

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>19<sup>th</sup> March 2013</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 Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Lisa Jones, Food Safety and Licensing Service Manager</b>		
	<b>Email: <a href="mailto:lisa.jones@gloucester.gov.uk">lisa.jones@gloucester.gov.uk</a></b>	<b>Tel:</b>	<b>396047</b>
<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 5<sup>th</sup> December 2012, the Licensing and Enforcement Sub-Committee held a hearing to consider an application for a new premises licence at 'Tesco Express, Grange Road, Tuffley, Gloucester, GL4 0PG. The application sought permission for the retail sale of alcohol (off sales only) from Monday to Sunday inclusive, during the hours of 06.00 to 23:00. The sub-committee decided to grant the licence as applied for with conditions consistent with the operating schedule because of the absence of any representations from the statutory authorities including the Police and that no evidence was produced to indicate that the application will not promote the four licensing objectives.

3.2 On 17<sup>th</sup> December 2012, the Licensing and Enforcement Sub-Committee held a hearing to consider an application for a new premises licence at 'Hempsted Meadow, Secunda Way, Hempsted, Gloucester, GL2 5GA. This application sought permission for the provision of regulated entertainment and late night refreshment as follows:-

Live music, Recorded music, Performances of dance and Anything of a similar nature: Sunday to Thursday 12:00 – 22:00 and Friday and Saturday 12:00 – 23:00.

Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Sunday to Thursday 10:00 – 22:00 and Friday and Saturday from 10:00 to 23:00 and late night refreshment on New Years Eve only from 23:00 to 01:30.

The sub-committee decided to grant the application in accordance with the operating schedule, Gloucestershire Constabulary conditions, Environmental Protection conditions and two additional conditions regarding vehicle parking and litter and refuse.

3.3 On 13<sup>th</sup> February the Licensing and Enforcement Sub-Committee held a hearing to consider an application to vary a premises licence at The Food Junction, 42 Southgate Street, Gloucester. The application requested an extension to the provision of Late Night Refreshment both on and off the premises between the following times:-

- Monday and Tuesday 23:00 to 02:00 hours
- Wednesday, Thursday and Sunday 23.00 to 03.00 hours
- Friday and Saturday 23.00 to 05.00 hours

The Sub-Committee decided to grant the variation to the sale of late night refreshments for the following days and hours subject to conditions:-

- Monday to Thursday 23.00 - 01.00 hours
- Friday and Saturday 23.00 - 02.00hours
- Sunday 23.00 – 00.00 hours

### 3.4 Taxi Rank Review

As part of a City wide taxi rank review, work is in progress on the review of all taxi ranks in the City. The Eastgate Rank is being addressed separately under the Nightsafe Group because this includes moving the location to outside GL1 Leisure centre to support the full pedestrianisation of Eastgate Street.

The remainder of the Taxi Ranks are also being reviewed in terms of assessing their current capacity, the current use by the trade, consideration of other areas that may require a taxi rank and any further improvements that need considering. Existing ranks have been considered and liaison meetings are planned with the Trade to identify the key issues and improvements needed at each of the ranks discuss the need for other ranks or hailing points in the City. The Licensing Team

will report their findings and recommendations at the next Licensing and Enforcement Committee in June 2013.

The table below illustrates the current taxi rank provision:

<b>Taxi Rank Location</b>	<b>Vehicle Capacity</b>
Outside Baker Street pub	2 Spaces
Brunswick Road (Outside old Jumpin Jaks)	8 Spaces
Eastgate Street drop off / pick up point	1 Space
Quay Street Rank outside Minx Gentleman's Club	6 Spaces
Upper Quay Street, outside Shire Hall (unused)	8 Spaces
The Oxebode Rank	7 Spaces
Bus Station Rank	7 Spaces
Railway Station Taxi Rank (Private)	5 Spaces
Llanthony Road	6 Spaces
Opposite Nandos at the Quays, High Orchard Road	2 Spaces
Opposite Pillar and Lucy House @ the Quays (Not yet available to use)	2 Spaces

### 3.8 Hackney Carriage and Private Hire Awareness

In December, the Licence Team worked with Community Safety and produced posters which are now in place in a number of pubs, clubs and late night refreshment venues in the City. The posters ask 'who's taking you home tonight' and highlight how to recognise a licensed taxi and a private vehicle in Gloucester City. The posters also remind customers that they won't be insured if they flag down a private hire vehicle. These posters were produced following actions of the Night Safe group working to make Eastgate Street safer at night. This also followed a press release in the Citizen reminding the public about the differences.

### 3.9 New Licensing Applications

Between 1<sup>st</sup> November 2012 and 1<sup>st</sup> March 2013 we have received 121 new Licensing Act applications; the majority consisted of Temporary Events Notices where 56 were received. This is nearly double the amount of applications received in the previous quarter (we reported 34). 58% of all Licence applications received related to Private Hire and Taxi licensing which although it was greater in numbers than last quarter, proportionately it was similar at 61%. 28% related to applications under the Licensing Act 2003 (last quarter we reported 35%). This quarter has seen a high number of licensing applications. Seasonally, this is consistent with our expectations because the team generally experience a higher number of temporary event applications around the Christmas period and also the pet shop licences are all due for renewal by 31<sup>st</sup> December each year.

