

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	26 th June 2012
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Martin Shields, Director of Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy	No
	For Information	Framework:	
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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 feedback on Appeal Cases heard by the Magistrates Court against decisions made by this Committee.

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 13th March 2012, the Licensing and Enforcement Committee considered a report introducing policies for the licensing of items to be placed on the highway (A' Boards and Tables and Chairs). Members were recommended to approve both policies for 6 week public consultation and were also recommended to leave the existing levels for the licensing of A' Boards at £50 per annum (as currently stands) and to continue to allow businesses to place tables and chairs on the highway at no charge. Members agreed with the recommendations subject to the policy being amended further to include a prescribed minimum width for the access of emergency vehicles in the gate streets.

- 3.2 Richard Barnett has joined the team as Licensing and Enforcement Officer Post. Richard has progressed in his Licensing career, moving from his previous role in Licensing Business support to his Enforcement Officer role on 10th April 2012.
- 3.3 On 25th April 2012, Regulations took effect which made changes to the legislation under the Licensing Act 2003 to correspond with the measures introduced under the Police Reform and Social Responsibility Act:
1. New Guidance has been introduced replacing that under Section 182 of the Licensing Act 2003, to include these new amendments to Licensing Law.
 2. The most notable amendment in the Regulations is that 'interested party is removed from the Licensing Act 2003 to enable **any person** to participate in the various processes set out in that Act, regardless of their physical proximity to the premises concerned'. The changes will apply to applications for grants, variations, and reviews of premises licences or club premises certificates.
 3. There is now a new responsible authority for Public Health, which all Premises Licensing applications need to consult with to help protect Public Health; Gloucester City's responsible authority is the Primary Care Trust, NHS.
 4. The Licensing Authority is also now a responsible Authority on Premises Licences, this means the Licensing Team can make representations on licensing applications based on their expertise in the field and they can also apply for a review of a Licence where there are concerns over licensable activities at a premises.
 5. Environmental Health can also now make a representation against a Temporary Event Notice (TEN), previously only the Police could object to TEN's, but the new regulations allow objections based on potential Noise Nuisance.
 6. There is now a requirement on the Licensing Authority to advertise an application for the grant or variation of a licence or certificate, or an application for a provisional statement. The Licensing Authority must advertise the application for the period of 28 days starting on the day after the day on which it receives the application, and it must publish a notice on its website in a prescribed form. This amendment has been made to further ensure the application is brought to the attention of persons likely to be affected by it.
 7. Additional controls have been introduced to help Licensing Authorities control non-payments of the Premises Licence annual fee. Those Licence holders who do not pay their annual fee by its due date will now face the

risk of having their Premises Licence suspended. These licences can be re-instated as soon as the outstanding fees have been paid in full.

8. Further measures have been introduced to penalise more heavily those persistently selling to underage customers. The penalty fine has doubled to £20,000 and as an alternative to a fine the period of voluntary closure has also increased from 48 hours to 336 hours (14 days).

- 3.4 During April and May 2012, Licensing Officers joined Gloucester Special Constabulary in a series of operations called “Nite-X”, dealing with Night-time economy issues in the city. The operation involved three teams totalling 14 Specials working on issues such as underage drinking, binge drinking, alcohol related disorders, and licensing enforcement. Throughout the operation the local pubwatch radio in the city centre helped prevent crime and disorder and reinforced the close working partnership that the city has between On-Licensed premises and the police.

Two licensed premises out of five failed a Test Purchase operation: a 15yr old girl was served alcohol in both a supermarket and a public house. Penalty Notices were issued on this occasion and meetings will be organised with the Licensing Department. A take-away in the city centre was reported for S136 Unauthorised Licensable Activities under the Licensing Act 2003, after serving food past their licensable hours – hours that are set to help control disorder in the City.

- 3.5 On 30th May, the Licensing Team along with Legal Services carried out training for Members of the Licensing and Enforcement Committee, 6 Members attended.
- 3.6 Food Safety and Licensing Service Manager Lisa Wilkes has recently got married in May 2012 and will now be known as Lisa Jones.
- 3.7 New Licensing Applications
Between 1st March 2012 and 1st June 2012 we have received 146 new licensing applications; the majority consisted of Temporary Events Notices where 56 were received coinciding with the Queen’s Diamond Jubilee. 19% of all Licence applications received related to Private Hire and Taxi Licensing, and 56% related to applications under the Licensing Act 2003.

4.0 Court cases

- 4.1 There have been no Licensing Court cases for Gloucester City Council in the last quarter.
- 4.2 At the recent Members training Cllr Nick Durrant asked for clarification around a Court Case in Birmingham City involving a hackney carriage driver who had his licence back by the Courts after the Council took it away. A news article had summarized the case as follows:

“Birmingham City Council’s Licensing Committee revoked a Taxi’s drivers’ Licence in the interests of protecting the public after he pleaded guilty to claiming over £12,000 in housing benefit. He was handed a suspended prison sentence and a supervision order. The driver appealed against the revocation of his hackney carriage licence at magistrates’ court but failed to overturn it, so later appealed at the city’s crown court. At the crown court the driver was given a 3 month ban instead and ordered the Council to pay half of his £2,000 legal bill. As that ban had already been served the driver was free to continue to pick up passengers. The crown court did not feel that there was a sufficient link between the type of offending for which the appellant was convicted - benefit fraud on behalf of relatives – and his work as a taxi driver.”

- 4.3 For this case to set a precedent, it would need to have been presided over a High Court judge sitting at the Crown Court. Normally Crown Courts are presided over by Circuit Judges or Recorders, for everyday matters. Like Magistrates’ Courts, Crown Courts cannot bind other Courts of the same status.

5.0 Future Work

- 5.1 The Gambling Statement of Principles is due for review; only very minor amendments have been needed as there has been little change in legislation governing Gambling activities. This Policy will be consulted upon over a 12 week period and then brought back to Committee in September 2012 to consider any comments. The revised Gambling Statement of principles will take effect December 2012.

6.0 Forward work plan and Conclusions

- 6.1 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
May 2012	<i>Members Training</i>
June 2012	Advertising Boards and Tables and Chairs Policy for approval (to take effect July 2012). Quarterly Licensing Update for Members
July & August 2012	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i> <i>Review of Taxi Rank Provision</i>
September 2012	Gambling Act Statement of principles for approval (to take effect Dec 2012)

	Update on proposed Taxi Tariff (to take effect December 1st 2012) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members (including taxi rank progress)
<i>October 2012</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>Review of Taxi Rank Provision</i>
<i>November 2012</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2012	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2013) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members
March 2013	Quarterly Licensing Update for Members
<i>May 2013</i>	<i>Members Training</i>
June 2013	Review of Licensing Act Statement of principles Quarterly Licensing Update for Members
<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) Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members
<i>October 2013</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 2013</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
December 2013	Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Quarterly Licensing Update for Members
March 2014	Sex Establishment Policy Review Quarterly Licensing Update for Members
<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</i> <i>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

- 6.2 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.

7.0 Financial Implications

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

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

8.0 Legal Implications

- 8.1 There are none at this time.

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

9.0 Risk & Opportunity Management Implications

- 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):

- 10.1 There are no key decisions included in this report.

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

11.0 Other Corporate Implications

Community Safety

- 11.1 None

Sustainability

11.2 None

Staffing & Trade Union

11.3 None

Background Documents: None