
GLOUCESTER CITY COUNCIL

Licensing and Enforcement Committee

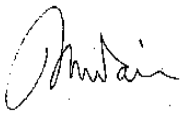
Meeting: Tuesday, 10th December 2013 at 6.30 pm in North Warehouse,
The Docks, Gloucester

Membership:	Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson
Contact:	Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 5-7) To approve as a correct record the minutes of the meeting held on 10 September 2013.
4.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• 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 (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON) To receive any petitions and deputations provided that no such petition is in relation to: <ul style="list-style-type: none">• Matters relating to individual Council Officers, or• Matters relating to current or pending legal proceedings
6.	GLOUCESTERSHIRE CONSTABULARY UPDATE ON LICENSING AND ENFORCEMENT MATTERS

	To receive a verbal update from Gloucestershire Constabulary.
7.	SCRAP METAL DEALERS' FEES (Pages 9 - 17) To receive the report of the Public Protection Manager which asks Members to review and approve the proposed fees for all new Scrap Metal Dealer licences.
8.	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE TARIFF (Pages 19 - 27) To receive the report of the Food and Licensing Service Manager which asks Members to determine if published proposals for Hackney Carriage tariffs should be amended in the light of an objection which has been received.
9.	HCD AND PHD DRIVERS' BADGE CONSULTATION (Pages 29 - 37) To receive the report of the Food and Licensing Service Manager which asks Members to reconsider the information which should be included on Hackney Carriage and Private Hire Drivers' badges.
10.	HACKNEY CARRIAGE RANK SURVEY (Pages 39 - 42) To receive the report of the Food Safety and Licensing Services Manager which informs Members of the outcome of a survey into the feasibility of providing a Hackney Carriage Rank in the Southgate Street area of the City.
11.	MEMBERS' UPDATE (Pages 43 - 51) To receive the report of the Corporate Director for Services and Neighbourhoods which outlines details of key Licensing Activities carried out in the last quarter, including enforcement work, progress updates on the work plan and any changes in Licensing Law
12.	DATE OF NEXT MEETING Tuesday, 18 March 2014 at 6.30 p.m.



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Julian Wain
Chief Executive

Date of Publication: Monday, 2 December 2013

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Penny Williams, 01452 396125, penny.williams@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 10th September 2013

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

Officers in Attendance

Gill Ragon, Public Protection Manager

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr. Durrant

12. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

13. MINUTES

The minutes of the meeting held on 18th June 2013 were confirmed and signed by the Chair as a correct record.

14. PUBLIC QUESTION TIME

There were no questions from members of the public.

15. PETITIONS AND DEPUTATIONS

There no petitions or deputations.

16. SCRAP METAL DEALERS' ACT 2013

The Food and Licensing Service Manager presented the report which provided an update on new legislation in respect of scrap metal dealers and motor salvage operators. The report also proposed five recommendations to the Council which requested various delegations to the Licensing and Enforcement Committee, the Licensing and Enforcement (Enforcement) Sub-Committee and officers to enable the Council to fulfil its responsibilities under the Scrap Metal Dealers Act 2013.

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10.09.13

She advised Members that the Act which was expected to come into force from 1st October 2013 would replace the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001.

She noted that the Act required all individuals and businesses engaged in the trade to obtain either a site/premises licence or a mobile collectors' licence to collect scrap metal within the City Council's boundaries.

It would not be permissible for site licence holders to apply for a mobile collectors licence. It was anticipated that straightforward applications would be determined by officers under delegated powers and contentious or disputed applications would be referred to a Member Panel. It was considered that the Licensing and Enforcement Sub-Committee would be the appropriate Member Panel to determine applications that were contentious or involved judgements about the past criminal record of applicants.

The Public Protection Manager undertook to look at changing the wording of the community safety Implications at Paragraph 11.1, Community Safety.

In answer to questions, the Licensing and Food Safety Manager was not able to estimate the impact on work loads but noted that the licence would provide income from the associated fees. Members noted that there would be costs incurred in enforcement action against those operating without a licence.

The Chair advised that a Members' Information Sheet would be issued in the near future and would provide further detail on the following issues:

- Authentication and records required to be maintained by mobile scrap collectors.
- Hours of operation for mobile collectors especially in respect of loudspeakers.
- Design and style of licences and practicability of including photographic identification.
- How long the scrap collectors can sound their vehicle chimes within the law.

RESOLVED TO RECOMMEND TO COUNCIL that:

- (1) Council delegates the function to consider appeals against officer decisions or contentious applications for scrap metal dealer licences to the Licensing and Enforcement Committee with sub-delegation to Licensing and Enforcement (Enforcement) Sub-Committee;**
- (2) Council delegates the function to determine and approve policy for implementation and delivery of the Scrap Metal Dealers Act 2013 to the Licensing and Enforcement Committee;**

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10.09.13

- (3) Council delegates the function to determine fees for Scrap Metal Dealers licence applications to the Licensing and Enforcement Committee;**
- (4) Council delegates the function of processing minor amendments to policy as a result of pending guidance, to the Director of Services & Neighbourhoods in consultation with the Chair of Licensing and Enforcement Committee; and**
- (5) Council delegates the function of considering and approving non-contentious applications for scrap metal dealer licences to the Food and Licensing Service Manager.**

17. MEMBERS' UPDATE

The Licensing and Food Safety Manager presented the report which provided details of key licensing activities carried out in the last quarter including enforcement work, progress updates on the Committee work plan and changes in licensing law.

The Chair noted that the agenda for the December 2013 meeting would also include an item in respect of the taxi rank review and proposals for a rank in Southgate Street. The Licensing and Food Safety Manager advised that the section was liaising with County Highways and it was hoped to set up an on-line survey in the Gloucester Citizen newspaper. A Member suggested that the Student Union be approached for the views of students who would use such a rank.

The Licensing and Food Safety Manager undertook to find out why signs for the Eastgate Street weekend closure referred to 22.00 -05.00 as the Nightsafe Group had been told that the closure could only be applied from 23.00 hours.

She also advised that Cabinet had not yet determined the proposed Gating Order for Organ's Alley and when that decision had been made she would be looking at suitable styles of gates and locks. It was intended that access would only be granted to those requiring access to property in the Alley including statutory and emergency services.

RESOLVED that the report be noted.

18. DATE OF NEXT MEETING

Tuesday, 10th December 2013 at 18.30hours.

Time of commencement: 18:30 hours

Time of conclusion: 19:03 hours

Chair

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Meeting:	Licensing and Enforcement Committee	Date	10th December 2013
Subject:	Scrap Metal Dealers Fees		
Report Of:	Gill Ragon, Public Protection Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk	Tel: 396047	
Appendices:	1. Comparison of Fees from Local Authorities		
	2. Members Information Sheet on Scrap Metal Dealers		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For Members to review and approve the proposed fees for all new Scrap Metal Dealer licenses.

2.0 Recommendations

- 2.1 GLT is asked to **NOTE** the contents of this report and the proposed table of licensing fees associated with the licensing of scrap metal dealers.
- 2.2 Cabinet Briefing is asked to **NOTE** the content of this report for information.
- 2.3 Licensing and Enforcement Committee is asked to **RESOLVE** that the proposed table of licensing fees associated with the licensing of scrap metal dealers as set out in Paragraph 3.7 of this report is approved for implementation with immediate effect.

3.0 Background and Key Issues

- 3.1 The licensing of Scrap Metal Dealers is in accordance with the Scrap Metal Dealers Act 2013. Schedule 1 of the Act provides that an application for the grant, variation, or renewal of a scrap metal dealer's licence shall pay a reasonable fee determined by the appropriate authority.

