



## LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Tuesday, 18th June 2013

**PRESENT** : Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson

**Officers in Attendance**

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

Sonia Tucker, Democratic Services Officer (Secretary)

**APOLOGIES** : Cllrs.

**1. APPOINTMENT OF CHAIR AND VICE-CHAIR**

**RESOLVED**

That the appointments made at Annual Council be noted.

**2. CHANGE TO ORDER OF AGENDA**

The Chair announced that in view of the public interest in items later on the agenda that the order would be varied to allow these to be considered first.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. MINUTES**

The minutes of the meeting held on 19 March 2013 were confirmed as a correct record and signed by the Chair.

**5. PUBLIC QUESTION TIME (15 MINUTES)**

There were no questions from members of the public.

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**6. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)**

The Committee received a deputation from Mr Zeya Ahmed, a member of the Hackney Carriage trade regarding the item on the agenda relating to the draft revised Policy and Conditions for Hackney Carriage and Private Hire Licensing. Mr Ahmed had already responded to the City Council during the consultation period and wished to clarify some of his comments which had been printed in the report.

- Main report - 3.13 (1) Paragraph 11 regarding driving history of applicants. Mr Ahmed pointed out that he had not stipulated that new applicants should present a clean driving licence, but that they should be able to demonstrate that they had not accrued any additional points on their licence in the previous 12 months.
- Appendix F – Paragraph 12, 1.4 and 1.9 relating to agents. Mr Ahmed stated that this should be amended to say *‘the current list would be provided on request’*.
- Main report –3.13 (3) Paragraph 25 concerning wheelchair accessibility. Mr Ahmed commented that more wheelchair users were likely to pre-book and questioned the need for so many hackney carriage vehicles to be wheelchair accessible.
- Main report – 3.13 (4) Paragraph 38 regarding In-House booking systems. Mr Ahmed requested that the service be terminated as it was not being properly operated.
- Main report – 3.13 (5) paragraph 39 relating to drivers’ badges. Mr Ahmed pointed out that drivers’ names had been added to badges without consultation with the Trade in 2011. Mr Ahmed believed that a photograph and driver number printed on the badge was adequate and that the printing of drivers’ names endangered their personal security. He asked the Committee to review this and to consult with the Trade.

The Chair thanked Mr Ahmed for his deputation and asked the Committee to note his points when the matter was discussed later on the agenda.

**7. LATE NIGHT LEVY**

Members were presented with a report which informed them of the implications of adopting a Late Night Levy (LNL) for the City of Gloucester. The Committee was asked to note the report with no action being required at the present time.

Members were briefed on the background to the Police Reform and Social Responsibility Act 2011. Chapter 2 of Part 2 of the Act empowered licensing authorities to charge a LNL to those persons licensed to sell alcohol late at night as a means of raising a contribution to the cost of policing the late-night economy.

The Committee noted that it was up to the Council as Licensing Authority to decide whether to implement a LNL after due consideration of all factors including the views of the Chief Officer of Police and the Police and Crime Commissioner.

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Members were informed that there had not been a formal request from Gloucestershire Constabulary to introduce the levy.

The Food Safety and Licensing Services Manager briefed Members on how the LNL might operate and explained the charging structure, which was based on the non domestic rateable value of the relevant premises, and the potential income which might accrue to the authority. A minimum of 70% of the funds would be passed directly to the PCC who were not restricted to spending the money on tackling crime and disorder and not obliged to use it within the City.

Members were advised that they would need to consider the financial burdens which the LNL would impose on businesses already struggling to survive in the current economic climate should it be decided to introduce the levy in the future.

The Chair reminded Members that the report was for information only and that the Committee was not being asked to recommend introduction of the levy at this stage. After discussion, the Committee considered that they wished to enforce this point by adding an extra recommendation to the report.

The Chair moved the following recommendation which was seconded and on being put to the vote, carried. *'That there will be no introduction of a Late Night Levy at this time. Any future implementation will depend on the City enjoying a vibrant night-time economy'*.

**RESOLVED**

1. That the report be noted.
2. That there will be no introduction of a Late Night Levy at this time. Any future implementation will depend on the City enjoying a vibrant night-time economy.

