptional fuel price figure be included within the list of applicable extra charges. It is proposed that an extra charge of 10p be added to the fare price when the price of fuel oil exceeds £1.75 per litre based on the latest available AA Fuel Price Report (UK average fuel price published by the AA monthly for many years), with a further 10p for each subsequent increase of 10p per litre. This measure has already been successfully adopted by two other

Devon Authorities, and is considered by Officers to be a proportionate response to the recent fuel price volatility.

- 3.4 Delegated authority was previously approved for the Community of Practice Lead for Environmental Health to instigate the review mechanism, propose the fares to be set and commence the statutory consultation period based on the formula in an approved policy.

Where there is an objection to the proposed fare during the statutory consultation period, the matter would be brought to the Licensing Committee to review the objection and make a determination of the fare to be set.

### **Adoption Procedure**

- 3.5 Legislation prescribes that the Council is empowered to set the fares charged within its area by hackney carriage (taxi) drivers for various distances over which paying passengers are conveyed, as well as associated charges;
- 3.6 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council to undertake this function and requires that before any alteration to the tariff table can take effect a public notice explaining the changes must be placed in a local newspaper. The public then must be provided with a period of at least 14 days to make comment on the proposals. If no adverse comment/objection is received, the approved changes must take effect. Alternatively, if adverse comment/objection is received then the matter must be returned to allow the Committee to consider the representation(s). Providing members agree to modify the fare tariff table at today's meeting it is proposed a public notice will be published in a local newspaper explaining the changes and inviting observations.

### **4. Options available and consideration of risk**

- 4.1 Failure to amend the table of maximum fares in the face of significant cost of living rises will lead to a reduction in the salary of taxi drivers in South Hams, which may impact the viability of the taxi trade in the area via drivers opting to leave the profession for better remunerated work.
- 4.2 The mechanism for reviewing the maximum chargeable fares must be both fair and transparent or the Council may face legal challenge. It is considered by Officers that the departure from the approved Maximum Chargeable Fare Setting Policy set out in this report is both necessary and timely, and would not compromise the fairness or transparency of the process.



- 4.3 The Committee may decide to direct that the options for fare adjustment are amended and brought back to a subsequent Committee meeting for approval to go out to consultation.

## 5. Proposed Way Forward

- 5.1 That the Committee indicates its preference for one of the proposed options for fare amendment, approves a 14-day statutory public consultation on the preferred fare amendment option, and that if no adverse comment/objection is received, the approved changes must take effect. Alternatively, if adverse comment/objection is received then the matter must be returned to allow the Committee to consider the representation(s).

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The legal background is that Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables a district council to set the fares charged within its area by hackney carriage (taxi) drivers for various distances over which paying passengers are conveyed, as well associated charges, as explained below.</p> <p>In accordance with those legal provisions, proposed taxi fare increases must be advertised in the local press - and made available in the Council Offices - for a period of 14 days to allow for any objections to be made. If no objections are received, or any that are made are subsequently withdrawn, the proposed new fares become effective from the date specified in the notice.</p> <p>If any objections are received which are not withdrawn, the new fares will not automatically take effect. In that case, to allow time for consideration of the objections, a new operative date for the fares must be set, which shall be no later than two months after the date of the close of the statutory objection period stated in the public notice. During this period objections would be considered and, if appropriate, the proposed fare tariff modified accordingly.</p>
Financial implications to include reference to value for money		There are no financial implications to the Council from this report.

Risk		Should we set the fare too low this may adversely affect the supply of taxis in the area. Whilst setting the fare too high may have a negative impact on the vulnerable users of this essential service.
Supporting Corporate Strategy		Health and Wellbeing
Climate Change - Carbon / Biodiversity Impact		None directly related to this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There is a potential negative impact on protected groups including the disabled who rely on taxis as a principle form of transport. This impact is mitigated by the fact that the baseline (previous) taxi fare formula was based in part on local conditions, and the proposed changes simply incorporate nationally applicable inflation rises since that time.
Safeguarding		There is a potential negative impact on vulnerable adults and children who rely on taxis as a principle form of transport. This impact is mitigated by the fact that the baseline (previous) taxi fare formula was based in part on local conditions, and the proposed changes simply incorporate nationally applicable inflation rises since that time.
Community Safety, Crime and Disorder		Failure to adjust taxi fares in the face of significant cost of living rises may lead to a reduction in the number of licenced vehicles, which may in turn have implications for community safety via members of the public not being able to access taxis to take them home safely. Conversely, too large an increase may discourage customers from using taxis.
Health, Safety and Wellbeing		None
Other implications		None