- 3.2 There are two types of licence specified within the act, one is for a site licence and the other is for a mobile collector licence (carrying on business otherwise than at a site). The licence authorises the licensee to carry on business as a scrap metal dealer at the sites listed in it (in the case of a site licence) or within the local authority area (in the case of a mobile collector's licence).
- 3.4 The functions for the setting of scrap metal dealers licence fees are delegated to the Licensing and Enforcement Committee.
- 3.5 The 'Scrap Metal Dealers Act 2013: guidance on licence fee charges' indicates what costs local authorities can charge for under the licence. It includes:
- a) administering applications.
 - b) assessing and processing applications.
 - c) having experienced licensing officers review them.
 - d) storing application details.
 - e) consulting on the suitability of an applicant and reviewing relevant offences
 - f) time taken to make a decision on whether to issue a licence including any Committee costs.
 - g) the cost of issuing licences in a format that can be displayed.
 - h) assisting in making DBS checks.
 - i) any costs associated with contested licence applications and Committee costs.
 - j) compliance visits.
 - k) transmitting information to the Environment Agency about a licence.
- 3.6 The proposed fees are calculated on the basis of the amount of time spent on the various stages involved in processing an application for, or the annual renewal of a licence under normal circumstances. Officers have conducted a detailed cost analysis of the application stages and the average time expected to be spent with the average hourly rate (including overheads) applied, this breakdown can be shared with Members if needed.
- 3.7 Based on the calculation mentioned in paragraph 3.6 above, it is proposed that the new fees will be set as follows:

Application	Fee
New Site Licence Application	£430.00
New Collectors Application	£258.00
Site Renewal Application	£336.00
Collectors Renewal Application	£212.00
Variation to Site Application	£230.00
Variation to Collectors Application	£138.00
Replacement Vehicle Badge	£20.00
Copy of Paper Licence	£10.50
Change of Details	£47.00

- 3.8 The process for variation applications is the same as a renewal application but with additional compliance costs excluded, the anticipated costs and proposed fees reflect this.
- 3.9 A comparison of Local Authority fees can be found in Appendix 1, this gives an indication of how we compare against other Local Authorities. It should be borne in mind that each Authority may have a different process to applications and have varying costs, therefore, fees vary significantly ranging from £170 to £375 for a new collector application within Gloucestershire, and nationwide these fees vary even further.
- 3.10 The fees have also taken into consideration the point arising from *Hemming v Westminster City Council* that the fees cannot be used to pay for enforcement against unlicensed dealers, to cover the cost of issuing closure notices to unlicensed dealers or applying for closure notices from the magistrates court.
- 3.11 Under the Act all previously registered Scrap Metal Dealers were required to submit an application for a new licence between 1st and 15th October 2013 to enable them to continue to carry on their business without disruption during the transitional period. From 1st December 2013, all of the enforcement provisions contained within the Act take effect; therefore the proposed fees need to be approved to allow all existing operators to make payment for their new applications to be determined.
- 3.12 To date, the Council has received eight applications for a scrap metal dealer's site licence and nine applications for mobile collectors licence. All existing scrap metal dealers and motor salvage operators that were previously registered with the Council have submitted an application in time, and Officers chased a few by telephone to ensure their activity could continue. We have also received a few additional applications for a mobile collectors licence from collectors who were previously registered outside of Gloucester City and we may receive more in the future if more collectors decide to collect within the City boundary.

4.0 Alternative Options Considered

- 4.1 The Council has to set fees in accordance with the Scrap Metal Dealers Act 2013. Although the Council could set a lower fee, it is appropriate to set a fee on a cost recovery basis to ensure Officers can adequately implement the Act.

5.0 Reasons for Recommendations

- 5.1 It has always been the view of the L&E Committee to recover, where possible, the actual cost of undertaking the various licensing functions. In addition, there is a significant amount of case law relating to various licensing functions which dictates that licensing authorities may only charge such fees as are reasonable to recover the cost of the licensing function and must not charge disproportionately high fees.

- 5.2 In setting the proposed fees, regard has been given to the requirements of the European Union Services Directive as enacted in English Law by virtue of the Provision of Services Regulations 2009 and any case law, of which the recent case in the Court of Appeal of Hemming v Westminster City Council is especially relevant, as it confirms licence fees cannot be used to support enforcement activity against unlicensed activities (in this case, unlicensed Scrap Metal Dealers and Collectors).
- 5.3 Additionally, the EU Services Directive which came into force on 28th December 2009 via the Regulations has implications concerning the fees that may be charged to applicants and licence holders. The Directive sets out to create significant new opportunities for UK businesses by opening up the internal market in services through the removal of unjustifiable barriers to the provision of certain services. In addition it also aims to make it easier for businesses to set up in other EU countries and to provide services across national borders on a temporary or permanent basis. Government guidance issued in accordance with the Directive reinforces that local authorities must set fees that are proportionate to the effective cost of the procedure dealt with and that local authorities need to bear in mind the threat of a legal challenge should an applicant or licence holder feel that the level of fee is being used as an economic deterrent or to raise funds for local authorities.

6.0 Future Work and Conclusions

- 6.1 The proposed fees are likely to differ from the initial grant of a licence through to the renewal of the licence three years later. The Local Government Association have suggested that as this may be the case the fees will need to be re-assessed on a regular basis and adjusted accordingly to reflect actual costs.
- 6.2 Fees will be reviewed annually by the Food and Licensing Service Manager in consultation with the Financial Services and for final approval by the Licensing and Enforcement Committee.
- 6.3 It is anticipated that to enable a clear and transparent application process including the licensing authorities consideration of an applicant's suitability, a Gloucester City Council's Scrap Metal Dealers Act Policy will be developed and brought back to the Licensing and Enforcement Committee for approval.
- 6.4 An update will be provided to Members in the New Year, indicating how many applications for scrap metal have been received and how many of those applications were granted and/or refused.
- 6.5 Following the last Licensing and Enforcement Committee in September 2013, Members requested further detail on some issues concerning scrap metal dealers. This information can be found in Appendix 2, it includes details of how

ward councillors and/or members of the public can contact us to raise any concerns about vehicles using chimes in the street to attract custom.

7.0 Financial Implications

- 7.1 There will be financial implications as there will be additional resources required to implement and run the licensing regime. The Act empowers Licensing Authorities to set their own fees to cover full cost recovery stemming from the administration and compliance with the new regime. In doing so the Council must have regard to any guidance and regulations issued by the Secretary of State.
- 7.2 Fees would need to be set in line with the European Services Directive: Guidance for Local Authorities and LACORS Guidance on the impact of the Services Directive on Councils setting and administering local licence fees within the service sector.

(Financial Services have been consulted in the preparation of this report.)

8.0 Legal Implications

- 8.1 The licensing of scrap metal dealers is in accordance with Section 1 of the Scrap Metal Dealers Act 2013. Schedule 1(6) of the 2013 Act provides that an application for the grant, variation, or renewal of a scrap metal dealers licence must be accompanied by a fee set by the authority.
- 8.2 Under the Act it will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction (Magistrates' Court only) with a fine not exceeding level 5 (currently £5,000) on the standard scale.
- 8.3 The Provision of Services Regulations 2009, Regulation 18 (4) provides "Any charges provided for by a competent Authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities."

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The review of fees relating to the licensing of scrap metal dealers is necessary to avoid a formal legal challenge from the trade. The report seeks to justify a new fee level against the specific costs of providing a service in this respect.

9.2 As noted above, recent legislative changes and case law relating to fee levels in various licensing areas has agreed a general principle that licensing fees should not be used as a method of creating revenue and so setting a fee level that would result in an excess of revenue would leave the authority open to challenge. The proposed fee therefore should not expose the Council to challenge and risk.

10.0 People Impact Assessment (PIA):

10.1 A full predictive impact assessment has not been conducted for this because this is primary legislation and applies nationally and there are no implications locally as enforcement work in respect of scrap metal dealers will be carried out consistently on the basis of risk for all premises and operators across the County.

10.2 A full predictive impact assessment will be conducted at the time of preparing a suitable policy to consider applications, following receipt of the Regulations and Guidance from Government.

11.0 Other Corporate Implications

Community Safety

11.1 Licensing scrap metal dealers in accordance with the Act will ensure only genuine sites and collectors can obtain a licence and legally operate in scrap metal, enhancing public safety and the prevention of metal theft.

Sustainability

11.2 The new licensing regime will encourage better intelligence sharing and joint working to drive out illegal and rogue traders. This approach will deal with environmental crime as well as theft.

Staffing & Trade Union

11.3 The impact on human resources will be minimal.

Background Documents:

The Scrap Metal Dealers Act 2013

Scrap Metal Dealer Act 2013: guidance on licence fee charges

LGA Guide to the Scrap Metal Dealer Act 2013: Applications

Home Office short guide 'Get in on the Act: Scrap Metal Dealers act 2013'

Comparison Scrap Metal Fees - 2013

Licence Type	Stroud	Forest	Cotswold	Tewkes	Cheltenham	Worcester	Coventry
site New	£ 350.00	£ 439.00	£ 400.00	£ 350.00	£ 350.00	£ 290.00	£ 300.00
Site Renewal	£ 200.00			£ 300.00	£ 350.00		£ 300.00
Collector New	£ 230.00	£ 375.00	£ 280.00	£ 170.00	£ 293.00	£ 145.00	£ 200.00
Collector Renewal	£ 145.00			£ 140.00	£ 293.00		£ 200.00
Variation Site to Collector	£ 60.00	£ 63.00	£ 60.00	£ 70.00	£ 58.00	£ 65.00	£ 200.00
Variation Collector to site	£ 140.00	£ 63.00	£ 60.00	£ 70.00	£ 58.00		£ 300.00
Change of name on licence	£ 16.00					£ 25.00	£ 30.00
Copy of Licence				£ 25.00		£ 10.50	

