

Gloucester City Council

Committee	: Licensing and Enforcement
Date	: 18th October 2011
Subject	: Members Update and 3 Year Work Plan for Licensing and Enforcement Committee
Decision Type	: For Information
Ward	: All
Report By	: Gill Ragon, Group Manager of Environmental Health and Regulatory Services
No. Of Appendices	: None
Reference No.	: ES21123

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including feedback on Appeal Cases heard by the Magistrates Court against decisions made by this Committee. Furthermore, to outline a 3 year work plan for Licensing and Enforcement Committee quarterly meetings so that Members can see which Policy matters are due for consideration over the next 3 years.

2.0 Recommendations

- 2.1 Members note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

3.1 Taxi Marshalling Scheme

On 29th July a new security firm took over the taxi marshalling scheme in Eastgate Street. This contract has been renewed at a much lower cost and offers additional security support through the use of head cameras, close liaison with the local SIA doormen, use of pub watch radio and fast response back up should problems arise. The funding was secured through the Safer Gloucester Partnership and will cover the scheme for 12 months. Just recently (during September) Liquid Nightclub have liaised with the Police and agreed to provide Taxi Marshalls on a Wednesday night 23:30 to 04:00. Liquid will be paying for this and using Cuff Security, these are the same Marshalls we use. This will not impact on the contribution that they are also providing towards the Marshalls on Saturday and Sunday, it just means that there will be security on all 3 nights.

3.2 Road Closure in Eastgate Street

From 26th August 2011, Gloucestershire Highways in liaison with Gloucestershire Constabulary have partially closed Eastgate Street from one side, making the road a one-way system on Friday and Saturday nights. The partial closure was implemented to try and reduce the number of vehicles in Eastgate Street on a Friday and Saturday Night, preventing vehicles from obstructing the street by conducting three-point turns in the road etc and also to make it safer for pedestrians and easier for emergency services to gain access when needed.

- 3.3 The Taxi rank has remained operational and the Marshalls have welcomed this change. Vehicles now have to enter the restricted section from the town centre side and exit out onto Barton Gates. The side roads have not been affected by the changes, bollards are erected in Eastgate Street itself (adjacent to Nettleton Road and GL1).
- 3.4 We continue to receive feedback from the Trade and the Police about this closure, both parties have indicated that they are happy with this scheme. The Police in particular have seen improvements in the accessing this Street for emergencies during the weekend nights.

4.0 Appeal Court cases

- 4.1 On 18th July an Appeal was heard at Cheltenham Magistrates Court to consider the decision made by Gloucester City Council's Licensing and Enforcement Committee regarding a driver that was convicted of plying for hire on 29th October 2010. The Committee considered this driver's conviction on 31st January 2011 and resolved to suspend his Private Hire Driver's licence until 13th August 2011 for two reasons: proven breaking of legislation as detailed in the report and breach of trust by placing passengers in a position whereby they would not be insured. Cheltenham Magistrates allowed the appeal determining no action be taken on the Appellant. In addition the Court awarded that the Council pay up to £250 costs to the driver on the grounds that they made an unreasonable decision because they had not considered his 14 years of good record of behaviour.
- 4.2 On 5th August, Gloucester Magistrates Court considered an appeal from a Private Hire Driver against a decision made by the Licensing and Enforcement Committee to revoke his licence on the grounds that he was not a fit and proper person following a conviction for common assault. The Court decided that the driver was considered to be a fit and proper person and that the Council should reinstate his licence. This was principally because although he had been convicted of assault occasioning ABH his sentence was at the very lowest of the scale, his wife gave credible oral evidence on oath, he provided 3 character references which proved to be crucial documentation to demonstrate what the driver had done to improve his ability to cope and improve his anger towards women. This information was not made fully available at the Committee hearing, so the Council had not made an unreasonable decision at the time. There was no award of costs to either party.
- 4.3 On 12th September an appeal was heard at Gloucester Magistrates Court to consider a decision made by the Licensing and Enforcement Committee to suspend another Private Hire Driver's Licence after he was convicted of plying for hire on 29th October. The Court upheld the decision of the Council to suspend his Private hire Driver's Licence for the remainder of the period. There was no award of costs to the Council.
- 4.4 There is still an appeal outstanding on the All Nations Community Centre following a review of their Club Premises Certificate in July 2010. We hope to be able to brief members on the outcome in December 2011.

5.0 Future Work

5.1 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 ENFORCEMENT COMMITTEE	POLICY ITEM
18th October 2011	Pedicab Licensing Report Training on Taxi and Private Hire Disciplinary Hearings
13th December 2011	Advertising Boards and Tables and Chairs Policy Review of Private Hire and Hackney Carriage Policy (consultation)
<i>January 2012</i>	<i>Private Hire and Hackney Carriage Policy 12 weeks consultation. Advertising Boards Policy and Tables and Chairs Policy under 6 weeks consultation.</i>
<i>February 2012</i>	<i>Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days</i>
March 2012	Private Hire and Hackney Carriage Policy for approval. Advertising Boards and Tables and Chairs Policy for approval (to take effect April 2012). Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2012) Update on proposed Taxi Tariff (to take effect May 1st 2012)
<i>April 2012</i>	<i>Consult on Taxi Meter Tariff over 14 days</i>
<i>May 2012</i>	<i>Members Training</i>
June 2012	Update Committee on Taxi Meter Tariff set Review of Gambling Act Statement of principles
<i>July & August 2012</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
September 2012	Gambling Act Statement of principles (to take effect Dec 2012)
December 2012	
<i>February 2013</i>	<i>Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days</i>
March 2013	Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2013) Update on proposed Taxi Tariff (to take effect May 1st 2013)
<i>April 2013</i>	<i>Consult on Taxi Meter Tariff over 14 days</i>
<i>May 2012</i>	<i>Members Training</i>
June 2013	Update Committee on Taxi Meter Tariff set Review of Licensing Act Statement of principles
<i>July 2013</i>	<i>Consult on Licensing Act 2003 Statement of Principles over 12 weeks</i>
September 2013	Licensing Act 2003 Statement of principles (to take effect January 2014)
December 2013	

February 2014	Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days
March 2014	Sex Establishment Policy Review Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Update on proposed Taxi Tariff (to take effect May 1st 2014)
April 2014	Consult on Taxi Meter Tariff over 14 days
May 2014	Members Training
June 2014	Update Committee on Taxi Meter Tariff set Sex Establishment Policy Review (to take effect July 2014)
September 2014	Review of Advertising Board and Tables and Chairs Policy
December 2014	Review of Private Hire and Hackney Carriage Policy

6.0 Conclusions

6.1 At each quarterly Licensing and Enforcement Committee meeting, we will 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 appeals pending.

7.0 Financial Implications

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

8.0 Legal Implications

8.1 There are none at this time.

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

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

10.0 People Impact Assessment (PIA):

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

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

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

Any Further Relevant Information:

None

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

None

Background Papers : None

Published Papers : None

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