

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>11<sup>th</sup> September 2012</b>
<b>Subject:</b>	<b>Members Update for Licensing and Enforcement Committee</b>		
<b>Report Of:</b>	<b>Martin Shields, Director of Services and Neighbourhoods</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy For Information Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Lisa Jones, Food Safety and Licensing Service Manager</b>		
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<b>Appendices:</b>	<b>None</b>		

## 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 6<sup>th</sup> August 2012, The Licensing and Enforcement Sub-Committee considered a disciplinary hearing regarding a driver who had submitted fraudulent insurance documents to the Council upon applying for his vehicle licence and consequently received a caution for doing so by the Police. The Sub-Committee decided to revoke the drivers Private Hire Driver Licence because they did not consider him to be a fit and proper person to hold a Private Hire Driver's Licence for the following reasons :-
- i) He was prepared to carry passengers knowing full well that he was not properly insured so to do;

- ii) He had further demonstrated this by non-disclosure of penalty points in his applications to the Licensing Authority dated 4<sup>th</sup> October 2010 and 15<sup>th</sup> September 2011.
- 3.2 Licensing Officers took part in a pilot operation with Trading Standards and Gloucestershire Constabulary on 22<sup>nd</sup> June to tackle illicit alcohol and tobacco. Four premises in Barton were targeted and no illicit alcohol or tobacco was found. This may demonstrate the good work that our partnership working has previously done to crack down on these products. Some of the chemicals found in these illicit products can have harmful effects, which can lead to blindness or even death. Further Operations will be scheduled in the future to protect our public and prevent further emergence of these products.
- 3.3 The Licensing Team are currently consulting upon a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. Barton Street (from Barton lights to India Road) is already included under the City Centre DPPO; however, the side streets and other spaces for dispersal were not included but have now been identified as areas experiencing nuisance street drinking. Feedback from the consultation will determine whether a DPPO is appropriate and this will be brought back to Licensing and Enforcement Committee in December for a final decision.
- 3.4 Guinness World Records  
Three young men from Gloucestershire have succeeded in achieving two Guinness World records, the first 'longest distance ever driven in a taxi' completed December 2011 and the second 'First round the world trip in a taxi' completed May 2012. They have made Gloucester proud by using a Gloucester City licensed Taxi to achieve these records and managed raise more than their £20,000 target for charity. They will be displaying the Gloucester taxi plates in the London British Transport Museum, to show off their world record achievements. If you want to check out their route you can see it on: <http://itsonthemeter.com/route.html>
- 3.5 New Licensing Applications  
Between 1<sup>st</sup> June 2012 and 1<sup>st</sup> August 2012 we have received 66 new licensing applications; the majority consisted of Temporary Events Notices where 55 were received. 20% of all Licence applications received related to Private Hire and Taxi Licensing, and 65% related to applications under the Licensing Act 2003.

#### **4.0 Court cases and other Enforcement Work**

- 4.1 There have been no Licensing Court cases for Gloucester City Council in the last quarter.

- 4.2 The introduction of a Private Hire Knowledge Test was agreed by members of Licensing and Enforcement Committee in 2010, as a way to ensure that private hire drivers in Gloucester City held a basic level of Mathematics and spoken English to ensure they could hold a basic conversation with a customer and also count out their change correctly. Following the introduction of the test in May 2011, the first test was held on June 17<sup>th</sup> 2011 and from this date all new private hire drivers had to pass the test before a licence was granted whilst existing drivers were given 12 months to successfully complete the test.
- 4.3 12 Months after its introduction 48 out of the 268 licensed Private Hire Drivers, (17%) had not yet passed this knowledge test. These 48 drivers received final reminders allowing 28 days to pass the test, and Licensing Officers also contacted them by telephone to remind them. Extra test dates were also scheduled to allow extra opportunities to pass by the deadline. Licensing Officers have served Suspension Notices on 24 drivers who had not successfully passed this test by 20<sup>th</sup> July 2012. Suspension does not take immediate effect as it allows a 21 appeal period, during which time the drivers had another opportunity to pass the test. The appeal period has now passed and suspension took effect on just four remaining drivers, none of which have lodged an appeal to the Magistrates Court. Once these drivers successfully pass this knowledge test, they will have their drivers licence re-instated.

## **5.0 Future Work**

- 5.1 **Taxi Tariff** – Last Year it was agreed that the tariff fares would be reviewed each year with view for any changes to take effect each December. The current tariff took effect in February 2012 where a 4% increase was applied to bring the fares in line with the South West average. This year, the Council is not proposing any change for the following reasons:
- The current tariff rates sit in line with the South West and Midlands average, and our formula suggests only a 1.3% increase would need to be applied to bring it exactly in line.
  - The current tariff is higher than the national average and the County local average.
  - Petrol and diesel costs have decreased since September 2011, when the fares were last reviewed.
  - Gloucester City Council was the most recent authority in the County to change the tariff and currently hold the highest flag fall figure (the minimum charge a customer can expect to pay upon accepting the vehicle).
- At the time this report was published the Hackney Carriage Association were unable to provide a response to this proposal, therefore a verbal update will be presented to Members at the Committee meeting.
- 5.2 **Taxi Ranks** – The City Taxi's ranks are under review, the Licensing team are monitoring the demand at the various ranks and liaising with the trade to identify

the key issues and improvements needed at each of the ranks. From this review we hope to identify other potential hailing points or additional ranking space needed in other areas of City.