Licence Type	Bristol	Oxford	Slough	Leicester	Birmingham	Ipswich	Gloucester
site New	£585*	£ 1,200.00	£ 465.00	£ 520.00	£ 1,236.00	£ 310.00	£ 430.00
Site Renewal		£ 1,200.00	£ 330.00		£ 1,236.00	£ 200.00	£ 336.00
Collector New	£ 545.00	£ 900.00	£ 285.00	£ 319.00	£ 298.00	£ 310.00	£ 258.00
Collector Renewal		£ 900.00	£ 210.00		£ 298.00	£ 200.00	£ 212.00
Variation Site to Collector		£ 100.00	£ 135.00	£ 132.00	£70**	£ 38.00	£ 138.00
Variation Collector to site		£ 100.00	£ 202.50	£ 132.00	£ 1,008.00	£ 38.00	£ 230.00
Change of name on licence				£ 25.00	£ 200.00	£ 10.50	£ 47.00
Copy of Licence	* £85 per additional site				£ 30.00		£ 10.50

** applications made in year 3

MEMBERS' BRIEFING

November 2013

Councillor Lise Noakes – Chair of Licensing and Enforcement Committee

Scrap Metal Dealers Act 2013

Following the Licensing and Enforcement Committee held on 10th September 2013, Members requested further detail on the following issues relating to this new Act:

1. Authentication and records required to be maintained by mobile scrap collectors:

Upon receipt of any scrap metal in the course of the dealer's business, the dealer must record the following information:

- a) the description of the metal, type and form, condition, weight and any marks identifying previous owners or other distinguishing features;
- b) The date and time of its receipt;
- c) If the metal is delivered in or on a vehicle, the registration mark of the vehicle;
- d) If the metal is received from a person, the full name and address of that person;
- e) If the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer

Where the metal is received from a person, the dealer must keep a copy of the document used to verify that name and address. If cheques are used copies must be kept, if electronic transfers are used to pay, a receipt must be kept or a record of particulars identifying the transfer.

Upon disposal of any scrap metal under a site licence, the dealer must record the following:

- a) the description of the metal, type and form, condition, weight;
- b) The date and time of its disposal;
- c) If the metal is disposed to another person, the full name and address of that person;
- d) If the dealer receives payment, the price or other consideration received.

Upon disposal of any scrap metal under a collectors licence, the dealer must record the following:

- a) The date and time of its disposal;
- b) If the metal is disposed to another person, the full name and address of that person.

2. Hours of Operation for scrap metal dealers:

There are no stipulated hours of operation for scrap metal dealers within the Act, however, the Licensing Authority can include one or both of the following conditions on the licence, where the applicant or any site manager has been convicted of a relevant offence, or where the Council is considering revoking a licence (in this case conditions would take immediate effect until revocation takes effect):

- a) that the dealer must not receive scrap metal except between 9am and 5pm on any day
- b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

3. **How long can scrap metal collectors sound their vehicle chimes within the law:**
Never! Scrap metal dealers cannot chime their vehicle at any time. It is an offence under the Control of Pollution Act 1974 to use a loudspeaker in the street. Ice-cream vans have an exemption under their own code of practice, but even this restricts how they can chime.

If anyone has concerns about mobile scrap metal collectors using chimes in the street, they should note down as much information as possible including:
Location, date and time seen, vehicle registration number, description of the sound and report it to heretohelp@gloucester.gov.uk or call 01452 396396.

4. **Design and style of the licence (and can a photograph be incorporated?):**
Site licences must be displayed at each site identified on the licence in a prominent place accessible to the public. This will take the form of a paper licence.

The licence for mobile collectors must be displayed on any vehicle that is being used in the course of the dealers business, in a position that can be easily read by persons outside the vehicle. We will be using window pouches and an example can be seen in the attachment below:



Members also queried whether the use of photographs can be used on the licence, and Officers have considered this. It seems that within the law, only the person carrying on the business of a scrap metal dealer requires a licence, so any persons working for them in that business would not be issued a licence too. The use of Identification badges with photos attached may therefore cause confusion for members of the public, if they expect each individual working for the business to hold their own licence badge. Therefore, Officers do not think that licence identification badges should be issued in addition to the window pouch displayed on the vehicle.

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Gloucester City Council

Meeting:	Licensing And Enforcement	Date:	10 th December 2013
Subject:	Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage Tariff		
Report Of:	Lisa Jones, Food and Licensing Service Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Mr Richard Barnett, Licensing Enforcement Officer Email: Richard.Barnett@Gloucester.Gov.Uk Tel: 396311		
Appendices:	A: Formula used to calculate proposed increase B: Comparative Table of Fares C: Proposed Published Tariff Variation Proposal D: Representation from objector.		
Reference:	ES21167		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For Members to consider an objection to the proposed tariff changes and determine if the published proposals should be amended in light of the objection.

2.0 Recommendations

- 2.1 Committee is asked to **RESOLVE** that the published tariff proposals is implemented with effect from 14th December 2013.

3.0 Background and Key Issues

- 3.1 The Council sets the Hackney Carriage fares under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The present fares have been unchanged since February 2012.
- 3.2 In September 2013, Gloucester Hackney Carriage Association (GHCA) submitted a request for a tariff increase.

- 3.3 GHCA requested an increase to all Tariff rates. The formula in Appendix A was used to compare our position within the South West and Midlands region, our local position within Gloucestershire and determine what increase would be appropriate to bring the fares in line with the average for that area. In February 2012, the Tariff was increased to bring our fares in line with the regional average.
- 3.4 The formula used to calculate local and regional averages demonstrates that to maintain a tariff level within the median range of the South West and Midlands Region, a 3.2% increase should be applied.
- 3.5 There are a variety of reasons why it may be appropriate to increase the tariff rates. In this instance since February 2012 the costs of living, fuel and vehicle maintenance have all increased. Details of the current motoring costs and fuel prices have been considered.
- 3.6 Members will recall that there are three taxi tariff rates applicable in Gloucester. Tariff one applies between the hours of 7:00am to 9:00pm. Tariff two comes into effect from 9:00pm and 7:00am and the taxi meter calculates prices at approximately 23% higher than tariff one. Tariff three applies on Christmas Day, Boxing Day and New Years Day and the taxi meter is set at prices approximately 33% higher than those of tariff one.
- 3.7 The table below compares the current tariff (as from February 2012) against the new published tariff. The table shows the actual fares net of any extras that may be charged.

JOURNEY	TARIFF 1		TARIFF 2		TARIFF 3	
	Current	PROPOSED	Current	PROPOSED	Current	PROPOSED
1 mile	£4.00	£4.00	£5.20	£5.20	£5.20	£6.00
2 miles	£5.80	£5.80	£7.60	£7.60	£8.60	£8.80
3 miles	£7.60	£7.80	£9.80	£10.20	£11.40	£11.60
5 miles	£11.20	£11.60	£14.60	£15.00	£17.00	£17.40
10 miles	£20.60	£21.20	£26.60	£27.40	£30.60	£31.60

- 3.8 The Tariffs were compared against our national, regional and local average rates, this comparative list can be found in Appendix B.
- 3.9 In comparison with our neighbouring authorities it is important to remember that Gloucester and Cheltenham are mainly urban areas, whereas the remaining districts are largely rural. It is common for urban areas to keep the initial flag fare high to maintain a minimum fare for shorter journeys. The current flag is already higher than neighbouring districts for tariff 1, however the first mile fare is lower because the subsequent yardage calculated by the meter is lower than that of our neighbours.

- 3.10 Since our assessment was conducted, Cheltenham Borough Council has increased their tariff by 3.5%. The new fares can be seen within Appendix B for comparison.
- 3.11 The tariff proposals were published in the Citizen on 14th October 2013 with a planned implementation date of 2nd December 2013, allowing a statutory period of 14 days for objections. A copy can be found in Appendix C.
- 3.12 During this consultation period, one objection was received. This can be found in Appendix D. The objection is made by a driver who states that their business has dropped over the last 12 months and argues that any increase in the tariff will only serve to further reduce business.
- 3.13 It should be noted that whatever tariff is set by this Committee that it is a maximum tariff and that although meters must be set to the current tariff, drivers can choose to charge less if they so wish.

4.0 Alternative options considered

- 4.1 Members have the option of making no changes to the proposed published Tariff. This is considered to be the most appropriate option as this increase was requested by the Hackney Carriage Association and the only objection received has come from a single driver.
- 4.2 Members could determine in the light of the objection that the Tariff should remain the same. Although an objection has been received suggesting that there should not be an increase, on the basis that fares have not now been increased for nearly 2 years, if fares remain the same again, there is a possibility that next year more catching up will be necessary involving a big increase all in one go. This would not be good for anyone.
- 4.3 Members could modify the proposed tariff proposal if they consider it appropriate. However it should be noted that the proposal published has the support of the HCA.