### **Supporting Information**

#### **Appendices:**

Appendix A – Current South Hams Taxi Tariff Sheet

Appendix B – Tariff Proposal Comparison

Appendix C – Devon and National Fare Comparison Tables (correct as of 11<sup>th</sup> March 2022)

Appendix D – Totnes Taxis Ltd Fare Change Proposal (received 18<sup>th</sup> March 2022)

Appendix E – South Hams District Council – Fare Setting Method Policy  
(2016)

**Background Papers:**

- Private Hire and Taxi Monthly National Fare Table
- Office for National Statistics Consumer Prices Index  
<https://www.ons.gov.uk/economy/inflationandpriceindices#datasets>
- The AA monthly fuel price report <https://www.theaa.com/driving-advice/driving-costs/fuel-prices>

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**South Hams District Council - Motor Hackney Carriage (Taxi)  
Fares (w.e.f. 1<sup>st</sup> May 2017)**

The fares charged during motor hackney carriage (taxi) rides are set by the use of the meter. The costs show the **highest** amount which can be charged for a journey within the South Hams District Council area. Fares outside of this area, should be agreed with the driver before the start of the journey.

**Cost 1**

- From Monday to Saturday for journeys started between 7am and 11 pm.

**Cost 2**

- From Sundays and Bank Holidays where the journey starts between 7am and 11pm
- All times where the journey starts between 11pm and 7am
- Where the journey starts between 7pm on 24<sup>th</sup> December & 7am on 27<sup>th</sup> December
- Where the journey starts between 7pm on 31<sup>st</sup> December and 7am on 2<sup>nd</sup> January.

**Cost 3**

- For eight passenger seat cars where the customer has asked for this size of car. Each seat must have a three fixed point seat belt. These costs are for any time of the day.

<u>DISTANCE AND TIME</u>	<u>COST 1</u>	<u>COST 2</u>	<u>COST 3</u>
For any distance up to 804.65m (880 yards)	<u>£2.80</u>	<u>£4.00</u>	<u>£4.00</u>
For each following distance of 155.45m (170 yards)	<u>20p</u>	<u>30p</u>	<u>30p</u>
Waiting time each minute	<u>20p</u>	<u>30p</u>	<u>30p</u>

Note: The meter will show any waiting time in the total fare cost

EXTRA CHARGES

For each piece of luggage (or other item) carried in the boot of the car 40p

After one passenger, each additional passenger may be charged extra. Two children between the ages of 3 years and 6 years will be charged as one passenger. A child under 3 years will not be charged. 40p

For each animal carried (assistance/guide dogs – free) 60p

If the car needs cleaning inside or out, due to a passenger's accidental spillage or mishap £100.00

Booking Costs

If the booking involves the driver picking you up and this journey starts less than 2 miles from the nearest taxi rank they may charge you £1.00

If the booking involves the driver picking you up and this journey starts more than 2 miles from the nearest taxi rank they may charge you £5.00

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**APPENDIX B: Example Tariff Sheet for Options 1-3**

Changes from current tariff highlighted for ease of reference.

SOUTH HAMS DISTRICT COUNCIL - MOTOR HACKNEY CARRIAGE FARES (w.e.f. TBC)

The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate of fare prescribed by the following table, the rate of fare being calculated by distance, except that if the distance travelled is more than five miles from the point where the hirer commences the hiring, the hirer and proprietor may agree at the commencement of the hiring to engage by time.

Provided always that where a hackney carriage furnished with a taxi meter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

COST 1 – Applies Monday to Saturday for hirings commenced between 7 am and 11 pm.

COST 2 – Applies Sundays and Bank Holidays where the hirings commenced between 7am and 11pm and on all times where the hiring commences between 11pm and 7am and where the hiring commences between 7pm on 24th December & 7am on 27th December and between 7pm on 31st December and 7am on 2nd January.

COST 3 – For eight passenger seat vehicles where the hirer specifically requests such a Vehicle. Each seat to be equipped with a three-anchorage point seat belt. Applies on any day for 24 hours.

