



CITY OF GLOUCESTER

LICENSING AND ENFORCEMENT COMMITTEE

Meeting: Tuesday, 13th March 2012 at 18:30

Committee Room 1, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership: Cllrs. Noakes (Chair), Porter (Vice-Chair), Tracey, Durrant, C. Witts, Lugg, Ravenhill, Field, Dallimore, Hansdot, Mozol, Patel and Toleman

AGENDA

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To receive from Members, declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item. Please see Notes 1 and 2 overleaf.

3. MINUTES (Pages 1 - 2)

To approve as a correct record the minutes of the meeting held on 17th January 2012.

4. PUBLIC QUESTION TIME (15 MINUTES)

To receive any questions from members of the public provided that a question does not relate to:

- Matters which are the subject of current or pending legal proceedings, or
- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers

5. PETITIONS AND DEPUTATIONS (10 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

To receive any petitions and deputations provided that no such petition is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

6. PRESENTATION BY GLOUCESTERSHIRE POLICE - UPDATE ON NIGHT-TIME ECONOMY AND EASTGATE STREET

7. POLICIES FOR THE LICENSING OF ITEMS TO BE PLACED ON THE HIGHWAY ('A' BOARDS AND TABLES AND CHAIRS) (Pages 3 - 32)

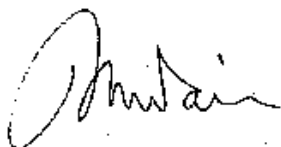
Report of the Group Manager for Environmental Health and Regulatory Services

8. DATE OF NEXT MEETING

Tuesday, 26th June 2012 at 6.30 pm

MEMBERS UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE

Report of the Group Manager of Environmental Health and Regulatory Services. This report was tabled at the meeting and did not form part of the original agenda pack



Julian Wain
Chief Executive

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District:-
 - (a) the well being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;
 - (b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;
 - (c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) the Councillor's registrable financial and other interests.
2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Democratic Services, Tel. No. 01452 396127/e-mail: committeesection@gloucester.gov.uk if you have a general query on any agenda

item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's Website - www.gloucester.gov.uk

If you would like a translation of agenda/minutes/reports or would like a large text version or an audio version please contact the Democratic and Electoral Services Manager and we will try to accommodate your needs.

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LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 17th January 2012

PRESENT : Cllrs. Noakes (Chair), Porter (Vice-Chair), Durrant, Lugg, Ravenhill, Field, Dallimore, Hansdot, Mozol and Patel

Officers in Attendance

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Steve Isaac, Solicitor

Lisa Wilkes, Food Safety and Licensing Service Manager

Sonia Tucker, Democratic Services Officer (Secretary)

APOLOGIES : Cllrs. Tracey, C. Witts and Toleman

19. MEMBERSHIP OF COMMITTEE

The Chair welcomed Councillor Jan Lugg to the Committee who had replaced Councillor Declan Wilson following a review of Committee allocations. The Committee expressed their thanks to Councillor Wilson for his past services.

20. DECLARATIONS OF INTEREST

21. MINUTES

The minutes of the meeting held on 13th December 2011 were confirmed as a correct record and signed by the Chair.

22. PUBLIC QUESTION TIME (15 MINUTES)

23. PETITIONS AND DEPUTATIONS (10 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

24. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE TARIFF

The report before Members outlined an objection to the proposed tariff changes for Hackney Carriage fares which had been published on 28th November 2011. The Committee was asked to consider if they wished to amend the proposed tariff changes in the light of the objection or allow the new tariffs to be implemented, without amendment, from 1st February, 2012.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. empowered the City Council to set the hackney carriage fares which had been frozen in May 2011. The tariffs had been unchanged since May 2010.

In October 2011, Gloucester Hackney Carriage Association (GHCA) submitted a request for an increase of approximately 8% to all tariff rates, with an agreement that the fares could be reviewed in 6 months time, if appropriate. The GHCA had

**LICENSING AND ENFORCEMENT COMMITTEE
17.01.12**

requested the increase to mitigate the rise in the cost of living, fuel, vehicle maintenance and insurance premiums.

Members were advised of the formula which had been used to estimate the increase and the various factors which had been taken into account in the calculation. Comparisons had been drawn with neighbouring authorities in the south-west region.

Following publication of the new tariffs on 28th November there followed a statutory consultation period of 14 days. A letter had been received from the Manager of Associated Taxis dated 8th December 2011 which objected to the proposal.

The Licensing and Enforcement Manager reminded the Committee that they had the option of making no changes to the proposed published tariffs or that they could determine, in the light of the objection, that the tariffs should either remain the same or be modified further. Any change needed to take effect before 12th February 2012. However, the published proposals reflected the changes requested by GHCA and the officer recommendation was to accept the published tariff proposals and to implement them, without amendment, from 1st February 2012.

25. DATE OF NEXT MEETING

Tuesday 13th March 2012 at 18.30 hours.

Time of commencement: 18:30 hours

Time of conclusion: 19:10 hours

Chair

Gloucester City Council

COMMITTEE	: GLT LICENSING & ENFORCEMENT COMMITTEE CABINET BRIEFING (For Information) LICENSING & ENFORCEMENT COMMITTEE
DATE	: 28 TH FEBRUARY 2012 13 TH MARCH 2012 21 ST MARCH 2012 26 TH JUNE 2012
SUBJECT	: POLICIES FORTHE LICENSING OF ITEMS TO BE PLACED ON THE HIGHWAY ('A' BOARDS AND TABLES AND CHAIRS)
DECISION TYPE	: POLICY FRAMEWORK DECISION
WARD	: ALL
REPORT BY	: GILL RAGON, GROUP MANAGER FOR ENVIRONMENTAL HEALTH ANDREGULATORY SERVICES
NO. OF APPENDICES	: A: Draft Policy Document for Licensing Advertising Boards on the Highway B: Draft Policy for Licensing Tables and Chairs on the Highway. C: Example Pictures of Advertising Boards and Tables and Chairs D: Current Advertising Board Licence conditions E: Current Tables and Chairs Licence conditions F: Comparative Fees from Other Councils
REFERENCE NO.	: ES21131

1.0 Purpose of Report

- 1.1 To present a draft revised Policy for the Placing of Advertising Signs on the Highway (generally referred to as 'A' boards) for approval by the Licensing and Enforcement Committee for public consultation.
- 1.2 To present a draft revised Policy for the Placing of Tables and Chairs on the Highway (sometimes referred to as 'street cafes') for approval by the Licensing and Enforcement Committee for public consultation.
- 1.3 To review the current arrangements relating to charging for A boards and allowing for tables and chairs on the Highway at nil charge.

2.0 Recommendations

- 2.1 Members are recommended to:
 - a) leave the fees at the existing levels for the licensing of 'A' Boards at £50 per annum
 - b) continue to allow businesses to place tables and chairs on the highway at no charge.