5.0 Reasons for Recommendations

- 5.1 The published proposals reflect those changes requested by the Gloucester Hackney Carriage Association based on the formula used to calculate the median range of the local and national averages. This has been the approach taken for setting the Taxi fares in Gloucester City for a number of years.
- 5.2 It should be noted that the new tariff must come into effect within 2 months of the original date that the change was proposed to come into force. In this case this would be 2nd February 2014.

6.0 Future Work and Conclusions

- 6.1 As a result of any tariff increase, all taxi meters would need to be calibrated by the trade and subject to checking by an approved testing station on the measured mile. Council Officers will subsequently check that meters have been tested upon application and routine checks. This is a normal part of the work undertaken by the Council's Licensing Enforcement Officers and does not present an unrecognised resource implication.
- 6.2 Members must consider the objection received, and determine whether or not it is appropriate to change the current tariff charges at this time. Any changes determined should be appropriate and reasonable for Gloucester City.

7.0 Financial Implications

- 7.1 The cost of implementing the new taxi fare tariff rates will be met within existing budgets.

8.0 Legal Implications

- 8.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to fix the rates or fares within and all other charges in connection with the hire of hackney carriage vehicles in their area. This Authority is responsible for regulating fares, taking into account representations made on behalf of the hackney carriage proprietors and the public interest.
- 8.2 Any variation of the fare must be advertised and a period specified (being not less than 14 days from the publication of the advertisement) within which objections should be made. If any objections are made and not withdrawn a further meeting of the Licensing and Enforcement Committee is required to consider the objections.
- 8.3 Section 65 of the Act of 1976 states that if any objections are unresolved after the initiate 14 day consultation period, a date for a Licensing Committee hearing will be set, not more than two months after the first specified date on which the table of fares would have come into force 2nd February 2014, to consider the objections and make a final decision.
- 8.4 In reaching a decision Members are exercising discretion and must act in a judicial and reasoned way.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 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):

Is a PIA required?	Yes	No	Explanation: This is not a policy matter, therefore no screening assessments required.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation:
		x	
Has a full PIA been completed?	Yes	No	Explanation:
		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

11.0 Other Corporate Implications

11.1 The Licensing system for vehicles and drivers plays an important role in offering safe and secure transportation for travellers, particularly lone ones and it offers an alternative for the driver who wishes to drink alcohol.

11.2 The Hackney Carriage and Private Hire fleet form an important part of public transportation provision not least because of its 24 hour availability and door to door service.

Background Documents: None

ES21167
APPENDIX A

City of Gloucester	
Gloucester Now per Rate 1 mile	£1.84
Gloucester Position in Table	125
Gloucester increased to local average	£2.16 17.28%
So, if Mid/SW limiter is applied	£1.90 3.26%
If National Limiter is applied	£1.83 -0.54%

Area	Rate 1 mile	Two Mile Journey
Midlands	£1.70	£5.30
South West	£2.10	£6.10
Average	£1.90	£5.70
National Average	£1.83	Position in National Table
Local Areas		
Forest of Dean	£2.70	50
CDC	£2.20	234
Stroud	£2.00	39
Tewkesbury	£2.00	121
Cheltenham	£1.89	92
Average	£2.16	107.2
Gloucester	£1.84	125

Website address of
Private Hire Taxi Magazine Table
<http://www.phtm.co.uk/league-table.asp>

		<u>Current</u>	Mid/SW 2012 3.26%
Rate 1			
1st drop yards for	3.00	980	949
subsequent drops yards for	0.20	191	185
Waiting time seconds for	0.20	38	37
Rate 2			
1st drop yards for	4.00	999	967
subsequent drops yards for	0.20	148	143
Waiting time seconds for	0.20	29	28
Rate 3			
1st drop yards for	5.00	1244	1205
subsequent drops yards for	0.20	128	124
Waiting time seconds for	0.20	27	26
Soiling Charge £		£65	£65
RATE 1			
1st Mile		£3.82	£3.88
subsequent mile		£1.84	£1.90
Waiting time /hour		£18.95	19.46
RATE 2			
1st Mile		£5.03	£5.11
subsequent mile		£2.38	£2.46
Waiting time /hour		£24.83	£25.71
RATE 3			
1st Mile		£5.81	£5.90
subsequent mile		£2.75	£2.84
Waiting time /hour		£26.67	£27.69

Comparative Table of Fares

August 2013 figures

Rating	Council	TARIFF 1							TARIFF 2							Start date
		Flag	1 mile	2 miles	5 miles	10 miles	Running Mile	Flag	1 mile	2 miles	5 miles	10 miles	Running Mile			
53	Forest of Dean	£2.22	£3.57	£6.27	£14.37	£27.87	£2.70	£2.80	£4.25	£7.15	£15.85	£30.35	£2.90	£2.90	April 2011	
42	Stroud	£2.50	£4.30	£6.40	£12.40	£22.30	£2.00	£3.00	£5.10	£7.50	£14.70	£26.40	£2.35	£2.35	July 2011	
125	Tewkesbury	£2.60	£3.85	£5.86	£11.85	£21.85	£2.00	£3.60	£5.10	£7.50	£14.70	£26.70	£2.40	£2.40	July 2011	
29	Bristol City	£2.60	£4.40	£6.40	£12.40	£22.40	£2.00	£3.40	£5.40	£7.60	£14.20	£25.20	£2.20	£2.20	July 2013	
96	Cheltenham	£2.40	£4.20	£6.00	£11.80	£21.20	£1.89	£3.00	£5.25	£7.50	£14.75	£26.50	£2.37	£2.37	Nov 2012	
128	Gloucester	£3.00	£4.00	£5.80	£11.20	£20.60	£1.84	£4.00	£5.20	£7.60	£14.60	£26.60	£2.39	£2.39	Feb 2012	
237	Cotswold	£2.80	£3.10	£5.30	£11.90	£22.90	£2.20	£3.20	£3.59	£6.19	£13.99	£26.99	£2.60	£2.60	October 2008	
	Proposed Tariff	£3.00	£4.00	£5.80	£11.60	£21.20	£1.90	£4.00	£5.20	£7.60	£15.00	£27.40	£2.46	£2.46		
	County Average	£2.50	£3.80	£5.96	£12.46	£23.22	£2.15	£3.12	£4.65	£7.16	£14.79	£27.38	£2.52	£2.52		
	South West Average	£2.70	£3.98	£6.10	£12.40	£22.97	£2.10	£3.73	£5.48	£8.23	£16.78	£31.03	£2.85	£2.85		
	National	£2.70	£3.73		£11.02	£20.30	£1.83	£3.57	£4.91	£7.30	£14.45	£26.53	£2.40	£2.40		

*The running mile shown with a * means the price distances set after the initial distance change again.

The Citizen

Monday 14th October 2013.

Public Notices

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
FIXING OF HACKNEY CARRIAGE RATES**

The Council proposes that the rates of fares and certain other charges in connection with the hire of hackney carriages which were last changed in February 2012 should be varied as shown below with effect from Monday 2 December 2013. Changes are indicated in bold.

1. The rates of such fares and charges, as varied by the Council, shall be as follows:-

1.	Mileage Rate 1 - daytime Between 7.00am and 9.00pm Monday to Saturday	a)	For the first 949 yards or part thereof £3.00 (currently £3.00 for 980 yards)
		b)	For each subsequent 185 yards or part thereof 20p (currently 191 yards)
	Rate 2 - night-time Between 9.00pm and 7.00am Monday to Saturday, All day Sundays, and between 6.00pm and 11.00pm on Xmas and New Years Eve	a)	For the first 967 yards or part thereof £4.00 (currently £4.00 for 999 yards)
		b)	For each additional 143 yards or part thereof 20p (currently 148 yards)
	Rate 3 - between 11.00pm on the day before and 7.00am on the morning following each and every PUBLIC HOLIDAY	a)	For the first 1205 yards or part thereof £5.00 (currently £5.00 for 1244 yards)
		b)	For each additional 124 yards or part thereof 20p (currently 128 yards)
2.	Waiting Time Rate 1 Rate 2 Rate 3		20p for 37 seconds or part thereof (currently 20p for 38 seconds)
			20p for 28 seconds or part thereof (currently 20p for 29 seconds)
			20p for 26 seconds or part thereof (no change)
3.	Extra Charges	a)	for each passenger over ONE per journey and for each bicycle or pram 20p.
		b)	for each package carried outside the taxi compartment supermarket size carrier charged at 10p for 2, all other substantial packages 20p each. For all wheelchairs and guide/assistance dogs: NO CHARGE.
		c)	Where the customer has soiled the taxi requiring off the road internal cleaning/ valeting: £65
		d)	NOTE The actual meter reading for all journeys will be expressed to the nearest 20p. For each passenger over FOUR per journey: 60p

2. As required by the Act for the next 14 days a copy of this Notice will be available during office hours for public inspection without payment at the address below.