**8. REVIEW OF CITY TAXI RANKS**

Members were presented with a report which updated them on existing Hackney Carriage ranks and proposed locations for additional ranks in the City Centre. The Chair drew Members' attention to a letter which had been sent by Mike Smith and Company on behalf of the owner of Café Rene

The Committee was advised of the Council's legal powers to 'appoint stands for Hackney Carriages' and the importance of having stands in appropriate locations.

Members noted the current locations of existing ranks, the recommendations of a survey carried out in 2010, and the existence of a temporary rank to operate during the experimental road closure of Eastgate Street. They were also updated on the taxi marshalling scheme, plans for an additional rank to support the new Quays development, and the implications of the new King's Quarter development on taxi ranks.

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Following discussions with the Hackney Carriage trade, a request had emerged for a possible rank in Southgate Street near the New County Hotel. An alternative option of a hailing point was a possibility if there was insufficient space for a rank.

Members were briefed on those taxi ranks in the City which were no longer serving a useful purpose. The Committee was advised that these ranks should be retained for the time being as they might come back into use and there would be significant costs if they were removed and then re-adopted.

The Food Safety and Licensing Service Manager summarised the key points for Members to consider and advised them of the recommendations before them:-

- (1) To agree the need for an additional taxi rank in Southgate Street which would be monitored and assessed under a formal consultation.
- (2) To retain the taxi ranks no longer in use in the City Centre for the time being on the grounds that they might come back into use.

The Food Safety and Licensing Service Manager addressed points of clarification from the Committee regarding the length of the consultation period should Members approve the recommendation before them and the fact that a suitable location in Southgate Street had not yet been assessed.

The Chair opened up the subject for debate. The following matters were discussed:-

- Parts of Southgate Street had recently been redeveloped with no provision for a taxi rank, therefore a hailing point might be more appropriate
- If the linkages to the new Greyfriars development were improved, customers would be able to walk to the existing taxi rank in Brunswick Road more easily, negating the need for a taxi rank in Southgate Street
- Café Rene, The New County and the two churches in Southgate Street already had their own efficient in-house calling system for getting their customers home safely
- The justification for placing a taxi rank in that location. One Member suggested moving it further down Southgate Street.
- Concerns were expressed that a taxi rank would encourage people to congregate in that area who would otherwise disperse

Members were reminded that the request for the extra rank had come from the Hackney Carriage Trade.

The Chair moved an amendment to the first recommendation in the report which was seconded and on being put to the vote, carried. *‘That the need for an additional Hackney Carriage Rank in the vicinity of Southgate Street be assessed and a paper be brought back to the next meeting of Licensing and Enforcement Committee to decide whether to accept it’.*

**RESOLVED**

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1. That the need for an additional Hackney Carriage Rank in the vicinity of Southgate Street be assessed and a paper be brought back to the next meeting of Licensing and Enforcement Committee to decide whether to accept it.
2. That the taxi ranks no longer in use within the City, namely Brunswick Road and Quay Street, be retained for the time being, on the grounds that they may come back into regular use some time in the future.

**9. REVISED POLICY AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

Members were presented with the results of consultation feedback on the draft revised conditions for Hackney Carriage and Private Hire Licensing and were asked to agree a final version of the Hackney Carriage and Private Hire Licensing conditions for adoption by the Licensing and Enforcement Committee.

The Food Safety and Licensing Service Manager reminded Members that they had resolved to submit the revised draft conditions for a period of 8 weeks consultation at their meeting on 19 March 2013. As a result of this, two responses had been received from Mr Bartholomew, a Private Hire Driver, and Mr Zeya Ahmed from the Hackney Carriage Association, which were appended to the report.

Mr Bartholomew raised two issues for Members to consider; asking for door panels on private hire vehicles to be optional rather than mandatory, and requesting vehicles to operate for longer than 10 years, provided they had reasonable mileage and were in good condition.

Mr Ahmed had raised a number of points which the Food Safety and Licensing Service Manager had discussed with him. A number of his suggestions had been agreed in principle which Members were asked to approve. These were reflected at 3.12 within paragraphs 1-19 of the report. Matters needing further consideration by Members were listed at 3.13 within paragraphs 1-5 of the report. Additionally, during the consultation period, four additional motoring offences had been identified which needed to be added to the regulatory guidelines. These were set out at 3.14 of the report.