	Option 1 (+ 4.9%)			Option 2 (+ 12.1%)			Option 3 (+ 6.7%)			Option 4 (Trade Proposal)		
DISTANCE AND TIME	Cost 1	Cost 2	Cost 3	Cost 1	Cost 2	Cost 3	Cost 1	Cost 2	Cost 3	Cost 1	Cost 2	Cost 3
For any distance up to 804.65m (880 yds)	£2.94	£4.20	£3.88	£3.14	£4.48	£4.15	£2.99	£4.27	£3.95	£3.40	£4.40	£4.60
For each subsequent 155.45m (170 yds)	21p	31p	31p	22p	34p	34p	22p	32p	32p	20p	30p	40p

*(140yds as proposed by trade)*

Waiting time per min (48 sec Trade)      21p      31p      31p      22p      34p      34p      22p      32p      32p      20p      30p      40p

Note: Waiting time is automatically included in the metered fare.

**EXTRA CHARGES**

For each article of luggage (or other item) carried in the boot of the car      40p (60p as proposed by trade)

After one passenger, each additional passenger may be charged extra. Two children between the ages of 3 years and 6 years will be charged as one passenger. A child under 3 years will not be charged.      40p (60p as proposed by trade)

For each animal carried (assistance/ guide dogs –free)      60p

If the car needs cleaning inside or out, due to a passenger’s accidental spillage or mishap      £100.00 (£120 as proposed by trade)

Fuel to be added to each hiring if and when fuel oil is at £1.75 per litre in the latest available AA Fuel Price Report (UK average), with a further **10p** for each subsequent increase of 10p per litre - **10p**

**BOOKING CHARGES**

If the booking involves the driver picking you up and this journey starts less than 2 miles from the nearest taxi rank they may charge you:      £1.00 (£1.20 as proposed by trade)

If the booking involves the driver picking you up and this journey starts more than 2 miles from the nearest taxi rank they may charge you:      £5.00 (£6.00 as proposed by trade)

NOTE: These are the maximum charges, the driver may charge less. The fare for any hiring with a destination outside the Licensing Area, can be negotiated with the driver BEFORE the commencement of the journey or run on the meter.



## APPENDIX C: Devon and National Fare Comparison Tables

As existing:

Authority	Price at 2 miles	National Ranking (out of 358 Councils)	Devon ranking
Torrige	£7.20	20th	1st
East Devon	£6.80	46th	2 <sup>nd</sup>
Torbay	£6.75	59th	3rd
Exeter	£6.60	74th	4th
Plymouth	£6.60	81st	5th
Teignbridge	£6.60	87th	6th
North Devon	£6.60	88th	7th
<b>South Hams</b>	<b>£6.00</b>	<b>192nd</b>	<b>8th</b>
Mid Devon	£5.70	253rd	9th
West Devon	No set fare		
National Average	<b>£6.08</b>		
Devon Average	<b>£6.53</b>		

### **Option 1: 4.9% increase**

based on current consumer price index (CPI) inflation rate of 4.9%

Authority	Price at 2 miles	National Ranking (out of 358 Councils)	Devon ranking
Torrige	£7.20	20th	1st
East Devon	£6.80	46th	2 <sup>nd</sup>
Torbay	£6.75	59th	3rd
Exeter	£6.60	74th	4th
Plymouth	£6.60	81st	5th
Teignbridge	£6.60	87th	6th
North Devon	£6.60	88th	7th
<b>South Hams</b>	<b>£6.49</b>	<b>95th</b>	<b>8th</b>
Mid Devon	£5.70	253rd	9th
West Devon	No set fare		
National Average	<b>£6.08</b>		
Devon Average	<b>£6.53</b>		

### **Option 2: 12.1% increase**

Average CPI inflation rate 1.8% 2018-2021 (= 7.2 % increase in costs since Jan 2018). 7.2% + current 4.9%= 12.1 % increase

Authority	Price at 2 miles	National Ranking (out of 358 Councils)	Devon ranking
Torrige	£7.20	20th	1st
<b>South Hams</b>	<b>£6.86</b>	<b>42nd</b>	<b>2nd</b>
East Devon	£6.80	46th	3rd

Torbay	£6.75	59th	4th
Exeter	£6.60	74th	5th
Plymouth	£6.60	81st	6th
Teignbridge	£6.60	87th	7th
North Devon	£6.60	88th	8th
Mid Devon	£5.70	253rd	9th
West Devon	No set fare		
National Average	£6.08		
Devon Average	£6.53		

### **Option 3: 6.7% increase**

Average CPI inflation rate 2018-2021= 1.8%.

1.8% average inflation rate since 2018 + 4.9% current CPI inflation rate = 6.7% increase.