3. Any objection to the proposed variation should be made in writing to me stating the ground(s) for objection within 14 days of today's date.

Dated: **14th October 2013**

Gillian Ragon • Public Protection (Group Manager)
Herbert Warehouse, The Docks, Gloucester
Fax: 01452 396340 • E-mail: heretohelp@gloucester.gov.uk

CLW

ES21167
APPENDIX D

From:
Sent: 22 October 2013 13:20
To:
Subject: Re: Hackney Carriage Rates of Fares

Hi

Thank you for this but I have to say that I find it pathetic that any driver wants to increase the tariff. I have been on the rank this morning and done £12 in 3 hours !!! I don't care what the midlands and south west are doing, I don't work anywhere but Gloucester and any increase in fares will only serve to worsen the situation.

Drivers that are requesting this rise are independent drivers who could maximise their income by joining a system so that they are not having to return to rank after every pick up.

The city council are actively trying to attract more people to use the centre and yet the cost of public transport keeps increasing and putting people off. My income this year has dropped by 38% on last year and this the exact reason why I am actively looking to get out of the trade.

Regards,

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Meeting:	Licensing and Enforcement Committee	Date:	10th December 2013
Subject:	HCD and PHD Drivers Badge Consultation		
Report Of:	Lisa Jones, Food and Licensing Service Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Philippa Golden, Licensing and Enforcement Officer		
	Email: Philippa.golden@gloucester.gov.uk Tel: 396028		
Appendices:	1. Copy of an Image of current drivers Hackney Carriage and Private Hire badges		
	2. Request from Hackney Carriage Trade		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For members to make a decision concerning information to be included on Hackney Carriage and Private Hire Drivers badges, following a request from the Hackney Trade to reconsider the inclusion of Drivers names on the front of Licence badges.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **RESOLVE** one of the following:
- a) That drivers names should be displayed on the front of the badge (no change)
 - b) That drivers names should be displayed on the back of the badge.

3.0 Background and Key Issues

- 3.1 The City Council has statutory powers to licence Hackney Carriage and Private Hire drivers and may apply conditions to issue of such a licence. The City Council have approved a comprehensive set of general conditions which are intended to maintain minimum standards of operation within the Hackney Carriage and Private hire trades for the benefit, convenience and safety of the travelling public.

- 3.2 The law at present states that there is a provision by way of a bye law for Hackney Carriage drivers to wear identity badges.
- 3.3 Section 68 of the Town Police Clauses Act 1847 states that *'Commissioners may from time to time ... make byelaws for ... determining whether such Hackney Carriage drivers shall wear any and what badges...'*
- 3.4 The law also states that the Council also have provisions for Private Hire drivers; Section 54 of Local Government (Miscellaneous Provisions) Act 1976 states;
- 'When granting a driver's licence under Section 51 of this Act a district Council shall issue a driver's badge in such a form as may from time to time as prescribed by them.*
- (2)(a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such a badge in such position and manner as to be plainly and distinctly visible.'*
- 3.5 In June 2011, Gloucester City Council introduced a decision to print names on their identification badges. This decision did not go out for consultation as it was felt that this was an operational matter and was not a change to the licensing policy.
- 3.6 Currently, drivers licence badges show, amongst other things, their driver number, their photo, their name and the licence expiry date. The lettering of the name is actually much smaller than the 'badge number' and the 'valid until' date, which both are in bold. The driver's name is not in bold and is set at a smaller font, so it is not more clearly noticeable than the badge number. Drivers are not permitted to work without their licence Identification badges, as they should always be available for authorised Officers and the public to see. A copy of the Councils badges is shown in **Appendix 1**.
- 3.7 Gloucester Hackney Carriage Association (GHCA) has requested that the names of Drivers are removed from badges, due to concerns about their safety. Extracts from two emails (Appendix 2) have been put forward expressing their concerns which are;
- That the public may look up drivers' names through the public phonebook and so become a possible target for harassment and violent attacks.
 - They believe that the public should be able to contact the Council with the badge number if they have concerns/complaints about a driver.
- 3.8 Gloucester City's August taxi and private hire newsletter also highlighted to all drivers that the City Council was reviewing the appearance/style of the current badge and this asked drivers to feedback any comments of suggestions to the licensing team. No further responses were received from the trade.
- 3.9 Members should note that a public register of Private Hire and Hackney Carriage Drivers is held and that drivers' names are included on this register. It should therefore be noted that if a member of the public wanted to know this information

because the name was not displayed on the badge, they can make a request to the Licensing Authority for this information. The Council would then be obliged to provide this information.

3.10 Police Officers and Licensing Enforcement Officers preferred that licensed drivers show their names on badges for the following reasons;

- Past experiences have highlighted difficulties faced by Police Officers and Enforcement Officers whilst carrying out routine spot checks on drivers. If the driver fails to produce identification other than the number shown on their licence badge, it makes it difficult to establish the true name of the driver at the time of questioning/issuing a notice.
- It is more customer focussed, because it is easier for a passenger to remember a name of a driver rather than a number if they have any concerns regarding that driver.
- Avoids confusion with driver's identity, ensuring he is appropriately licensed.

3.11 Other licence badges are issued to Security Industry Authority (SIA) registered door staff and Personal licence holders. Members may find it useful to note that SIA registered cards have their names displayed on the front of the card, just in a smaller font to the number. Furthermore, Personal Licence Holder badges have the name and address of the holder on the front of the card.

3.12 Bus drivers also provide a public service. Members may also find it helpful to know that they also wear name badges whilst driving their vehicles. The Stagecoach group website states:

'All Stagecoach customer-facing staff wear name badges on trains, on buses or at stations to give passengers a named contact and help encourage communication.'

Local Authority Survey results

3.13 At a recent Gloucestershire Licensing Officers Group (GLOGS) all Licensing Authorities in the County shared their current procedures with regard to names on badges and whether their drivers had experienced any reports of violence associated with it. This information is presented in the table below:

District Council Name	Name on front or back or drivers badge?	Incidents of violence reported?
Cheltenham Borough Council	Front	None
Forest Of Dean Council	Front	None
South Gloucestershire DC	Back	None
Cotswold District Council	Front	None
Tewksbury Council	Front	None

3.14 A comparison of other Licensing Authorities is included below:

District Council Name	Name on front or back or drivers badge?	Incidents of violence reported?
Bath & NE Somerset Council	Front	None
Peterborough Council	Front	Reports of violence no details
Oxford City Council	Back	Reports of violence no details
Exeter City Council	Front	None
Plymouth City Council	Front	None
Norwich City Council	Front	None
Leicester City Council	Front	None

3.15 The information above shows that there have not been any reported incidents of violence against a driver in Gloucestershire as a result of having their names displayed on their licence badges. However, there have been a couple of incidents in other areas of the UK. Nevertheless, every Licensing Authority surveyed print the drivers' names either on the front or the back of the badge. Displaying the name on the front of the badge is the most popular approach and is used by our counterparts in Gloucestershire.

3.16 During the hackney carriage and private hire liaison meeting on 25th September 2013, the Licensing team asked the trade to inform them of any examples where a driver has experienced a negative impact as a result of having their name displayed on their badge. During this meeting the trade in attendance were not aware of any incidents but agreed to ask their colleagues to pass on any information that existed. To date no examples have been provided.

3.17 Following a pre-consultation the Licensing and Enforcement Committee in relation to these findings, they have expressed an enthusiasm to see the names displayed on the back of the badge.

4.0 Alternative Options Considered

4.1 Members may decide that names should continue to be printed on the front of driver's badges, because it is the most popular approach used by other local authorities and can be more customer focussed. This is current practice for Gloucester City so no changes would be needed to the badge template design.

4.2 The Licence team appreciate the trade's concerns about the potential for members of the public to obtain the driver's addresses through the telephone directory. This is a risk to all public/private service providers who carry

identification cards. This equally applies to Council Enforcement Officers. There is an option that those concerned can choose to make their home telephone number ex-directory.

- 4.3 The recommended option is to display the name of the driver on the reverse of the badge; this would allow Enforcement Officers to confirm the name of the driver at the time of questioning, whilst keeping it hidden from the customer. However, Members should note that any changes to the display of badges could incur an additional cost unless it is changed upon the renewal of the licence.

