

# Gloucester City Council

<b>Committee</b>	: <b>Licensing and Enforcement</b>
<b>Date</b>	: <b>13<sup>th</sup> December 2011</b>
<b>Subject</b>	: <b>Members Update for Licensing and Enforcement Committee</b>
<b>Decision Type</b>	: <b>For Information</b>
<b>Ward</b>	: <b>All</b>
<b>Report By</b>	: <b>Gill Ragon, Group Manager of Environmental Health and Regulatory Services</b>
<b>No. Of Appendices</b>	: <b>None</b>
<b>Reference No.</b>	: <b>ES21127</b>

## 1.0 Purpose of Report

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

## 2.0 Recommendations

- 2.1 Members note the contents of this report.

## 3.0 Updates on Licensing Activities in the last Quarter

### 3.1 Taxi Marshalling Scheme

On 29<sup>th</sup> July Cuff Security took over the taxi marshalling scheme in Eastgate Street. The funding was secured through the Safer Gloucester Partnership and will cover the scheme for 12 months. During September 2011 Liquid Nightclub 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 separately using the Cuff Security taxi Marshalls.

- 3.2 On 28<sup>th</sup> October 2011, the Licence Holders for Liquid & Diva nightclub went into receivership; they immediately submitted an interim authority notice allowing them to continue trading until the licence can be transferred to new licence holders. The success of Liquid in Gloucester has made it one of the top 30 premises in the UK operating under Luminar Leisure. I have been assured that this position will not impact on the contribution that they are providing towards the Marshalls on Wednesday, Saturday or Sunday.

### 3.3 Road Closure in Eastgate Street

From 26<sup>th</sup> 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 between 10pm and 5am. 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.

3.4 In general feedback has been very positive, the Taxi Trade have welcomed the closure. The Police have found that this partial closure, it is making their jobs easier to identify individuals when there is disorder in Eastgate Street, and at the same time, it is helping public dispersal by ensure the majority of vehicles using this zone are either Taxi's or Private Hire taking members of the public home. The Police have also issued a number of fixed penalty notices to those driving the wrong way

3.5 This Traffic Order is experimental and lasts 6 months, by January 2012 the stakeholder group will decide whether to keep it running under the same terms or whether to tweak it. It is viewed to keep the partial closure going due the positive impact it is having in this area and the support it gives the Police.

### 3.6 Pedicabs

During the Licensing and Enforcement Committee on 18<sup>th</sup> October 2011, Members agreed that Officers should consider licensing Pedicabs as Hackney Carriage Vehicles and seek to implement a Policy for the licensing of Pedicabs. This Policy remains in draft and awaits further legal clarification; however, in the meantime alternative arrangements are being investigated to trial the Pedicab business in the Docks area without the need for a Hackney Carriage licence. This approach is conducted in Bristol, where the Pedicab riders pick up their passengers from a designated patch on private land, thus avoiding any standing for hire in a street.

3.7 Officers will continue with their work on the Pedicab policy, to cover those riders who do wish to act as a hackney carriage vehicle and pick up passengers from areas of public land. Members may also be interested to know that we have received further interest from other members of the public seeking to operate this type of business around different parts of the City.

### 3.8 Taxi Tariff

On 17<sup>th</sup> October 2011, the Hackney Carriage Trade made a request to the Licence Team to consider increasing the Tariff rates. The Licensing Team gathered information on the changes to motoring costs since 2010 and made comparisons to Gloucester in line with the national average, the South West average and the County average. Following negotiations with the Trade the Licensing Team agreed to advertise an increase of 8% and a freeze to the waiting charges. A Public Notice was advertised in the Citizen on Monday 28<sup>th</sup> November. Consultation ends on 11<sup>th</sup> December and if no objections are received, the fees will take effect on 12<sup>th</sup> December 2011. Members will be updated further about this position during the Licensing and Enforcement Committee meeting on 13<sup>th</sup> December.

### 3.9 New Licensing Applications

During September 2011 we received 38 new licensing applications; the majority consisted of Personal Licences and Temporary Events Notices. During October 2011 we received 57 new Licensing applications; the majority being Temporary Events Notices and applications for new Private Hire Drivers. During November 2011 we received 56 new licensing applications; most of these again consisted of Temporary Events Notices, Private Hire Driver applications and Private Hire Vehicle applications.

3.10 The figures are consistent with our expectations for the Christmas season and similar to last year. It is common to see the number of Temporary Event increasing due to Christmas Fayres, Christmas parties etc. Furthermore, we also generally see an increase in new private hire drivers making applications just before Christmas, as this can be a busy period for the Trade.

#### **4.0 Court cases**

4.1 The All Nations Community Centre had applied to appeal the decision made by Members of the Licensing Sub-Committee following a Police application for a review of the Club Premises Certificate in July 2010. The appeal date had been adjourned to 14<sup>th</sup> October 2011. On 6<sup>th</sup> September, the Club submitted an application for a Premises Licence for the club, they agreed to a set of substantial conditions to be attached to the licence with the Police and Environmental Health and the Licence was granted. The All Nations Club subsequently surrendered their Club Certificate and withdrew their application for Appeal before the scheduled Appeal date.