- 5.3 **Eastgate Street Strategic Group** - The agencies of Safer Gloucester have prioritised Eastgate Street as a target area for crime and disorder. The Partnership have, as part of their Plan for 2012-2013 a priority '*Work to ensure that residents and visitors to Gloucester city centre on a Friday and Saturday night are and feel safe, focusing resources into any area that is causing concern*'. In preparation for the (unsuccessful) bid to the Community Alcohol Fund, agencies shared their ideas to make the area safer and although no funding was received this group was set up to ensure any good ideas can be taken forward.

There are some unresolved issues e.g. lighting in Eastgate Street, late night pedestrianisation of the street including raising the bollards, location of the taxi rank and also the bus shelter, use of taxi marshals or security staff, and because of the longevity of these issues, rather than trying to do small initiatives in a piecemeal way, the group would like to develop a long term strategy to improve the area. The first meeting is scheduled for 6<sup>th</sup> September 2012.

- 5.4 **Cumulative Impact Policy** – A request has been received to review the Cumulative Impact Policy to consider including the Barton area. This matter has been referred to the Community Alcohol Partnership for consideration as the appropriate group seeking way to address such alcohol related issues. The Licensing Act Statement of principles will be reviewed again next year and any changes will be consulted upon from June 2013. Any changes to the cumulative impact policy will be included in this review.

- 5.5 **Late Night Levy** – The late night levy is a power for the licensing authorities to introduce a charge for all premises in the local authority area that are authorised to sell alcohol between midnight and 6am. The option to implement the levy is at the discretion of the local authority which should make the decision based on the situation in the local area. If adopted the revenue is split 30% to local authorities and 70% to the Police. The provisions for a late night levy are due to commence on 31<sup>st</sup> October 2012.

Gloucester City have approximately 190 licensed premises that are open for the sale of alcohol between midnight and 6am, but, upon removing those premises that could be subject to discretionary local exemptions, it leaves only 80 premises in the City. Potentially we could generate a total revenue of £67K, based on these 80 premises but it is unclear how many of these businesses will choose to reduce their opening hours to finish before midnight. Feedback from Gloucester's LVA has indicated their dissatisfaction with any levy proposal and that a large proportion of this trade may reduce their opening hours. However, this will remain uncertain until such consultation is put forward and consideration is given by Gloucester City on whether a Late Night Levy is appropriate. Gloucester City

Council strives to boost the vibrancy of its night-time economy, so any detrimental impact will be given strong consideration in determining whether or not a late night levy is appropriate.

## 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.

<b>LICENSING AND ENFORCMENT COMMITTEE</b>	<b>POLICY ITEM</b>
<i>July &amp; August 2012</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks Review of Taxi Rank Provision</i>
<b>September 2012</b>	<b>Gambling Act Statement of principles for approval (to take effect Dec 2012) Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2012) Cumulative Impact Policy - Licensing Act Policy Statement Review Quarterly Licensing Update for Members (including taxi rank progress)</b>
<i>October 2012</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, Review of Taxi Rank Provision Consultation of Barton and Tredworth DPPO (over 6 weeks)</i>
<i>November 2012</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
<b>December 2012</b>	<b>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 1<sup>st</sup> April 2013) Designated Public Place Order in Barton and Tredworth Ward Quarterly Licensing Update for Members (including late night levy, taxi rank review and cumulative impact policy review).</b>
<b>March 2013</b>	<b>Street Trading Policy Review Quarterly Licensing Update for Members</b>
<i>May 2013</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)</b>

	<b>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> <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>
<b>December 2013</b>	<b>Update Committee on Taxi Meter Tariff set (following consultation)</b> <b>Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2014)</b> <b>Quarterly Licensing Update for Members</b>
<b>March 2014</b>	<b>Sex Establishment Policy Review</b> <b>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)</b> <b>Quarterly Licensing Update for Members</b>
<b>September 2014</b>	<b>Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2014)</b> <b>Quarterly Licensing Update for Members</b>
<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>
<b>December 2014</b>	<b>Update Committee on Taxi Meter Tariff set</b> <b>Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2015)</b> <b>Quarterly Licensing Update for Members</b>
<b>March 2015</b>	<b>Review of Advertising Board and Tables and Chairs Policy</b> <b>Quarterly Licensing Update for Members</b>
<i>May 2015</i>	<i>Members Training</i>
<b>June 2015</b>	<b>Review of Private Hire and Hackney Carriage Policy</b> <b>Quarterly Licensing Update for Members</b>

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