5.0 Reasons for Recommendations

- 5.1 The Officer recommendation is to retain the names on licensed badges for the purposes of public safety and customer focus. It is planned to re-introduce a taxi ambassadors scheme which will be tailored for Gloucester City and open to both Hackney Carriage and Private Hire drivers in the near future, this scheme aims to empower the drivers to act as ambassadors for the City and help guide tourists to popular City attractions. The fact that the licence number would be clearly visible on the front of the badge would support this customer focus.
- 5.2 During the investigations of Authorised Officers, the name on the badge helps to ensure the investigations are dealt with efficiently. If the Police or Border Control Agency need to liaise through the Licensing Team to confirm the identity, this can delay their investigations. These external Authorised Officers may not appreciate that a name is printed on the back of a badge unless they are working jointly with Licensing Officers at the time, so they may still need to confirm an identity where this is not known. If Members agree the recommendation which is to have the names printed on the back of the badge, Officers will inform these Authorities of this change.
- 5.3 Furthermore, Licensing Enforcement Officers do not always know or recognise all the licensed drivers, and there have been instances where drivers have provided incorrect names or incorrect spelling of names at the time of questioning. Having names on badges will ensure our Suspension Notices are correctly served at the time the offence is witnessed.

6.0 Future Work and Conclusions

- 6.1 If Members decide to change to the way driver's badges are currently displayed, it can be conducted upon the renewal of the drivers badge; no additional costs would be incurred through this approach, however, the badges will not have a consistent appearance for up to 3 years (in line with some three year licences).
- 6.2 In addition to the approach in 6.1 above, drivers can also request a replacement badge earlier than their renewal date but pay for it themselves if they do not want their badges displayed in the current fashion. No costs would be incurred by the licensing team. The cost of a replacement badge is £10.

6.2 Taxi and private hire drivers provide a public service and there should not be any reason why they should not be identifiable by the public or any Authorised Officer.

7.0 Financial Implications

7.1 Costs may be incurred if all badges are to be re-issued if a decision is made to have drivers names are printed on the back or removed from the front of the badge.

7.2 There will be a cost of officer time to change the template design, and if Members decided that all badges should be changed to a new design all at one time; there would be a cost of approximately £4,000 to do this, which will later be recovered through licence fees. This approach is not recommended.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The rationale behind a licensing regime covering this aspect of public transport (Taxis and Private Hire) is a provision of a service to the public that is accessible and safe, and seen to be so. Public safety is paramount in the licensing regimes that govern these vehicles, their drivers and operators.

8.2 Section 54 of the Local Government (Miscellaneous Provisions) Act 1976 places a duty on the local authority to issue a drivers' badge when a licence is granted to a private hire driver and the driver is required to wear it when acting as a private hire driver. The form of the badge shall be prescribed by the local authority from time to time.

8.3 The Council's powers to require Taxi Drivers to wear badges derives from Section 68 of the Town Police Clauses Act 1847 and byelaws made under that Section.

8.4 According to this report, names on badges were introduced in June 2011 and therefore there has been over two years to investigate evidence of factors and incidents for and against this practice continuing. Members need to consider this evidence and the opinions of those involved in enforcement, including the Licensing Team and the Police as well as the wishes of the drivers.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk Management Implications

9.1 The display of names on badges supports opportunities to conduct joint enforcement work with other agencies such as Police, HMRC and Border Control.

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: This is not a policy matter because the names of licensed drivers are accessible through the public register.
		x	
Has an initial PIA screening been completed?	Yes	No	Explanation: No adverse impacts
		x	
Has a full PIA been completed?	Yes	No	Explanation:
		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

Any Further Relevant Information:

None


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

1. Community Safety
The display of names of the front of badges increases public safety by reducing the fear of using an unlicensed driver because the customer will find it easier to identify the driver.
2. Environmental
None
3. Staffing
None
4. Trade Union
No comments.

Background Papers : Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

Person to Contact : Philippa Golden
Tel: 01452 396028
E-mail: philippa.golden@gloucester.gov.uk




 **GLOUCESTER CITY COUNCIL**

**PRIVATE HIRE
DRIVER**

PHD000

Name Here


VALID UNTIL: 01/01/2014



This Driver's Badge has been issued by
Gloucester City Council, Licensing authority for
the District

Gloucester City Council
Environmental Health
The Docks
Gloucester GL1 2EQ
Tel: 01452 396396

Website: www.gloucester.gov.uk
If lost please return to the above address

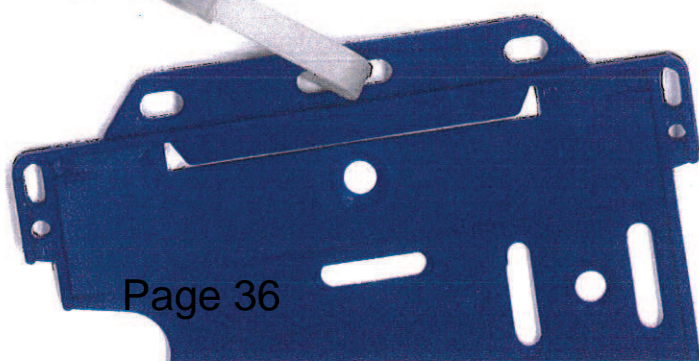

 **GLOUCESTER CITY COUNCIL**

TAXI DRIVER

HCD000

Name Here

VALID UNTIL 01/01/2014



Request from Hackney Trade

Received 10/05/2013

Two years ago, the department arbitrarily decided to include the names of licensed drivers on their badges; previously driver badges had a unique badge number and expiry date. This step was taken with no consultation and imposed as "policy"; another name for conditions by the back door. The GHCA objected and no notice was taken. The reason given was that drivers need to be readily identifiable by the police and members of the public. There was already a mechanism in place for that: people with an interest would approach the licensing department with the badge number and just cause for the enquiry and the department can then give the legal information. The department's excuse that council staff have names on their badges is not a suitable analogy. Taxi and private hire drivers do have the benefit of the kind of backup and security that council staff have in their somewhat sheltered existence. We are frequently on our own dealing with a wide variety of people and giving them such easy access to our names makes it very easy for us to be targeted. Magistrates are also provided with ID badges and they do not have names on them either. If the department has a problem with that then I must conclude that they are unable to keep proper records and are therefore unfit for purpose.

Zeya Ahmed Taxi Driver badge number 025

From: Zeya Ahmed
Sent: 26 August 2013 17:30
To: Licence Team
Subject: Drivers' badges consultation

I am writing to give my view on this poorly advertised and belated consultation.

The badge should not have the driver's name on it at all; to put the name on the back was a compromise suggestion and is unnecessary. The badge has a picture of the driver and his/her unique badge number; that information is sufficient to identify a driver for the purposes of the job. As long as the licensing department themselves keep proper records.

Zeya Ahmed

Badge number 25

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Meeting:	Licensing & Enforcement Committee	Date:	10th December 2013
Subject:	Hackney Carriage Rank Survey		
Report Of:	Mrs Lisa Jones, Food Safety and Licensing Services Manager		
Wards Affected:	All		
Contact Officer:	Anthony Moseley Licensing Enforcement Officer		
	Email:	Tel: 396322	
	Anthony.david.moseley@gloucester.gov.uk		
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To inform Members of the result of a survey into the feasibility of providing a Hackney Carriage Rank in the Southgate Street area of the City

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **RESOLVE** that Officers do not proceed with the creation and adoption of a new taxi rank in the vicinity of Southgate Street at this time.

3.0 Background and Key Issues

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976, by virtue of Section 63, gives district councils the power to create and adopt stands (ranks) for hackney carriages for the whole or any part of a day on any highway or private land. A district council must consult with the police, the highways authority and, in the case of private land, the landowner before proceeding to create and adopt. There is also a requirement to advertise the proposal by way of a public notice and to take into consideration any representations made concerning the proposal.
- 3.2 Furthermore a district council may not create and adopt a stand so as reasonably to prevent access to any premises and, when deciding a position, shall have regard to the position of any bus stops which would be in use at relevant times.
- 3.3 On 18th June 2013, the Licensing and Enforcement Committee was presented with the findings of a City wide taxi rank review. As part of this review the Hackney Carriage trade advised Officers that they would like the possibility of adopting a new additional rank in Southgate Street area outside of The New County Hotel. The trade felt there was a demand for passengers to be collected in this area as the

nearest taxi ranks to this location are on Brunswick Road and Southgate Street (outside Baker St public house). Members therefore requested that Officers monitor and assess the need for an additional rank to be adopted in this vicinity and consider possible locations.