- 2.2 Approve the draft Policy for the Placing of Advertising Signs on the Highway by the Licensing & Enforcement Committee for a period of 6 weeks consultation.
- 2.3 Approve the draft Policy for the Placing of Tables and Chairs on the Highway by the Licensing & Enforcement Committee for a period of 6 weeks consultation.

3.0 Background

- 3.1 The Council policy on the placing of advertising signs or tables and chairs on the highway, needs to be updated. The current policy does not include any detailed criteria to regulate such items against effectively. It is also best practice to review it at 3 year intervals.
- 3.2 The placing of these items on the Highway is covered under the Highways Act 1980 Section 115E. There is power in section 115F for the Council to impose conditions attached to the consent.
- 3.3 Gloucester City Council currently licences 'A' boards for a fee of £50 a year, renewable each June. A copy of the current conditions is attached at Appendix D.
- 3.4 There are currently 41 correctly licensed 'A' boards in the City, at a fee of £50 per annum each. However, there appear to be a growing number of unlicensed boards, combined with multiple boards at the same premises. A copy of the current conditions is attached at Appendix E.
- 3.5 Licences to place Tables and Chairs on the Highway are currently free, this decision was taken by Members in 2009 where they agreed to keep these fees free of charge for the next three years to encourage the Café Culture in the City, and boost evening economy. These fees are now due to be reviewed in 2012.
- 3.6 There are currently 11 correctly licensed Tables and Chairs in Gloucester City. These 'street cafes' have proliferated in recent years with 21 in 2010 and 22 in 2011, partly as a result of the relaxation in licence fees for tables and chairs on the highway. There also appear to be a growing number of unlicensed Tables and Chairs within the City too.
- 3.7 The Team have received a number of complaints relating to the positioning of Advertising Boards and Tables and Chairs on the Highway, these complaints have mostly related to un-licensed items, however, on occasion licensed items have also been re-positioned in an obstructive manner. Ongoing monitoring is therefore essential to ensure compliance is maintained.
- 3.8 There is a notice procedure contained in section 115G and a consultation procedure contained in section 115H to follow before Consent can be granted. Following receipt of the application the Licensing Team will post a Public Notice and serve copies to the adjoining neighbours as part of the consultation process. The Team also consults with the Police, City Council Planning, Environmental Protection, Gloucester Heritage, Street Trading and Gloucestershire County Highways.

- 3.9 Consents cannot be unreasonably withheld by virtue of section 115J. Disputes are to be referred to arbitration. The Team have set a target to determine these licences within 6 weeks of receipt of the application. This allows for a statutory 28 day consultation period and a short period to assess any representations.
- 3.10 The Power to grant permission for the provision etc. of services, amenities, recreation and refreshment facilities on the highway and related powers is delegated to the City Council Corporate Director of Services and Neighbourhoods through a City Agency Agreement between Gloucestershire County Council Highways and Gloucester City Council.
- 3.11 The power to set fees for these types of licences is currently delegated to Corporate Director Services and Neighbourhoods. Fees charged can only be to cover the expenses of granting the Consent by virtue of section 115F.

4.0 Progress

- 4.1 As Gloucester City expands its pedestrianised areas and encourages a higher footfall throughout the City it is appropriate to review the existing procedures to take especial account of the needs of those with sight and mobility issues, as well as the needs of families with young children in pushchairs, buggies and prams, and the elderly.
- 4.2 It is also suggested that an annual licence, renewable for a strictly defined 12 month period, is unfair to the trading population of the City and that it should be replaced by a 'rolling' licence period, i.e. 12 months from whenever the licence is issued. This would remove the unfairness of a licence being granted to a new business in, say, April and then needing to be renewed in May. It would also spread out the associated administrative work throughout the year. The new policies include this approach under 'Duration of Licence'.
- 4.3 Following examination of the policies of other Councils, it is submitted that the existing arrangements for licensing and controlling 'A' boards and 'Tables and Chairs' in the City are no longer robust enough to deal with a 21st century City.
- 4.4 Attached at Appendix A is a draft Policy document on Licensing Advertising Boards on the highway upon which it is proposed to consult.
- 4.5 Attached at Appendix B is a draft Policy document on Licensing Tables and Chairs on the highway upon which it is proposed to consult. These documents are intended to draw a balance between the Traders needs and the safety of highway users, together with a review of the current application procedures used within Gloucester City Council.
- 4.6 Within both policy documents, improved guidelines are given on the minimum footways expected to be maintained and the maximum dimensions allowed to ensure no visual or hazardous obstructions. They take into account, the size and positioning of advertising boards, tables and chairs and enclosures etc. and consider the needs of wheelchair users, mobility scooters, double pushchairs and minimum turning circles required by such vehicles. The safety of persons with impaired vision has also been considered where items on the highway may pose a tripping hazard. From the Policy documents, example pictures can be seen in

Appendix C, demonstrating some matters that Officers need to consider before issuing such Licences and what items would be considered suitable and unsuitable.

- 4.7 Informal consultation has been carried out internally with the Planning and Conservation, Regeneration, Environmental Health and County Highways to help develop these policy documents.
- 4.8 The current fee for Advertising Board Licences is set at £50 per annum, whereas, Table and Chairs Licence fees are currently free of charge. This appears to have been the cost of a licence for some years and has undoubtedly helped to promote the 'café culture' in the city centre. Therefore, Members are recommended to leave the fees at the existing levels to support businesses at this economically difficult time and ensure the café culture continues.
- 4.9 However, in order that members make this decision based on all of the facts available to them, the costs of administering and granting these Highway Licences have been estimated below. The application and consultation process for both types of licences (A' Boards and Tables and Chairs) follow the same procedure and approach.

Application Type	Tables and Chairs	Advertising Board
New	£230	£230
Renewal	£189	£189
Copy of Licence	£15.50	£15.50

- 4.10 If the above costs were set against these types of licences, the following income could be generated based on the current number of Licences for placing items on the highway. At the same time, the table below also demonstrates the costs that are not being recovered for this work currently, and therefore the total loss of income to the Council:

	Current Number of Licences	Year 1 income <i>(based on new applications)</i>	Year 2 income <i>(based on all renewal applications)</i>	Current income
Tables and Chairs	11	£2,530	£2,079	£0
A' Boards	41	£9,430	£7,749	£2,050
Totals	52	£11,960	£9,828	£2,050

- 4.11 A list of comparative local authority charges can be found in Appendix F. Members should note that fees for both Licences are not available for all Local Authorities noted on this list. Some Local Authorities administer both A' Boards and Tables and Chairs Licences in their area, however some others only permit one or the other. Furthermore, each Local Authority sets their fees differently; some have a standard charge for the licence, some base it on the business rate of the premises, and other Authorities charge per table and per chair or base the cost of the area of land used.