Authority	Price at 2 miles	National Ranking (out of 358 Councils)	Devon ranking
Torridge	£7.20	20th	1st
East Devon	£6.80	46th	2 <sup>nd</sup>
Torbay	£6.75	59th	3rd
Exeter	£6.60	74th	4th
Plymouth	£6.60	81st	5th
Teignbridge	£6.60	87th	6th
North Devon	£6.60	88th	7th
South Hams	£6.54	89th	8th
Mid Devon	£5.70	253rd	9th
West Devon	No set fare		
National Average	£6.08		
Devon Average	£6.53		

### **Option 4: Trade Proposed Option**

21% increase on starting rate for first 880yds, subsequent distance charge reduced from 170yards to 140yards rate (at 20p per 140yds).

Authority	Price at 2 miles	National Ranking (out of 358 Councils)	Devon ranking
Torridge	£7.20	20th	1st
South Hams	£7.16	23rd	2nd
East Devon	£6.80	46th	3rd
Torbay	£6.75	59th	4th
Exeter	£6.60	74th	5th
Plymouth	£6.60	81st	6th
Teignbridge	£6.60	87th	7th
North Devon	£6.60	88th	8th
Mid Devon	£5.70	253rd	9th
West Devon	No set fare		

National Average	£6.08		
Devon Average	£6.53		

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# Totnes Taxis Limited

Orchard Cottage, Five Lanes Road, Marldon.TQ3 1NQ. Tel (01803) 868686

Email [totnestaxis@yahoo.co.uk](mailto:totnestaxis@yahoo.co.uk)

[www.totnestaxis.co.uk](http://www.totnestaxis.co.uk)

[www.totnestaxis.com](http://www.totnestaxis.com)

Mr Ian Luscombe  
Head of Environmental Health & Licensing  
South Hams District Council  
Follaton House  
Totnes  
TQ9 5NE

17<sup>th</sup> March 2022

Dear Mr Luscombe,

Please find enclosed a petition on behalf of South Ham's Taxi Licence holders.

Not having access to all the driver's details, meant the petition had to be taken around manually, so not all drivers were approached. Not all drivers visit their local Taxi ranks, being satisfied with the school runs they get from Devon County Council. Therefore the 50 signatures, although only 38% of the 130 Taxi Licence holders in South Hams, are in fact, 95% of the 53 drivers actually canvassed.

As requested, we have jointly put forward the changes we would like to see implemented, which as you can see are not solely price increases.

I would respectfully ask, that should the committee feel any of these changes are not acceptable, there be a general discussion with the drivers or alternatively a meeting with driver's representatives, to discuss the problem area more fully.

In order to avoid such a jump in prices in future, the general feeling among the drivers is for there to be a rate review more frequently. We would suggest annually or biannually?

Yours Sincerely



A.Routledge. Director



## SOUTH HAMS TAXI RATE PETITION

To Mr Ian Luscombe, Head of Environmental Health and Licensing.

1<sup>st</sup> March 2022

We the undersigned, being holders of taxi licences within South Hams District, respectfully request that the taxi rates currently in place be increased at the earliest opportunity.

The current rates have been in place for the last five years, over which time we have seen the cost of fuel and the cost of living both increase. This is before taking into account the dramatic fuel increases seen over the past six months and more recently the retail price index jump up by 7.8% and forecast to rise even further very soon. In real terms this means that all drivers are now worse off than they were five years ago.

Taxi Drivers all rely on mobile phones to conduct their day to day business and most of us have been notified within the last few days that a price increase of between 7.3% & 9.3% will take place in March in line with inflation regardless of supplier.

East Devon, Teignbridge, Torbay and Plymouth already have rates, based on a two mile trip, which are over 10% higher than South Hams.

In order to take into account the imminent additional fuel increase, with prices at some garages already over £1.60 per litre and in some cases over £1.70 per litre, we suggest the following rates be implemented.

Vehicles with 6, 7 or 8 Seats, when specifically requested or needed, charge Tariff 2 between the hours of 07.00 to 23.00. Tariff 3 be reintroduced where 6, 7 or 8 seater vehicles be requested or needed between the hours of 23.00 to 07.00, and anytime Sunday or Bank Holidays. These vehicles are more expensive to buy and have much higher fuel consumption particularly when loaded with 8 passengers and luggage.

The Rate Card be changed to read Tariff 1, 2 & 3 rather than Cost 1, 2 & 3.

The wording of Booking Costs also needs changing so that it is not open to abuse. To include Pick up AND drop off more than 2 miles from a Taxi Rank.