- 3.4 A survey was conducted to establish whether residents in Gloucester City considered there was a need for a Hackney carriage rank in the Southgate Street area of the City. 125 people participated in the survey, which was carried out by the Council's Customer Services team via telephone and via social media (Facebook).
- 3.5 Participants were asked: 'Would you use a taxi rank if there was one in the vicinity of Southgate Street/Kimbrose Way in Gloucester ?'
- 3.6 The telephone and Facebook survey gave the result that 40% of those questioned would consider using a rank in the proposed area, however 58% said they would not and 2% were not sure. There is not therefore a clear mandate to support the creation and adoption of a rank in this location at this stage.
- 3.7 Preliminary discussion with the County Council Highways Authority suggested that a Hackney Carriage rank within the 'enhanced area' of Southgate Street goes against the pedestrianised environment that is being encouraged, reducing traffic flow through these parts. There is a possibility that an area in Kimbrose Way which is currently a loading/unloading bay could be utilised. However, this is within the pedestrianised area and would require an amendment to the TRO (Traffic Regulation Order) if Hackney Carriages were to be allowed to rank in this area during the day.
- 3.8 Although the positioning of a rank and times of operation are only at the proposal stage at this time, concerns have been expressed by the Gloucester City Centre Community Partnership, The Management of Cafe Rene, The Rector of St Mary de Crypt Church, Southgate Street and the Deacons of Brunswick Baptist Church on Southgate Street. The concerns include issues of potential anti-social behaviour, noise pollution and general nuisance.
- 3.9 It could be argued that these issues would conceivably be a problem with a night time rank as opposed to a daytime shoppers rank. During the day this area of Southgate Street is busy with buses and other vehicles also requiring access.

4.0 Alternative Options Considered

- 4.1 An alternative option to creating a Hackney Carriage stand is to provide a taxi hailing point. This can take the form of a sign on a post or any specific point to inform the public that a Hackney Carriage should regularly pass that location to enable them to hail a taxi. Members of the public can hail a taxi anywhere in the City, but by providing a specific hailing point, drivers will know where they are to ensure they regularly pass by. The Traffic Regulation Order would also apply in this case, so there would be a need to amend this, if Taxi's were encouraged to use this route during the day.

5.0 Reasons for Recommendations

- 5.1 The important aspect with regard to the creation and adoption of taxi ranks is that they need to be situated in a safe, easily accessible area, which people will want to use. Taxis are not obliged by law to use any specific rank and, unless there is a regular trade emanating from a rank, then the taxi trade could not reasonably be expected to support it.
- 5.2 At this time, there seems to be a lack of demand for a rank in this area and subsequently there is a risk that not enough drivers would support it by regularly using it. Is it therefore recommended that the Council do not to invest such time and money into formally consulting and adopting a rank for this area at this time.

6.0 Future Work and Conclusions

- 6.1 It is planned to carry out another demand survey investigating the demand for Hackney Carriages and Private Hire in the City in 2014. The last survey was carried out in 2010, but we are expecting changes in activity in the City. From December 2013, Eastgate Street will be closed on Friday and Saturday nights for a 6 month experimental period, so it would be interesting to see if the demand alters in different parts of the City following this closure. Development also continues in the area around the Quays/Docks which may again alter the demand for passengers to be collected in different parts of the City. The demand survey should reveal whether the demand changes to the area of Southgate St/Kimbrose way.
- 6.2 If Members decide that they would like Officers to pursue the option to create and adopt a Hackney carriage rank in the Southgate Street area further, there would need to be wider and more in depth consultation with both the Police and Gloucestershire Highways. It would also be important to consult with any obvious stakeholders such as persons who run businesses that may be affected by any changes to Traffic Orders e.g. shops, restaurants another stakeholders etc. who may be using areas to load or unload goods.

7.0 Financial Implications

- 7.1 The cost of inserting a public notice in the local newspaper will be met out of the Hackney Carriage budget. The cost of amending Traffic Orders and the cost of replacing existing signs and road markings is estimated to cost around £3,000, this cost would also need to be covered by the Hackney Carriage budget.

8.0 Legal Implications

- 8.1 Contained within the body of the report.

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report are as follows:-
- Hackney Carriage stands are located so as unreasonably to prevent access to any premises,

- Hackney Carriage stands are located so as to impede the use of any bus stops and where it will impact on access to any station or depot of any road passenger transport operators, except with the consent of those operators.
- Hackney Carriage stands are located on any highway without the consent of the highway authority.
- Consultation inadequate.

9.2 The risks identified above are all low due to the actions / risk responses taken.

10.0 People Impact Assessment (PIA):

10.1 The Screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 It is important that the travelling public have ready access to licensed taxis at all times of the day to ensure their safety and convenience particularly at times and in places when other forms of public transport are not available.

Sustainability

11.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

Staffing & Trade Union

11.3 None

Background Documents:

The Local Government (Miscellaneous Provisions) Act 1976



Meeting:	Licensing and Enforcement Committee	Date:	10th December 2013
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Gill Ragon, Public Protection Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk	Tel:	396047
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including enforcement work, progress updates of our work plan and any changes in Licensing Law.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 On 10th September a full Licensing and Enforcement Committee was held to consider the following items:

- **Scrap Metal Dealers Act 2013**

This new Act took effect from 1st October 2013 and repealed the former legislation governing scrap metal dealers and motor salvage operators. Previously, scrap metal dealers were only required to only register for free with the local authority whilst obtaining a waste collectors licence from the Environment Agency. Motor Salvage Operators however, were required to obtain a licence costing £70 to carry out those activities. Following a nationwide rise in metal theft and recognition that the two activities are so similar in nature,

Government reviewed the regulatory controls and merged the two activities under one piece of legislation.

The delegated functions have been assigned between the Licensing and Enforcement Committee and Licensing Officers and this was approved by Full Council on 12th September 2013. Proposed fees are referred to Members of the Licensing and Enforcement Committee on 10th December 2013 for approval.

3.2 There have been no Licensing and Enforcement Sub-Committees held in the last quarter.

3.3 Southgate Street Taxi Rank Provision

The Licence team have assessed the demand and feasibility of providing a taxi rank in the vicinity of Southgate Street and this matter is now referred to the Licensing and Enforcement Committee for final decision on 10th December 2013.

3.4 Eastgate Street Closure on Weekends

The Nightsafe Group have successfully made progress towards the full pedestrianisation of Eastgate Street between 10pm and 5am on Friday and Saturday nights. Gloucestershire Highways have put in place a 6 month experimental order for the closure to commence from 1st December 2013, so the first weekend that saw these changes was 6th December. The Licensing Team will continue to liaise closely with the Nightsafe members and the taxi and private hire trade to ensure that any difficulties associated with collecting a dropping off passengers are resolved.

The Licensing Team have written to all Private Hire Operators to inform them about this closure so that they can ensure appropriate arrangements are made with their passengers upon collection. Operators have a duty to ensure that drivers and vehicles working in their fleet comply with legislation and Officers will be monitoring activities during these weekends to ensure that any illegal plying for hire is eliminated and that these drivers are not seen to be 'ranking up' or touting for custom.

3.5 Taxi Tariff

The current tariff card took effect in February 2012 and the rates were frozen during 2013. We recently published a proposed 3.2% increase to the taxi rates which was intended to take effect on 2nd December 2013. This brings the fares in line with the average for the Midlands and South West. However, we have received one objection from a Hackney Carriage driver who does not want any increase to take effect. This matter is now referred to the Licensing and Enforcement Committee for final decision on 10th December 2013.

3.6 Gating Orders

On 11th September 2013, Cabinet agreed to make a Gating Order for Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street. The Licensing Team is currently proceeding with the procurement process and once a suitable contractor is accepted planning permission will be sought before the gate can be installed.

An existing gating order at Badgers Close, Abbeydale was recently reviewed to assess the impact of the order and its effectiveness through a consultation with the Police and local residents. Residents and the Police felt that the gates should remain as they have proved to be very effective, so the order will now remain in place at least until it is next reviewed in October 2014. Feedback was received from residents that the alleyway had become somewhat cluttered but this has now been cleared by the Council.

3.7 New Licensing Applications

Between 21st August 2013 and 21st November 2013 the Licensing Team have received a total of 480 licensing applications, this is 147 more than we received in the last quarter. From this total, 129 are new Licensing Act applications; the majority of these consisted of premises variations where 43 were received as well as 41 Temporary Event Notifications. This is similar to the amount of applications received in the previous quarter (we reported 115 applications including 45 TENS).

53% of all Licence applications received related to Private Hire and Taxi licensing. Last quarter we reported 52% which included 174 applications as opposed to 255 received this quarter. 27% related to applications under the Licensing Act 2003 (last quarter we reported 35%). This quarter has seen a high number of licensing applications with the team as we also received 10 street trading applications and 33 lottery applications in compared to 11 received last quarter. Seasonally, this is consistent with our expectations as we expect a higher number of lottery and temporary event applications as it comes closer to Christmas.

3.8 Pet shop Licensing

In September, the Licensing Team licensed a new pet shop in Gloucester City which operates from a residential property in Podsmead. The premises had a licence to sell up to 300 snakes (mainly Pythons) which includes adults and small hatchlings. Licensing Officers have liaised closely with Planning Officers and a local Veterinarian to ensure the accommodation is suitable and safe for the sale of such a high number of reptiles.

The same licence holder has recently requested a licence to house 2 dwarf African crocodiles and one Chinese alligator at the premises under the Dangerous Wild Animals Act. The crocodiles are not intended for sale but would require a licence to ensure they are kept safe from members of the public.