4.2 No further Court cases are pending.

#### **5.0 Future Work**

5.1 During informal consultations with the Hackney Carriage Trade, it was agreed that the Taxi Tariff will be reviewed annually to take effect in December. This task was originally scheduled for review in March to take effect May each year; however, this will now be changed to be reviewed in September for fares to take effect in December each year. The Trade may request additional 6 monthly reviews, however they should be able to demonstrate exceptional circumstances for this request.

5.2 There will be changes to Street Trading and Pedlars legislation in the near future imposed by Central Government in order to implement the provisions of the European Services Directive 2006 and the Services Regulations 2009. This has triggered a review of how we administer Street Trading and consequently it has been decided that responsibility for Street Trading will be moved to the Licensing team in Environmental Health. Environmental Health will review the existing Street Trading Policy in line with the new legislation. A revised policy will be presented to the Licensing and Enforcement Committee for consideration. Once the revised policy has been adopted Environmental Health will assume responsibility for Street Trading applications.

5.3 An increase of applications for Street Parties/Temporary Event Notices are expected this year due to the Queen's Diamond Jubilee Weekend 2<sup>nd</sup> – 5<sup>th</sup> June 2012. The Licensing team will improve the website around this subject to make it easier for members of the public to apply for a street party to celebrate the Jubilee around Gloucester City. Applications to hold a street party will usually be free of charge unless alcohol is sold, in which case a Temporary Event will be required.

5.4 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.

<b>LICENSING AND ENFORCMENT COMMITTEE</b>	<b>POLICY ITEM</b>
<b>18<sup>th</sup> October 2011</b>	<b>Pedicab Licensing Report Training on Taxi and Private Hire Disciplinary Hearings</b>
<b>13<sup>th</sup> December 2011</b>	<b>Consider application for Vehicle which does not meet age policy Update Committee on position of Taxi Tariff Quarterly Licensing Update for Members</b>
<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. Review of Taxi Rank Provision (Bus Station and Eastgate Rank)</i>
<i>February 2012</i>	<i>Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days Review of Taxi Rank Provision (Bus Station and Eastgate Rank)</i>
<b>March 2012</b>	<b>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 1<sup>st</sup> April 2012) Quarterly Licensing Update for Members</b>
<i>April 2012</i>	<i>Review of Taxi Rank Provision (other ranks)</i>
<i>May 2012</i>	<i>Members Training</i>
<b>June 2012</b>	<b>Review of Gambling Act Statement of principles Quarterly Licensing Update for Members</b>
<i>July &amp; August 2012</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
<b>September 2012</b>	<b>Gambling Act Statement of principles (to take effect Dec 2012) Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2012) Quarterly Licensing Update for Members</b>
<i>October 2012</i>	<i>Consult on Taxi Meter Tariff over 14 days</i>
<b>December 2012</b>	<b>Update Committee on Taxi Meter Tariff set Quarterly Licensing Update for Members</b>
<i>February 2013</i>	<i>Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days</i>
<b>March 2013</b>	<b>Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2013) Quarterly Licensing Update for Members</b>
<i>May 2012</i>	<i>Members Training</i>
<b>June 2013</b>	<b>Review of Licensing Act Statement of principles Quarterly Licensing Update for Members</b>
<i>July 2013</i>	<i>Consult on Licensing Act 2003 Statement of Principles over 12 weeks</i>
<b>September 2013</b>	<b>Licensing Act 2003 Statement of principles (to take effect January 2014) Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2013)</b>

	<b>Quarterly Licensing Update for Members</b>
<i>October 2013</i>	<i>Consult on Taxi Meter Tariff over 14 days</i>
<b>December 2013</b>	<b>Update Committee on Taxi Meter Tariff set Quarterly Licensing Update for Members</b>
<i>February 2014</i>	<i>Inform Chair of L and E Committee of proposals to Taxi fees, Consult on fees over 28 days</i>
<b>March 2014</b>	<b>Sex Establishment Policy Review Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2014) Quarterly Licensing Update for Members</b>
<i>May 2014</i>	<i>Members Training</i>
<b>June 2014</b>	<b>Sex Establishment Policy Review (to take effect July 2014) Quarterly Licensing Update for Members</b>
<b>September 2014</b>	<b>Review of Advertising Board and Tables and Chairs Policy Update on proposed Taxi Tariff (to take effect May 1<sup>st</sup> 2014) Quarterly Licensing Update for Members</b>
<i>October 2014</i>	<i>Consult on Taxi Meter Tariff over 14 days</i>
<b>December 2014</b>	<b>Review of Private Hire and Hackney Carriage Policy Update Committee on Taxi Meter Tariff set Quarterly Licensing Update for Members</b>

## 6.0 Conclusions

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

## 7.0 Financial Implications

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

## 8.0 Legal Implications

8.1 There are none at this time.

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

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

## 10.0 People Impact Assessment (PIA):

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

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

**Person to Contact** : Lisa Wilkes  
Tel: 396047  
E-mail: lisa.wilkes@gloucester.gov.uk