DISTANCE & TIME	TARIFF 1	TARIFF 2	TARIFF 3
For any distance up to 804.65m (880 yards)	£3.40	£4.40	£4.60
For each following distance of 129.23 m (140 yards)	.20p	.30p	.40p
Waiting time per 48 seconds	.20p	.30p	.40p

### Extra Charges.

For each piece of luggage or other item carried in the boot of the car. .... .60p

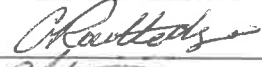
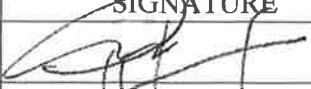
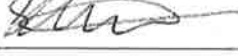


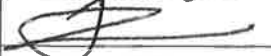


After one passenger, each individual passenger may be charged extra. Two children between the ages of 3 and 6 years may be charged as one passenger. A child under 3 years will not be charged. .... .60p

For each animal carried. (Assistance/Guide Dogs Free). .... .60p

If the car needs cleaning due to the passengers accidental spillage or soiling. .... £120

Passengers picked up and dropped off less than 2 miles from a Taxi Rank may be charged an extra. .... £1.20

Passengers picked up More than 2 miles from a Taxi Rank and dropped off more than 2 miles from a Taxi Rank may be charged an extra. .... £6.00

NAME	SIGNATURE	NAME	SIGNATURE
IAN ROWLEDGE		ANBY PEARSON	
Sharon Collins		STEVE COOK	
KEVIN PARRY		DAVID YED	
J. Cox		SAMUEL DAVIES	

NAME	SIGNATURE	NAME	SIGNATURE
C WILTON			
A SHUTTLEWORTH			
G. ROUSTLEDGE			
S. KNAPMAN			
C. SCHOFIELD			
E. BARNES			
S Holloway			
R MOORE			
MARK ALFORD			
RAY JONES			
Louise Keay			
PAUL FLETCHER.			
JASON LAMARC			
J. MARSHAW			
B CHALK			
M EVANS			
F LURE			
M. HARRISON			
R. McMAHON			
K. FROGMAN			
S. Russell			
P. SWEET			
N BLAKE			
P Roberts			
G. Mitasca			
Steve Harley	one-one		
Tim Kellard			
L GREENEN			
Mike Bolton	Shoreline Taxi		
32 STEVE RIBBELL			







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## South Hams District Council

### South Hams District Council – Fare Setting Method Policy

It is important to be able to regularly review the maximum taxi fares for the District and to have a fair and robust method for doing so. Having reviewed a number of different policies from around the country, a method has been devised that can be used to determine whether any fare increase is necessary and balanced.

The method seeks to measure the true costs of providing taxis and the 'cost per mile' figure necessary to safeguard the sustainability for this valuable public service.

It has been decided that the most reliable method of gaining up-to-date motoring costs, is to use those published regularly by the Automobile Association (AA) or other reliable sources.

The calculation will be as follows:

1. The annual average earnings figure for a full time employee for South Hams<sup>1</sup>
2. Average of the AA pence per mile total for standing charges and running costs in respect of petrol cars £25,000 to £32,000 and for diesel cars £26,000 to £36,000 both based on an average of 30,000 miles per annum.
3. Additional taxi insurance premium, over and above the AA insurance figure.
4. The cost of a council taxi driver badge and vehicle licence, and an allowance for: training, medicals, and DBS checks.
5. Earnable mileage figure, it is thought that given the nature of Hackney Carriage work in a large rural area like South Hams, then this figure should be set at 60% of the total annual mileage, in this case 18,000. 40% is also the figure that is generally considered reasonable by HMRC for the amount of "dead" mileage.

$$(1+2+3+4) \div 5$$

### Earnings

The cost of running a taxi includes the drivers' earnings and this factor must be taken into account when setting the fare tariff. There is no reliable information on the earnings of taxi drivers and it is therefore proposed that the South Hams average wage should be used.

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<sup>1</sup> <http://www.neighbourhood.statistics.gov.uk/HTMLDocs/dvc126>

## Vehicle Costs

The AA publishes regularly estimated vehicle standing charges and running costs based upon the fuel type and average mileage of a vehicle. This is a detailed index and consists of costs for road tax, insurance, depreciation, subscriptions, fuel, oil, tyres, servicing, repairs and replacements for a variety of vehicle types and distances travelled.