The Food Safety and Licensing Service Manager summarised the Officer recommendations to the Committee which were:-

- (1) To note the revised Policy for Hackney Carriage and Private Hire Licensing and consultation feedback and to adopt it with immediate effect.
- (2) To note and approve for inclusion in the final version the amendments detailed in paragraphs 3.10(1), 3.12 (1-19), 3.13 (1-5) and 3.14.

The Chair reminded Members of the points made during Mr Ahmed's deputation and advised them to consider each item separately due to the complexity of the documents.

**Item 3.10 (1) – Door Panels**

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It was agreed that these would continue to be mandatory

**Item 3.10 (2) – Request to allow vehicles to run for more than 10 years**

This was discussed under Item 3.13 (2)

**Item 3.12 (1) – (19)**

These amendments were agreed.

**Item 3.13 (1) – Applicants' driving history**

It was agreed that this paragraph would be amended to reflect that the applicant should not have incurred any further points in the previous 12 months, as clarified by Mr Ahmed.

**Item 3.13 (2) – Vehicles over 10 years of age**

Members debated the following points:-

- There were reservations that officers should be given greater discretion in this matter.
- It was recognised that vehicles over 10 years of age could have considerable mileage and might be at the end of their life apart from exceptional cases such as classic cars and luxury models.
- The appearance of vehicles was important for the image of the City and an older fleet might compromise this.

It was agreed that these matters would continue to be referred to the Licensing and Enforcement Committee for consideration.

**Item 3.13 (3) - Wheelchair Accessible Vehicles**

The Food Safety and Licensing Manager addressed points of clarification for Members.

It was agreed that all new additional vehicles should continue to be wheelchair accessible.

**Item 3.13 (4) – in House Booking Systems**

The Committee was sympathetic with the Trade's views that the system was open to abuse and acknowledged the need for more monitoring, but believed that the system should be retained. It was not considered that the Hackney Carriage Trade could cope at peak times when there was a need to disperse customers quickly. It was also noted that some businesses had a condition on their licence which necessitated an in-house booking system. Members took into account proposals to pedestrianize Eastgate Street in their deliberations.

It was agreed that In-House Booking Systems should be allowed to continue.

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**Item 3.13 (5) – Names on Badges**

Members recognised the Trade's concerns regarding endangerment of their personal safety by having their names printed on the front of badges. There was a suggestion that the name might be printed on the reverse of the badge.

It was agreed that officers would consult with the Trade on this issue and that a report would be brought back to the next meeting of the Licensing and Enforcement Committee.

**Appendix F – Paragraph 12, 1.4 and 1.9 relating to agents**

Mr Ahmed's suggestion that this should be amended to say '*the current list would be provided on request*' was agreed.

**Item 3.14 – Additional motoring offences to be included**

These were agreed.

The Food Safety and Licensing Service Manager addressed a point of clarification regarding tests undertaken by drivers to ensure they were conversant with the area. Members discussed what actions could be taken when it appeared that a driver was deliberately taking them the long way around. The Chair addressed Mr Ahmed directly on this point and Mr Ahmed advised that the customer should obtain a receipt, the driver's number and should lodge a formal complaint. The Chair asked the Food Safety and Licensing Service Manager to issue a press release to this effect.

**RESOLVED**

1. That the proposed amendments as set out in these minutes be noted and approved for inclusion in the final version and that a hard copy of this document be circulated to all Members of the Committee.
2. That the revised Policy for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee with immediate effect.

**10. MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE**

Members were presented with an update on key licensing activities carried out in the last quarter. Details of future work and the updated Forward Work Plan to June 2016 were also included in the report.

The Food Safety and Licensing Service Manager highlighted sections in the update regarding Reform to Taxi and Private Hire Law Consultation and new case law that the Committee should be aware of. There was a point of clarification from a Member regarding Gating Orders which was answered.

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The Chair thanked the Food Safety and Licensing Service Manager for producing the report.

**RESOLVED**

That the report be noted.

**11. DATE OF NEXT MEETING**

Tuesday 10 September 2013 at 18.30 hours.

**Time of commencement: 18:30 hours**

**Time of conclusion: 20:35 hours**

**Chair**