5.0 Future Work

- 5.1 It is intended to consult on these two Policy documents over a period of 6 weeks. Results of the consultation will then be presented back to the Licensing and Enforcement Committee to approve as a final version.
- 5.2 Consultation will include the following:
- The Chief Officer of Police for the Authority's area.
 - Persons who appear to the Authority to represent the interests of persons carrying on affected businesses in the Authority's area, and
 - Persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions.
 - Other relevant consultees.
- 5.3 The Council must also ensure that they comply with current legislation concerning Disability Discrimination. For example, these polices have sought to address any negative impacts of placing objects on the highway that may affect disabled, blind or partially sighted pedestrians.
- 5.4 It is intended to review the policy routinely every 3 years. Licence fees will be reviewed on an annual basis, to consider changes in service and uptake of these licences.

6.0 Conclusions

- 6.1 This is an area of Licensing that needs resolving as the service receives more and more complaints about such items obstructing the highway and recently we have discovered a number of unlicensed premises placing such items on the Highway. It is important for the City to present as attractive a face as possible to residents and visitors alike. This is one of the areas identified as a consequence of the expanded role of Environmental Health Licensing & Enforcement where work needs to be done to encourage compliance and assure quality.
- 6.2 Members are recommended to retain fees at current levels for both 'A' boards and tables and chairs on the highway.

7.0 Financial Implications

- 7.1 The fee levels currently set do not cover the work carried out by the service and is therefore losing the Council possible revenue. However, this needs to be set against the promotion of the café culture and support to businesses in the city centre who are trading in difficult economic times.

8.0 Legal Implications

- 8.1 Sections 115A to 115K of the Highways Act 1980 are quite complex. They were introduced into the Act by virtue of the Local Government (Miscellaneous Provisions) Act 1982, the same legislation that introduced Street Trading. This is only a summary and the actual provisions must be referred to.

- 8.2 For tables and chairs in the highway, the specific power is contained in section 115C, the provision of refreshments by the Council that can be granted to other persons under 115E.
- 8.3 For “A” boards in the highway, it is arguable that the powers come under section 115B, the provision of services and amenities by the Council that can be granted to other persons under section 115E.
- 8.4 The permission granted for either “A” boards or tables and chairs to be in the highway are termed “consents” rather than “licences” under the Highways Act 1980 sections 115A to 115K.
- 8.5 Where the Council grant consent and it is not complied with, then the Council may carry out work in default of a statutory notice and if correction is not possible then revocation and removal may be the remedy.
- 8.6 The City Council has express permission to utilise sections 115A to 115K under a Mini Highways Agreement with Gloucestershire County Council.
- 8.7 Where tables and chairs and “A” boards are put in the highway without consent, there are various enforcement powers in the Highways Act 1980.

9.0 Risk Management Implications *(Authors to complete) Identify all key risks (scoring 8 and above) for the recommendation including the impact and likelihood of the risk occurring and what measures will be taken to mitigate the risk.*

The key risks arising from this relate to decisions taken by the Licensing and Enforcement Committee. Any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

10.0 People Impact Assessment (PIA):

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: Policy documents to be approved
	x		
Has an initial PIA screening been completed?	Yes	No	Explanation: An initial PIA screening has been completed and has not identified any negative impacts at this stage.
	x		
Has a full PIA been completed?	Yes	No	Explanation: If needed, a full PIA will be completed following feedback from the consultation process.
		x	
Is the PIA available?	Yes	No	Explanation: Initial Screening available only.
		x	
Has the PIA identified any negative impacts on any	Yes*	No	
		X	

protected characteristic or community cohesion?			*Please ensure PIA is available
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Any Further Relevant Information:

None

11.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

None

Background Papers : None

Published Papers : The Highways Act 1980 as amended by the Local Government (miscellaneous Provisions) Act 1982

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LICENSING ADVERTISING BOARDS ON THE HIGHWAY

Under Part VIIA Sections 115A to K of the Highways Act 1980



**DRAFT FOR CONSULTATION
MARCH 2012**

LICENSING ENFORCEMENT TEAM 2011

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1. INTRODUCTION

Shopping within the City of Gloucester has much to offer and the City Council is keen to encourage traders to promote their business activities in ways which both enhance the street scene and is also sensitive to its users.

This Guide has been produced to help us to strike a reasonable balance between Traders needs and the conditions needed where advertising boards on the highway will be permitted.

Advertising signs on the highway, generally known as 'A' boards, have long been part of the street scene in Gloucester. Not all such items constitute wilful obstructions requiring immediate removal under Section 149 of the Highways Act 1980, but it is important that their number, size and positioning is regulated. If not, they can become 'unreasonable' and create severe hazards for the highway users, particularly for those with impaired vision, mobility problems, the elderly and those with young children.

Section 115 of the Highways Act 1980 permits the licensing of advertising boards etc. on the highway. It is important for the Council to consider whether the proposal to place Advertising Boards on the highway meets the criteria and aspirations outlined in this policy as well as complying with any legal requirements. The use of the Street includes a number of considerations so it is important to have a clear understanding about the obligations and conditions that apply to the licence.

A highway is a route which all persons can use to pass and re pass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without consideration. Features and structures placed on the highway must be controlled to ensure they do not obstruct or endanger pedestrians; particularly those with impaired vision, using wheelchairs and prams.

2. APPLICATION PROCEDURE

The applicant should contact Gloucester City Council Environmental Health for an application form, which should be completed and returned along with all the relevant necessary documentation. To ensure that the application is processed quickly, applicants should have considered all the criteria that follow below and supplied all the relevant supporting data required in the application form.

It may take up to six weeks to process an application. This will include a statutory consultation period of 28 days, taking into consideration all representations made by interested frontages and any others who would be materially affected by the proposal. As part of this consultation process, the Licensing Team will also consult with Gloucester Constabulary, Gloucester City Council Planning and Conservation Teams, Environmental Health and Street Trading, Gloucestershire County Council Highways, and any other body or individual it considers appropriate in the particular circumstances. In certain circumstances it may be necessary to post a notice on site as part of the application.

The application should be accompanied by the following;

- A location plan 1:50 or larger which clearly defines the premises and shows the proposed area to be licensed outlined in red in relation to the premises and kerb line with dimensions.
- The precise location of the Advertising Board.
- A photograph or brochure detailing the type of Advertising Board to be used.
- Details of the proposed hours and days or the week that will apply.
- Details of the proposed place of storage.
- A copy of Public Liability Insurance for a minimum of £5 million in respect of any one incident.
- The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes.

3. NEIGHBOURS

It is good practice to consult with neighbours, tenants and adjacent residents, to address any concerns prior to a formal submission. As part of the administration of the Advertising Board Licence, there are two legal consultative requirements. These are to seek the consent of interested frontagers* close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises. The Licensing Team will post a Public Notice and serve copies to your adjoining neighbours as part of the consultation process.

* "frontagers" means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which facilities for recreation or refreshment or both have been, are being or would be provided.

4. DETERMINATION OF APPLICATION

The criteria contained within the guidelines below will be used in determining applications. Each case will be assessed in its merits and individual circumstances. Similarly, any written objections received will be considered in terms of relevancy and appropriateness to the application and the listed criteria. Frivolous, vexatious or repetitious observations will be disregarded.