4.0 Court cases and other Enforcement Work

- 4.1 A Private Hire Driver was prosecuted on 21st October at Cheltenham Magistrates Court for Plying for Hire in December 2012. Undercover officers acted as customers on a test purchase operation jointly conducted with the Police and Mohammad Ismail PHD199 accepted their fare without pre-booking. The driver was fined £300, £30 victim surcharge and the Council was awarded £600 costs. He was also prosecuted by Gloucestershire Constabulary for driving with no insurance and received 6 penalty points on his DVLA driver's licence. This driver will be referred to the Licensing and Enforcement Committee for Members to determine the status of his Private Hire Driver's Licence.

Taxi and Private Hire Enforcement:

- 4.3 Over the last few months, Licensing and Enforcement Officers have monitored activities of licensed drivers and their vehicles. A number of drivers have been issued suspension notices requiring works to be made to their vehicles where defects have been found or door panels/plates are missing. The Licence team have also worked with Gloucestershire Constabulary to help pull over vehicles on the roadside.
- 4.4 During October, Licensing and Enforcement Officers convinced two licensed premises to close during their out of hour's visits. One takeaway was found open to customers at 2am without the necessary late night refreshment licence and the second was a club which was in breach of their licence conditions by not having door men in attendance on a very busy night.
- 4.5 The licence team continue to issue an appropriate number of totting up penalty points against drivers proprietors or operators through our internal enforcement procedures where breaches are found in contravention of the rule books. Where 12 or more points are issued, the Licence holder will be referred to the Licensing and Enforcement Sub-Committee for a disciplinary hearing. Some infringements can incur 12 points at one time, e.g. plying for hire.
- 4.6 The Licence Team continue to carry out spot checks to challenge illegal plying for hire activities. Further action is being taken against offenders and outcomes of any prosecutions taken will be published on our taxi and private hire newsletter in the future.

5.0 Legislative Updates

5.1 Personal Licences

The Home Office has recently consulted upon new proposals to abolish the need for Personal Licences altogether. Central Government feels that the current approach is not targeted as it requires all premises from the riskiest to the quietest to comply if they sell alcohol. Government's aim appears to be moving in

the direction of enabling licensing authorities to impose conditions on premises licences requiring strict training requirements of those selling alcohol instead. In addition, the proposals of this consultation seek to strengthen legislation to allow the Police to object against Designated Premises Supervisors (DPS) on the crime prevention objective in general, rather than only in exceptional circumstances whilst allowing Licensing authorities to require criminal records checks with any new application to vary a DPS.

Currently, all Personal Licence holders have to have a criminal record declaration on application and their licence lasts up to ten years. The majority of personal licence holders will be due to renew their licences in 2015, so the result of this consultation document may change the need for this, if it is decided to eradicate personal licences altogether.

The Consultation ran until 7th November 2013 and the document can be found on: <https://www.gov.uk/government/consultations/personal-alcohol-licences-enabling-targeted-local-alternatives>

5.2 High Court decision on appeal against Licensing Committee decision:

A recent High Court decision in November 2013 has confirmed that a magistrates' court on appeal from the decision of a Licensing Committee must take that decision into account and must only reverse it if it is satisfied that it is wrong. The case involved a nightclub in Westminster; Westminster's Licensing Committee on a review application brought by the Police imposed a number of conditions and the operator appealed against three.

The Appeal was refused by the magistrates' court but then challenged by way of judicial review. The High Court dismissed the application.

Interestingly, the High Court did not interfere even though on two of the three conditions the Licensing Committee did not give any reasons. The High Court supported the Judge who effectively supplied his own reasons and commented that the conditions were 'proportionate' and that a realistic alternative would have been to revoke the premises licence. It is now suspected that operators may have to rely more on wholly unreasonable decisions possibly combined with a period of problem free trading to persuade the Magistrates' Court that the original decision 'is' now wrong.

5.3 Case including Cumulative Impact Areas and the grant of an off-licence: (*Sainsbury's Supermarkets Limited v Leicester City Council*)

A magistrates' court has allowed an appeal by Sainsbury's against a refusal of a premises licence in a cumulative impact area. This case demonstrates the critical importance of giving individual consideration to the merits of applications and appeals, even when an application is contrary to a directly applicable cumulative impact policy.

In this case, the premises fell in the cumulative impact area, which had been designated by Leicester City Council expressly to create a presumption against off-licence applications, so as to tackle the issue of street drinking in the city centre.

Sainsbury's argued that the issue had been addressed through licence reviews and dealing directly with street drinkers, and that its proposal would not add to any impact which remained. It offered a suite of conditions to deter street drinkers. The council's case was that its progress ought not to be threatened by yet further licensed premises, even by a well-run operator such as Sainsbury's. The court held that Sainsbury's is a reputable and responsible organisation which can provide effective training, systems and support to a high level in the pursuit of good practice. It also noted that higher strength alcohol consumed by street drinkers, which Sainsbury's would not sell, was being purchased outside the cumulative impact area. It stated: "Whilst we fully understand and approve the implementation of the cumulative impact zone, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIZ, the licensing policy and the overall situation in the area."

The Court also heard an extended argument on costs. Sainsbury's argued that the council had behaved unreasonably:

- (a) at the point of decision by failing to understand its own policy (by looking for exceptional circumstances when all that was necessary was a finding that the licence would not add to the impact), and by failing to grapple with the specific proposal before them or deliver proper reasons;
- (b) by failing to accept an offer made without prejudice save as to costs which contained all the conditions eventually imposed; and
- (c) by failing properly to appraise the evidence once served.

The council argued that it had given the case proper consideration at all times, and that it could not have agreed to overturn the decision of its own licensing sub-committee. The court decided to award costs to Sainsbury's in the sum of £44,000, which was the sum incurred since service of the without prejudice letter.

6.0 Future Work

6.1 Scrap Metal Dealers Act 2013:

In the New Year (2014), Members shall be updated on the progress of the licensing team with their determinations for Scrap Metal Dealers Applications. Once fees are approved and received from all applicants, the licensing Team will be able to inform Members how many were granted and/or refused.

It is planned to develop a policy for implementing this Act to ensure a clear and transparent application process is taken by Officers, in particular with regard to determining the suitability of applicants. This draft policy will be referred to members of the Licensing and Enforcement Committee in March 2014 for approval.

6.2 Taxi and Private hire Fees 2014:

The fees for Taxi and Private Hire Licensing were last changed in April 2010 where they were reduced by 5%. The Licensing Team have recently reviewed the current fees and charges and no increase is proposed for the current fees for year 2014/15. The fees will be published in January 2014 to incorporate a new fee for the process of considering exemptions for private hire vehicles from displaying plates and signage where they are conducting executive or chauffeur work, and any changes will be scheduled to take effect from 1st April 2014.

7.0 Forward work plan and Conclusions

7.1 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
December 2013	Scrap Metal Dealers fees The display of Drivers Names on Badges Southgate Street vicinity Taxi Rank Assessment Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status Quarterly Licensing Update for Members
March 2014	Sex Establishment Policy Review Quarterly Licensing Update for Members
<i>May 2014</i>	<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
<i>October 2014</i>	<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>
<i>November 2014</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
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 1st April 2015)

	Quarterly Licensing Update for Members
March 2015	Review of Advertising Board and Tables and Chairs Policy Quarterly Licensing Update for Members
<i>May 2015</i>	<i>Members Training</i>
June 2015	Review of Private Hire and Hackney Carriage Policy Quarterly Licensing Update for Members
<i>July & August 2015</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
September 2015	Update on proposed Taxi Tariff (to take effect December 1st 2015) Gambling Act Statement of principles for approval (to take effect Dec 2016) Quarterly Licensing Update for Members
<i>October 2015</i>	<i>Consult on Taxi Meter Tariff over 14 days</i> <i>Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2015</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2015	Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on Licensing fees (fees to take effect 1st April 2016) Quarterly Licensing Update for Members
March 2016	Street Trading Policy Review Quarterly Licensing Update for Members
<i>May 2016</i>	<i>Members Training</i>
June 2016	Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members
September 2016	Update on proposed Taxi Tariff (to take effect December 1st 2016) Quarterly Licensing Update for Members
<i>October 2016</i>	<i>Consult on Taxi Meter Tariff over 14 days</i> <i>Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i>
<i>November 2016</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2016	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on Licensing fees (fees to take effect 1st April 2017) Quarterly Licensing Update for Members

- 7.2 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.

8.0 Financial Implications

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

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

9.1 There are none at this time.

(Legal Services have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 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.

11.0 People Impact Assessment (PIA):

11.1 There are no key decisions included in this report.

11.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

12.0 Other Corporate Implications

Community Safety

12.1 None

Sustainability

12.2 None

Staffing & Trade Union

12.3 None

Background Documents: None

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