The formula above takes the average of the total of standing charges and running costs in pence per mile for petrol cars £25,000 - £32,000 pounds when new and for diesel cars £26,000 to £36,000. This would be 43.80<sup>2</sup> and 39.42<sup>3</sup> giving an average of 41.61 pence per mile. The average figure is taken in order to reflect the mixed fuel nature of the current taxi fleet.

As it is more expensive to insure a taxi than ordinary private motoring insurance, it is proposed that an extra cost above the AA figures be added. We have assumed a reasonable figure of approximately £1,300 on top of the average cost is appropriate.

The AA document includes a subscription fee, this is the cost of annual AA membership. This will be left in as it is assumed all drivers will have some form of breakdown cover.

The costs of council drivers and vehicle licences will also be added into the calculation.

Currently £228 (vehicle) + £135 (driver) but subject to review.

## Legal Process for Fares Setting

Legally 'Section 65 of the Local Government (Miscellaneous Provisions) Act 1976' enables a district council to set the fares charged within its area by hackney carriage (taxi) drivers for various distances over which paying passengers are conveyed, as well associated charges, as explained below.

In agreement with those legal provisions, proposed taxi fare increases must be advertised in the local press - and made available in the council offices - for a period of 14 days to allow for any objections to be made. If no objections are received, or any that are made are then withdrawn, the proposed new fares become effective from the date specified in the notice.

If any objections are received which are not withdrawn, the new fares will not automatically take effect. In that case, to allow time for attention to the objections, a new working date for the fares must be set, which shall be no later than two months after the date of the close of the statutory objection period stated in the public notice. During this period objections would be considered and, if appropriate, the proposed fare tariff modified accordingly.

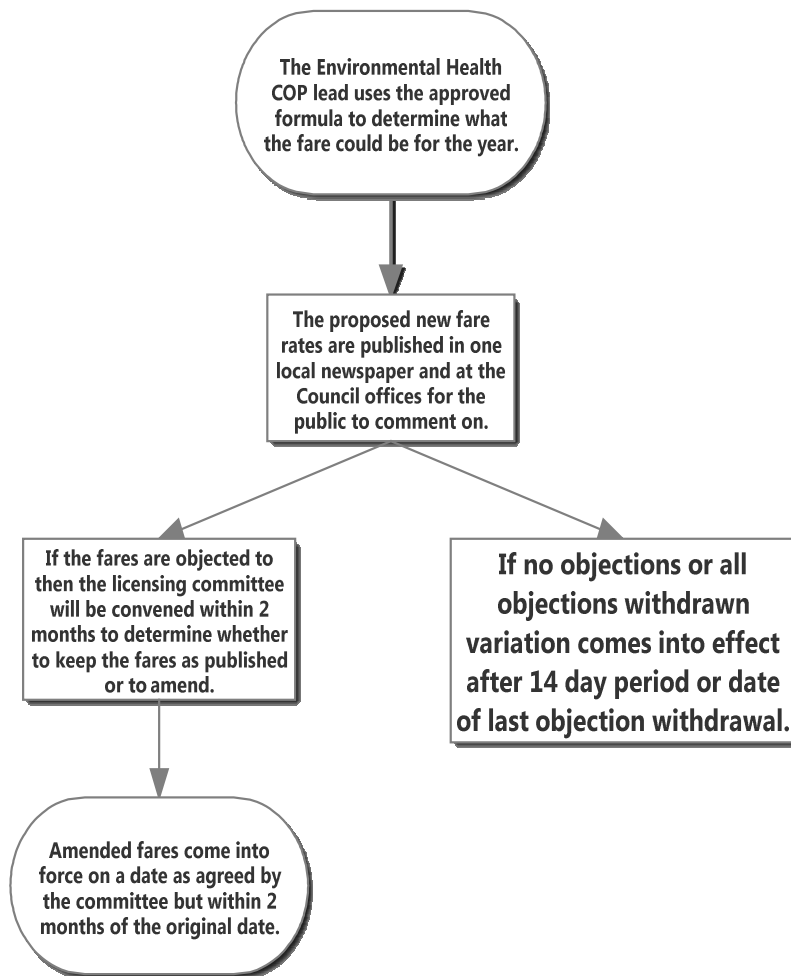
Current comparative taxi fare levels for all taxi licensing authorities in the country are published each month in a national trade magazine.

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<sup>2</sup> AA Motoring Costs petrol cars version 2 July 2014

<sup>3</sup> AA Motoring Costs diesel cars 2014

## Process for setting the maximum chargeable fare in accordance with Section 65 Local Government (Miscellaneous Provisions) Act 1976



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