The Highways Act 1980 does not allow any legal appeals against a decision by the Food Safety and Licensing Service Manager to refuse to grant a licence. A person aggrieved by a decision may seek judicial review.

5. GUIDELINES

Prior to presenting any application consideration must be given to the following criteria:

- Signs or boards should be displayed either directly adjacent or in close vicinity to the premises (dependant on site location). Where premises are in a side street advertising boards must not be placed remotely in the main street directing customers to the premise.
- The positioning of signs or boards must take into account other reasonable needs of the area e.g. access to bus stops, pedestrian crossings, etc. And also in areas of high volume pedestrian flow, e.g. near schools, the placing of advertising boards may be inappropriate.
- Signs or boards need to be manufactured to high standard, Rotating or swinging signs will not be permitted.
- In some multiple occupied areas such as shopping malls, advertisement boards may not be allowed by the management company. In these circumstances, there may be scope to make a special request to the Council to consider a shared sign on the street furniture (lampposts) by the entrance; this type of request would be based on its own merits in liaison with the County Council Highways and the City Council Planning and Conservation Team.
- The City Council as agents of the Highway Authority may require the immediate removal of any feature if requested by a Police Officer or for any other reasonable cause including the need for access to maintain the highway.
- In addition, nothing within this Guide absolves those concerned from their legal responsibilities under the Highways Act 1980 and other legislation.

General Conditions:

Signs or boards placed in accordance with the general conditions (below) and the notes in this section will be permitted on the highway once the appropriate fee has been paid and the licence is granted.

1. All signs or boards must be temporary in their nature (free-standing) so that they can be easily removed.

2. Signs or boards must not be located within **1.8 metres** of any other permanent or temporary sign, pillar, post, item of street furniture or the edge of the carriageway
3. An unobstructed footway width of **1.8 metres** is desirable, but where this is not practicable a minimum width of **1.5 metres** should be maintained.
4. Any sign or board must be **no wider than 700mm and no higher than 1000mm above ground level to the top of the sign.**
5. Signs or boards must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
6. Signs or boards must be such that they can be easily detected by the visually impaired and negotiated by those with mobility issues.
7. Signs or Boards must not display offensive content, political statements or content of a sexual nature.
8. On footways, signs or boards must not be placed within 2 metres of any tactile paving.
9. Signs or boards must be stable and not represent a potential hazard to any highway users, they need to be locked open when in use.
10. Signs or boards must not have a detrimental effect on the fabric of the highway.
11. Signs or boards must be removed at the end of trading hours and stored inside the shop premises or within an alternative safe environment.
12. Advertising Boards must not be placed on the highway before 7am to assist regular street cleaning.
13. Any advertising sign or board will be the owner's responsibility when placed in the public highway and the City Council will not be liable for any injury or damage caused to highway users.
14. Only one sign or board will be permitted for each premise.
15. Any advertisement must relate only to the normal business of the trading establishment.
16. Unless specifically agreed, no sign or board must be fixed to lamp posts, bollards, seats or other items of street furniture.
17. All signs or boards must be sensitive to the area where they are to be displayed, they shall not impact on the visual amenity of the area and must be presented in an appropriately attractive and professional manner. They must not be too bright, garish or overly reflective.

6. PUBLIC LIABILITY INSURANCE

Anyone that places items on the highway is potentially liable to any person who suffers an injury caused by that item, and could face separate legal action from that person. The persons to whom permissions are granted must always have valid public liability insurance for at least £5,000,000 (five million pounds) which also indemnifies Gloucester City Council its agents, servants and workmen against any costs, claims for injury, damage or loss arising from the use of the highway for the permitted purpose. Satisfactory evidence of this public liability insurance must be provided before a licence can be granted.

The Licence holder shall have no right to make any claim or charge against the City Council in the event of the Advertising Board being lost, stolen or damaged in any way, unless this is caused by the City Council's own negligence.

7. ENFORCEMENT

Ongoing enforcement monitoring will be carried out to make sure the conditions of the licence are not being broken. Any obstruction that is deemed 'unreasonable' in accordance with this Guide and constitutes an immediate danger will be removed from the highway immediately and either returned to the owner, if known and practicable, or retained.

Where obstructions are 'unreasonable', but do not constitute an immediate danger, the owner will be requested to remove or reposition them in accordance with this Guide. If the problem persists, the City Council may serve notice that the objects be removed before seeking a Magistrate's removal and disposal order in respect of the items.

Any items removed from the highway will be taken to store and retained for collection by the owner. If the items are not collected within a period of one month they will be disposed of. The City Council may seek to recharge any expenses incurred in removing such items to their owners.

8. FEES AND CHARGES

The current charge for an Advertising Board application is £50.

9. DURATION OF LICENCE

All Licences are valid for 12 months from the date of application.

10. TERMS AND CONDITIONS

Standard Conditions are detailed on the back of the application form and noted on the Licence.

11. TERMINATION

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked.

12. OTHER LICENCES

The Highway Authority can legally place items such as road signs, trees and seats on the highway.

Gloucester City Council licences the placing of tables and chairs in the pedestrian areas and on the City highways. Separate guidelines are available for Licensing Tables and Chairs on the Highway.

13. MODIFICATIONS, ALTERATIONS, OR AMENDMENTS

The procedures and requirements specified within this Guide may be modified, altered or amended at any time as Gloucester City Council deems appropriate.

14. CONTACT US

Email: heretohelp@gloucester.gov.uk

Phone: 01452 396396

Fax: 01452 396340

Post: Licence Team, Environmental Health and Regulatory Services, 3rd Floor Herbert Warehouse, The Docks, Gloucester, GL1 2EQ

Internet: www.gloucester.gov.uk



LICENSING TABLES AND CHAIRS ON THE HIGHWAY

Under Part VIIA Sections 115A to K of the Highways Act 1980



**DRAFT FOR CONSULTATION
MARCH 2012**

LICENSING ENFORCEMENT TEAM 2011

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1. INTRODUCTION

Gloucester City Council recognises that tables and chairs on the highway can encourage a growing Café Culture, enhancing the life and character of the City for residents and visitors.

It is important for the Council to consider whether the proposal to place table and chairs on the highway meets the criteria and aspirations outlined in this policy as well as complying with any legal requirements. The use of the Street includes a number of considerations so it is important to have a clear understanding about the obligations and conditions that apply to the licence.

This policy sets out the procedures and matters for consideration when applying for licences ("Consents" under the Highways Act 1980) to place street furniture on the public highway for the purposes of recreation or refreshment. It is intended to act as a guide to applicants to explain why there is a need to control and manage items placed on the highway, the issues to be considered and the conditions that will apply to successful applications. All applications and grant of licences are subject to the Highways Act 1980 and associated legislation and interpretation.

If tables and chairs are to be used on private forecourts applicants need to ensure whether there is a need for planning permission and any other consents are required. Where there is an established right of way over a forecourt it is deemed to be highway. Each application will be checked to see if planning permission is required.

A highway is a route which all persons can use to pass and re pass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without consideration. Features and structures placed on the highway must be controlled to ensure they do not obstruct or endanger pedestrians; particularly those with impaired vision, using wheelchairs and prams.

2. APPLICATION PROCEDURE

The applicant should contact Gloucester City Council Environmental Health for an application form, which should be completed and returned along with all the relevant necessary documentation. To ensure that the application is processed quickly, applicants should have considered all the criteria that follow below and supplied all the relevant supporting data required in the application form.

It may take up to six weeks to process an application. This will include a statutory consultation period of 28 days, taking into consideration all representations made by interested frontages and any others who would be materially affected by the proposal. As part of this consultation process, the Licensing Team will also consult with Gloucester Constabulary, Gloucester City Council Planning and Conservation Team, Environmental Health and Street Trading, Gloucestershire County Council Highways, and any other body or individual it considers appropriate in the particular circumstances. In certain circumstances it may be necessary to post a notice on site as part of the application.

The application should be accompanied by the following;

- A location plan 1:50 or larger which clearly defines the premises and shows the proposed area to be licensed outlined in red in relation to the premises and kerb line with dimensions.
- The precise location of the tables and chairs, umbrellas, planters, litterbins and means of enclosure.
- A photograph or brochure detailing the furniture to be used and means of enclosure
- Details of the proposed hours and days of the week that will apply
- Details of the proposed place of storage
- Details of your trade waste agreement
- A copy of Public Liability Insurance for a minimum of £5 million in respect of any one incident.
- The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes.

3. NEIGHBOURS

It is good practice to consult with neighbours, tenants and adjacent residents, to address any concerns prior to a formal submission. As part of the administration of the Tables and Chairs Licence, there are two legal consultative requirements. These are to seek the consent of interested frontagers* close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises. The Licensing Team will post a Public Notice and serve copies to your adjoining neighbours as part of the consultation process.

* "frontagers" means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which facilities for recreation or refreshment or both have been, are being or would be provided.

4. DETERMINATION OF APPLICATION

The criteria contained within the guidelines below will be used in determining applications. Each case will be assessed in its merits and individual circumstances. Similarly, any written objections received will be considered in terms of relevancy and appropriateness to the application and the listed criteria. Frivolous, vexatious or repetitious observations will be disregarded.

The Highways Act 1980 does not allow any legal appeals against a decision by the Food Safety and Licensing Service Manager to refuse to grant a licence. A person aggrieved by a decision may seek judicial review.

5. GUIDELINES

Prior to presenting any application consideration must be given to the following:

Space – The pavement/footway will need to be clearly delineated. An unobstructed width of 1.8m will be preferred in most areas, however 1.5m will be the minimum required for the unimpeded use of pedestrians. This allows wheelchairs and prams to pass and provides an adequate route for blind and partially sighted pedestrians. A greater width will be required in busy locations. Tables and chairs should normally be placed adjacent to the premises at the back of the footway, however, in some large pedestrianised areas they may be required leave a clear access route adjacent to the premises whilst positioned close to the frontage of the premises, for example; the Gate streets of Gloucester.

Communal Areas- there may be some sites where an area of highway is divided into pre-determined trading areas and available for different businesses to attract custom. Specific additional conditions may apply e.g. seasonal street trading pitches.

Access – The available route past a premise must be straight, obvious and unobstructed. The pedestrian route must not meander between the tables and chairs or standing customers so that pedestrians are not discouraged from using the footway. During hours when vehicles are normally excluded, tables and chairs should occupy only the area licensed in order to ensure a free and unobstructed route for emergency service vehicles.

The Licence holder must remove any furniture if required to do so to permit access at various times to allow works by the City Council, Gloucestershire County Council, the emergency services any statutory undertaker or telecommunications operator or where the Licence holder has been notified of a special event taking place. There may also be circumstances when the owners or occupiers of buildings in the vicinity request access; licence holders must act reasonably to accommodate these requests.

When a street market or a special event is active, table and chairs will not be permitted unless there is sufficient space to accommodate passing pedestrians, shoppers, the stalls and stock including access for Emergency Service vehicles. Alternative arrangements for tables and chairs on the highway may be considered but cannot be guaranteed.

Means of enclosure – The licensed area should be physically defined, during hours of operation. The extent of area should be identified by ornamental fencing with adequate openings to permit

access. The intention of the enclosure is to contain the area and give clear warning to pedestrians; particularly those with visual impairments. A low level tapping rail would be a necessary requirement. The means of enclosure must be lightweight for out of hour's storage but sufficiently robust to cope with resistance to winds, especially near Gloucester Docks. Enclosures should have a minimum top rail height of 800mm but no taller than 1000mm. Rope or chain barriers are not considered suitable.

Furniture –

Tables and chairs; A standard city wide design and colour scheme will not be imposed however; the City Council will insist upon a good quality and expect the style to fit in with the local environment. For example, domestic plastic patio furniture will not be acceptable. Furniture must be safe and intended for commercial use. It must be properly maintained, replaced as necessary and kept clean. Furniture should be uniform in appearance for the premises. Furniture must not damage the surface of the highway and should not generate unreasonable noise when being moved at night. Consequently consideration should be given to using furniture with rubber feet. Materials should not be too bright, garish or overly reflective.

Portable planters; can be considered in the application, but they must be well maintained, planted, kept clean of debris such as litter and cigarette stubs and must be able to resist accidental or mischievous movement.

Umbrellas/Parasols/Heaters – Umbrella location, colour and material must be specified. They must not overhang beyond the enclosure and must be weighted to prevent them being dislodged by the wind. Umbrellas must be clean and in good condition. In communal street café trading areas, each business must enable the customers to identify the seating area for its business; this may be through use of different colour fabrics or identification by company logo or a brand of product that they sell. Identification will be subject to council approval. If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and BS EN 14543:2005 (gas heaters).

Other Miscellaneous Items e.g. stalls/displays of goods – Other items on the highway will be considered where sufficient space is available not to obstruct passing pedestrians. Some road side sales may also require permission where the goods are placed on the Highway. Applicants should discuss these proposals with the Licensing Team for further advice.

If additional items are to be added after a licence is granted, written approval is required from the Council. A new application may be needed to consult with relevant stakeholders.

Storage - Café furniture and other items including umbrellas and enclosures etc. shall be removed at the end of trading hours and stored inside the shop premises or within an alternative safe environment.

Litter – All tables must be cleared of all uneaten food, used crockery and cutlery as soon as reasonably practicable after being vacated by customers. Food debris must not be swept onto the highway and any wind blown litter in the area must be placed in the premises own waste receptacles. At least one lidded refuse bin should be provided at all times of operation. If smoking is permitted and complies with relevant legislation, ashtrays must be provided. At the end of each day all discarded cigarette stubs must be cleared and the area should be left in a clean and tidy condition. If the site is not kept clean the work may be undertaken by the City Council or its nominated contractor and recharged to the licence holder. In streets where seagulls or birds may be a potential nuisance, umbrellas may be requested upon application.

Trade refuse – The licence holder must have a trade waste agreement and details must be provided on application. Waste receptacles should be placed out for collection no earlier than 06:00hrs on the day of collection and be brought back in within the boundaries of the premises no later than 10:00hrs on the day of collection.

Street Cleaning – Café furniture must not be placed on the highway before 7am to assist regular street cleaning.

Environment / Nuisance – The quality of the air and the immediate environment should be suitable for the proposed use and the proposed activities must not constitute a nuisance. The area must be favourable to sitting/eating/drinking and therefore consideration should be given to traffic volume, bus stops, taxi ranks and fumes. It is recommended that the hours of operation will depend on the location, facilities available and whether the applicant's premises license permits them the use of the highway area. Normally, it would be expected that any business be concluded on the highway by 11pm except in exceptional circumstances where permission is given beyond this time. External public address systems and amplified music will not be allowed within the licensed table and chair area unless such activities are permitted under a Premises Licence application under the Licensing Act 2003. The permission holder must not cause annoyance to persons using the highway or part of the highway to which the application relates.

Sanitary Appliances – The number and type of public sanitary accommodation provided by a business is based on the number of potential customers. The applicant should ensure that the sanitary provision remains appropriate for the increase in customer numbers resulting from additional seating.

6. PUBLIC LIABILITY INSURANCE

The persons to whom permissions are granted must always have valid public liability insurance for at least £5,000,000 (five million pounds) which also indemnifies Gloucester City Council its agents, servants and workmen against any costs, claims for injury, damage or loss arising from the use of the highway for the permitted purpose. Satisfactory evidence of this public liability insurance must be provided before a licence can be granted.

The Licence holder shall have no right to make any claim or charge against the City Council in the event of the furniture or other objects being lost, stolen or damaged in any way, unless this is caused by the City Council's own negligence.

7. ENFORCEMENT

Ongoing enforcement monitoring will be carried out to make sure the conditions of the licence are not being broken. Any obstruction that is deemed 'unreasonable' in accordance with this Guide and constitutes an immediate danger will be removed from the highway immediately and either returned to the owner, if known and practicable, or retained.

Where obstructions are 'unreasonable', but do not constitute an immediate danger, the owner will be requested to remove or reposition them in accordance with this Guide. If the problem persists, the City Council may serve notice that the objects be removed before seeking a Magistrate's removal and disposal order in respect of the items.

Any items removed from the highway will be taken to store and retained for collection by the owner. If the items are not collected within a period of one month they will be disposed of. The City Council may seek to recharge any expenses incurred in removing such items to their owners.

8. FEES AND CHARGES

There is currently no fee for Tables, chairs and planters Licences. (UNDER CONSIDERATION)

9. DURATION OF LICENCE

All Licences are valid for 12 months from the date of application.

10. TERMS AND CONDITIONS

Standard Conditions are detailed on the back of the application form and noted on the Licence.

11. TERMINATION

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked.

12. OTHER LICENCES

The Highway Authority can legally place items such as road signs, trees and seats on the highway.

Gloucester City Council licences the placing of Advertising Boards in the pedestrian areas and on the City highways. Separate guidelines are available for Licensing Advertising Boards on the Highway.

13. MODIFICATIONS, ALTERATIONS, OR AMENDMENTS

The procedures and requirements specified within this Guide may be modified, altered or amended at any time as Gloucester City Council deems appropriate.

14. CONTACT US

Email: heretohelp@gloucester.gov.uk

Phone: 01452 396396

Fax: 01452 396340

Post: Licence Team, Environmental Health and Regulatory Services, 3rd Floor Herbert Warehouse, The Docks, Gloucester, GL1 2EQ

Internet: www.gloucester.gov.uk

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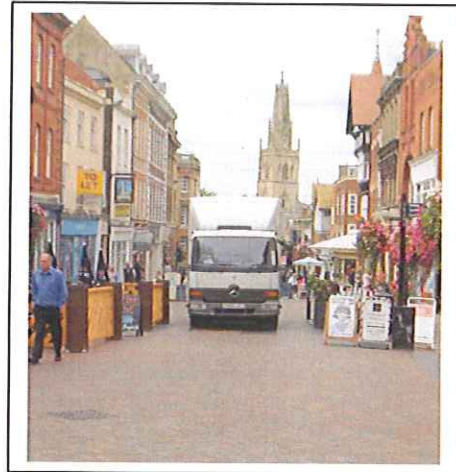
Example Pictures of Items on the Highway

Below are a few pictures to help demonstrate some considerations needed by Officers in ensuring the safety of highway users from items on the highway.

- **Accommodating deliveries and access for Emergency Service needs consideration.**

View of Westgate Street

An example of the space needed for a large vehicle to pass unobstructed. Whilst vehicles are restricted on the gate streets during the day, adequate space must be available to allow a fire engine and other emergency vehicles access.



- **Pedestrian access to shop fronts without meandering between tables and chairs.**



View of Southgate Street

This is an example of a cluttered arrangement with insufficient space to accommodate customers and pedestrians.

The current consent does not allow the chairs to be positioned any further from the frontages than the bollards. The New policy seeks to ensure a straight direct route for pedestrians.



View of Westgate Street

This is an example of an arrangement where tables and chairs have been situated well away from the frontage of the building to allow pedestrians ease of use of the footway. Barriers have been positioned to demarcate and contain the area.

APPENDIX C

- Types of enclosures for Tables and Chairs to be clearly identified.



Three very different images of enclosures in Westgate Street.

The image (on left) portrays a stylish seating arrangement, which enhances the area.

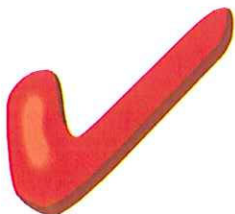
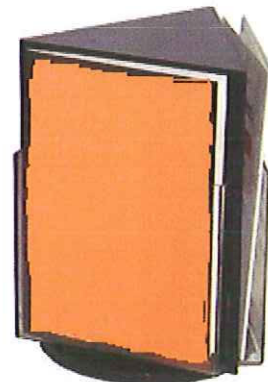
Images (below left & right) show different means of enclosure. The rope type below would be considered unsuitable within the new policy, as it is difficult to recognise by partially sighted and blind persons and therefore poses a tripping hazard.



- Different types of A'Boards

(Swinging A'Boards)

(Rotating)



Licence Conditions for permitting Advertising Boards on the Highway**The Licensee shall:-**

- 1 Provide an advertising board of a type and quality previously approved in writing by the Council, which shall be placed wholly within the Site.
- 2 During continuance of the Licence hereby granted at its own expense maintain repair and keep in a clean and good condition the advertising board.
- 3 At the close of business each evening clear the advertising board from the Site.
- 4 Ensure that its use of the Site does not prevent free pedestrian access to all neighbouring properties or cause any inconvenience from the use of the Site to the owners and occupiers of adjacent properties and does not encroach nor obstruct the area.
- 5 Ensure that no damage is caused to the highway by the use of the Site by the Licensee.
- 6 Advertising signs must not be affixed to lamp columns, street bollards, street furniture or pedestrian guard railings.
- 7 Upon the determination of the Licensee hereby granted by notice as hereinafter provided or upon breach of the stipulations or agreements herein contained the Licensee shall at its own expense immediately remove the advertising board from the Site.
- 8 The License hereby granted will be valid to 31 May 2012.
- 9 Any changes to ownership of properties must be notified to the Council immediately. Failure to comply may result in the Licence being cancelled.
- 10 The Licensee hereby undertakes to indemnify the Council against all claims actions demands losses injuries costs charges expenses and liabilities whatsoever which the Council may incur or which may arise by reason of the exercise or enjoyment of the permission hereby granted.
- 11 Insurance details must be provided prior to the Licence being issued. The minimum cover is five million pounds for third party liability.
- 12 The Licensee shall comply with all requisite statutory provisions and regulations.
- 13 A fee of £50.00 is payable at time of applying for the licence.
- 14 At any time an officer from the City Council can request sight of the Licence and this should be made available at all times.
- 15 The Council may terminate the Licence at any time and the Licensee shall remove all advertising boards immediately upon written notification.
- 16 The Council may terminate the Licence where any infringement of the conditions of this Licence occurs.
- 17 Upon termination of the Licence by the Council the fees paid will not be refundable to the Licensee.

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Licence Conditions for permitting Tables and Chairs on the Highway**The Licensee shall:-**

- 1 Provide tables, chairs and planters of a type and quality previously approved in writing by the Council, which shall be placed wholly within the Site.
- 2 During continuance of the Licence hereby granted at its own expense maintain repair and keep in a clean and good condition the tables, chairs and planters.
- 3 At the close of business each evening clear the tables, chairs and planters from the Site.
- 4 Ensure that its use of the Site does not prevent free pedestrian access to all neighbouring properties or cause any inconvenience from the use of the Site to the owners and occupiers of adjacent properties and does not encroach nor obstruct the area coloured blue on the said plan attached hereto.
- 5 Ensure that no damage is caused to the highway by the use of the Site by the Licensee.
- 6 Upon the determination of the Licensee hereby granted by notice as hereinafter provided or upon breach of the stipulations or agreements herein contained the Licensee shall at its own expense immediately remove the tables, chairs and planters from the Site.
- 4 Any changes to ownership of properties must be notified to the Council immediately. Failure to comply may result in the Licence being cancelled.
- 5 The Licensee hereby undertakes to indemnify the Council against all claims actions demands losses injuries costs charges expenses and liabilities whatsoever which the Council may incur or which may arise by reason of the exercise or enjoyment of the permission hereby granted.
- 6 Insurance details must be provided prior to the Licence being issued. The minimum cover is five million pounds for third party liability.
- 7 The Licensee shall comply with all requisite statutory provisions and regulations.
- 8 At any time an officer from the City Council can request sight of the Licence and this should be made available at all times.
- 9 The Council may terminate the Licence at any time and the Licensee shall remove all tables, chairs and planters immediately upon written notification.
- 10 The Council may terminate the Licence where any infringement of the conditions of this Licence occurs.

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Comparative Costs

Local Authority	Charge for Tables and Chairs Licence	Charge for A'Boards Licence
Islington	£375 plus £18 - £65 per seat dependant on rates	£245 depending on Council tax band
Basingstoke	£126	
Lambeth	1-4 chairs £103 application fee, £464 Licence fee (additional charge each hour beyond 7pm)	
Hammersmith and Fulham	£612 - Town centres and £326 for other highways and pedestrian squares	
South Hampton	new - £330, Renewal £130	
Surrey	£104 (up to 10 m ²) £52 each addition sq m	
Chelmsford	New £721, renewal £222	
Horsham	£520	
Cambridge	£315	Not allowed
Norwich	£477	
Ipswich	£28 per table	
Cannock Chase	£315	
Machester City	£250 plus extra £15 per sq m	
Tamworth		£120 new, £50 renewal
Solihull	Minimum charge £175 (£22 per m ²)	£81
Bexley		£52
Harlow	New - £154.50 plus £16 per table and £10.75 per chair, Renewal £17 per table, £10.82 per chair, Variation with consultation £100, without £50	New - £266.50, Renewal - £115
Bracknell Forest	£102	£30
Middleborough	New - £360, Renewal - £106	New - 88.50, Renewal - £51
Kent	New £150, Renewal - £115	£65
Blackburn	£100	
Cheltenham	Annual - £84 per chair, Up to one month - £17 per chair, variation - £46 plus rate per chair	New £376, Renewal £195, Copy £12
Stroud	Do not issue licences	£95 (planning fee)
Cotswold	Do not issue licences	Do not issue licences
Tewkesbury	Do not issue licences	Do not issue licences
Forest Of Dean	Do not issue licences	Do not issue licences

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Gloucester City Council

Committee	: Licensing and Enforcement
Date	: 13th March 2012
Subject	: Members Update for Licensing and Enforcement Committee
Decision Type	: For Information
Ward	: All
Report By	: Gill Ragon, Group Manager of Environmental Health and Regulatory Services
No. Of Appendices	: None
Reference No.	: ES21133

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including feedback on Appeal Cases heard by the Magistrates Court against decisions made by this Committee.

2.0 Recommendations

- 2.1 Members note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

3.1 Pedicabs

During the Licensing and Enforcement Committee on 18th October 2011, Members agreed that Officers should consider licensing Pedicabs as Hackney Carriage Vehicles and seek to implement a Policy for the licensing of Pedicabs. The Licensing Team has been working closely with the Corporate Property Team to find a way to allow a Pedicab Rider to trial his business in the Docks area on a trial period without the need for a Hackney Carriage Licence. The Pedicab Rider will obtain permission from Corporate Property to use the land over 3 months for picking up passengers and transporting them around the Docks. This trial period allows the Council's Licensing team and the Pedicab Rider to assess to demand of this business and identify potential issues which will help inform a more detailed policy, if we later licence them as Hackney Carriages.

3.2 Taxi Tariff

At the Licensing and Enforcement Committee meeting on Tuesday 17th January, Members considered the current tariff rate which the taxi drivers charge customers. The Committee Members decided to approve an increase to the fares in line with the Regional average for Midlands and the South West. This equates to an approximate 4% increase (not the 8% increase we advertised). This took effect on 1st February and sets the maximum rates that taxi's can charge customers on the meter; they are entitled to charge anything below this if they want.

3.3 Taxi and Private Hire Fees

There is no proposal to increase the fees for Driver, Vehicles and Operators this year (from 1st April 2012). This is because the last fee review considered the position of last years budget (2010/2011) following the end of the financial year in July 2011. In August 2011, the Licensing and Enforcement Committee was recommended to agree a zero increase in existing fees and charges, taken into account the hardship of the trade. It was resolved there would be no increase in existing taxi fees and charges for 2011/12. The next review will take place October 2012, for any changes to the fees to take affect April 2013.

3.4 Heart City work

In line with our Heart City objectives, the Licensing Team are working with Solutions for Health (contracted by NHS), to set up a Men's Health Project in the most health deprived areas of Gloucester City. This project focuses on the risks of Cardio Vascular Disease, and offers free checks to working men who reside in these areas. This will allow further advice and support to be offered through GP's and other agencies such as smoking cessation groups. We have identified that the majority of our Taxi and Private Hire drivers live in some of the most health deprived wards including Barton, Tredworth, Kingsholm and Moreland, and in general their job can encourage unhealthy lifestyles such as sitting in a vehicle for long periods of time, eating unhealthy takeaway foods, smoking etc. so this group will be targeted for free health checks and further support.

3.5 Gloucester City Taxi World Record

During 2011, 3 young men from Gloucestershire set themselves a challenge to travel the furthest distance ever recorded in a Taxi. The taxi was licensed with Gloucester City Council and the journey started from London at the London Transport Museum on 17th February 2011. The men used the challenge to raise money for British Red Cross and after 296 days on the road, they successfully arrived in Sydney on 10th December 2011, having recorded the longest taxi ride in history under the Guinness World Records. You can see their journey's progress on www.itsonthometer.com

3.6 The Challenge has not finished there, we have just renewed the Hackney Carriage Vehicle licence to allow the men to attempt the first 'trip around the world in a Taxi'. Once the trip is completed, the London Transport Museum will display the Gloucester City Council Vehicle Licence plates for tourists to examine the World Record breaking Taxi (nicknamed Hannah).

3.7 New Licensing Applications

Between January 2012 and March 2012 we have received 83 new licensing applications; the majority consisted of Private Hire Licences and Temporary Events Notices. 30% of these Licences related to Private Hire and Taxi Licensing, and 44% related to applications under the Licensing Act 2003.

4.0 Court cases

4.1 There have been no Licensing Court cases in the last quarter.

5.0 Future Work

- 5.1 The assessment of the Taxi and Private Hire fees was originally scheduled in the forward plan for February, for them to take effect in April each year. However, this assessment will now be brought forward to be reviewed in October for these fees to take effect in April each year. This approach allows the proposed fees to be agreed before the Council's fees and charges are set each financial year, and will ensure any changes are incorporated into the Corporate 'Fees and Charges' document each year.
- 5.2 The Gambling Statement of Principles is due for review, and will be brought before the Licensing and Enforcement Committee in June 2012 for Members to approve for consultation. This Policy will be consulted upon over a 12 week period and then brought back to Committee in September 2012 to consider any comments. The revised Gambling Statement of principles will take effect December 2012.
- 5.3 There will be changes to the legislation of Street Trading and Pedlars in the near future. Central Government are trying to streamline the framework for the enforcement of these consents whilst standardising the operations across all local authorities. With these changes pending, the Licensing team have agreed to deal with applications for Street Trading in the near future.
- 5.4 An increase of applications for Street Parties / Temporary Event Notices are expected this year due to the Queen's Diamond Jubilee Weekend 2nd – 5th June 2012. The website has information around this subject to make it easier for members of the public to apply for a street party to celebrate the Diamond Jubilee around Gloucester City. Applications to hold a street party will usually be free of charge unless alcohol is sold, in which case a Temporary Event will be required.
- 5.5 Following concerns about anti-social behaviour and street drinking in the Barton area, a request has been received to consider incorporating a Cumulative Impact Policy to cover parts of Barton. This will be considered by the Community Alcohol Partnership which are currently identifying the concerns in this area and considering the various options available to address them, including the possibility of a DPPO (Designated Public Place Order) and a Cumulative Impact Area Policy. If a Cumulative Impact Policy is decided the best option, based on the evidence gathered it is scheduled to come before Committee in September 2012.
- 5.6 The table below outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 3 years. As the years goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items below illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

LICENSING AND ENFORCMENT COMMITTEE	POLICY ITEM
March 2012	Advertising Boards and Tables and Chairs Policy for approval (to take effect April 2012). Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2012)

	Quarterly Licensing Update for Members
April 2012	<i>Advertising Boards Policy and Tables and Chairs Policy under 6 week's consultation. Review of Taxi Rank Provision</i>
May 2012	<i>Members Training</i>
June 2012	Review of Gambling Act Statement of principles Private Hire and Hackney Carriage Policy for approval. Quarterly Licensing Update for Members
July & August 2012	<i>Consult on Gambling Act Statement of Principles over 12 weeks Review of Taxi Rank Provision</i>
September 2012	Gambling Act Statement of principles (to take effect Dec 2012) Update on proposed Taxi Tariff (to take effect December 1st 2012) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members
October 2012	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
November 2012	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2012	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2013) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members
March 2013	Quarterly Licensing Update for Members
May 2013	<i>Members Training</i>
June 2013	Review of Licensing Act Statement of principles Quarterly Licensing Update for Members
July 2013	<i>Consult on Licensing Act 2003 Statement of Principles over 12 weeks</i>
September 2013	Licensing Act 2003 Statement of principles (to take effect January 2014) Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members
October 2013	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
November 2013	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2013	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Quarterly Licensing Update for Members
March 2014	Sex Establishment Policy Review Quarterly Licensing Update for Members
May 2014	<i>Members Training</i>
June 2014	Sex Establishment Policy Review (to take effect July 2014) Quarterly Licensing Update for Members
September 2014	Update on proposed Taxi Tariff (to take effect December 1st 2014) Quarterly Licensing Update for Members
October 2014	<i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>

November 2014	Consult on Taxi and Private Hire fees over 28 days
December 2014	Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1 st April 2015) Quarterly Licensing Update for Members
March 2015	Review of Advertising Board and Tables and Chairs Policy Quarterly Licensing Update for Members
May 2015	Members Training
June 2015	Review of Private Hire and Hackney Carriage Policy Quarterly Licensing Update for Members

6.0 Conclusions

6.1 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

7.0 Financial Implications

7.1 There are no financial implications attached to the recommendations in this report.

8.0 Legal Implications

8.1 There are none at this time.

9.0 Risk Management Implications *Identify all key risks (scoring 8 and above) for the recommendation including the impact and likelihood of the risk occurring and what measures will be taken to mitigate the risk.*

9.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

10.0 People Impact Assessment (PIA):

Please ensure you complete this section even if a PIA is not required.

Is a PIA required?	Yes	No	Explanation: Not for this report, a separate PIA will be carried out on each policy as it is brought to Committee
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation: as above
		x	
Has a full PIA been	Yes	No	Explanation: as above

completed?		x	
Is the PIA available?	Yes	No	Explanation:
		x	
Has the PIA identified any negative impacts on any protected characteristic or community cohesion?	Yes*	No	*Please ensure PIA is available
		x	

Any Further Relevant Information:

None

11.0 Other Corporate Implications (this may include Community Safety, Environmental, Staffing, Trade Union)

None

Background Papers : None

Published Papers : None

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