## 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 **A'Boards Enforcement**

Following the introduction of a new policy for Advertising Boards and Tables and Chairs in July 2012, all businesses that carried a licence to place items on the Highway were required to comply with the new policy by 1<sup>st</sup> January 2013. Licensing Officers have been working with the City Centre management to help monitor these applications. During December 2012, 51 unlicensed advertising boards were found in the city centre. All have received letters reminding them of the need to be licensed and from this, ten have subsequently applied for a licence and others have decided to remove their board, Officers have also noticed that some premises have moved their board onto private property. Recent follow-up checks have now revealed that only 11 premises remain with an unauthorised A' Board, of which have been served a notice to remove it.

The policies have also been shared with the City Council's Asset Management team to ensure a consistent approach is also applied on City Council land such as King's Square and The Docks.

**Taxi and Private Hire Enforcement**

4.3 During the last quarter, two Private Hire Drivers have had their private hire drivers licences suspended under delegated powers. In both cases, allegations had been made against the driver relating to serious offence which involved a vulnerable person. Upon taking into account the human rights considerations against the risk to public safety, the Suspension Notices took immediate effect and were issued pending the outcome of the Police investigations.

4.4 On December 8<sup>th</sup> 2012, Licensing Enforcement Officers conducted a test purchase operation with the Police on 'plying for hire' in the City. Seventeen private hire vehicles were tested all together and only two were stopped and cautioned under the offence of 'plying for hire'. Officers are considering prosecution for these offences.

4.5 During Friday January 25 and Saturday January 26. Gloucestershire Police and Gloucester City Council ran an operation in Gloucester city centre to monitor both Hackney and private hire taxis which saw a total of seven taxi drivers reprimanded for faults on their vehicles over that weekend. On Friday two cars were found to have lights out and bald tyres. Immediate Suspension Notices were served on both vehicles by the Licensing Officer, which meant that the drivers were prohibited from using their taxis again until the defects were rectified. Unfortunately one of the drivers did not get the message and returned the next night with no front nearside headlamp and faulty brake lights. He was served with an immediate mechanical prohibition by the Police and needed to pass a full MOT before the vehicle was allowed back on the road. The driver was

also given a verbal warning for not complying with the Licensing Officers vehicle suspension notice.

A further four taxi drivers were also ordered to rectify broken lights while one taxi driver was fined £30 for performing a u-turn on Bruton Way. This exercise allowed the Council's Licensing Enforcement Team to train Police Officers in the checks regularly conducted on taxi and private hire vehicles. Police Officers will continue to use Licensing Enforcement Powers where Licensed vehicles are found to be dangerous. This will support the City Council's Licensing Enforcement role assisting more regular checks on Licensed vehicles particularly where the Police can use their additional powers to stop vehicles on the road.

- 4.6 **Street Trading and Pedlars Consultation:** The Department for Business and Innovation Skills ("BIS") have reviewed the current legislation governing Street Trading and Pedlary and more recently consulted on some proposals and draft regulations to the UK Government. BIS have analysed the current provisions against the requirements of the Directive and the Regulations. Their proposals aim to make the authorisation processes more fairer to the businesses and include removing criteria that consider business competition and market demand, therefore it does prevent Councils from deciding upon applications to suit the needs of a local area.

#### **New Case Law**

- 4.7 Members should be aware of recent High Court licensing case: Little France Ltd. v Ealing London Borough Council (2013). A licensing authority had imposed restrictions and conditions on a premises licence for a nightclub without giving adequate reasons for their decision and the magistrates' court had also dismissed an appeal against that decision. Subsequently, an appeal by way of case stated was allowed and the matter was remitted to the licensing authority to give a reasoned decision.

### **5.0 Future Work**

- 5.1 The licensing Team are about to start a formal consultation on a proposal to gate Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street. An informal consultation has already been carried out with nearby residents who maybe affected by the gating order and evidence has been collated on the problems found and experienced in Organs Alley. The formal consultation will seek representations from key stakeholders including statutory undertakers over a period of 28 days. If no representations are received, the Group manager for Environmental Health will decide to make the order in consultation with the Cabinet Member for the Environment, however if representation are received a Public Inquiry will be held and the matter will be referred to Cabinet for decision.

- 5.2 The Licensing Team will be consulting upon a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. This consultation was postponed from September due to additional areas being identified as potential dispersal areas for street drinking, so the proposal will now include wider areas within the 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 June for a final decision.
- 5.3 **Eastgate Taxi Rank** – Work is in progress to move the Eastgate Rank to a more suitable location on Friday and Saturday Nights outside GL1 Leisure Centre, which will support the full pedestrianisation of this street during these times. It is planned to trial the new location by April 2013 for a period of three weeks, if the experimental period is successful, the Licensing Team will carry out a 28 day consultation process and liaise with the County Highways to seek this as a more permanent measure.
- 5.4 **Night Safe Group** - The Licensing team are contributing towards the actions of the Night Safe Group 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’*. The key action for Licensing is the adoption of a new night time rank to replace the one in Eastgate Street, but the team is also helping to address other concerns in Eastgate Street at night by liaising with those services that cover environmental concerns and illegal activities by vehicles in the street.
- 5.5 **Late Night Levy** – Work is in progress to gather information on our existing late night venues that sell alcohol, to allow Members to make an informed choice in how a late night levy could work in Gloucester City and whether it is appropriate for this City.

Under the Police Reform and Social Responsibility Act 2011 that came into effect at the beginning of November, licensing authorities have the power to charge a levy to persons who are licensed to sell alcohol late at night in their area. The Licensing Team will bring a report to the Licensing and Enforcement Committee to approve a statutory consultation process to consider the Levy in Gloucester. This is planned for June 2013, before the feedback of the 12 week consultation is presented to Full Council for decision.

- 5.6 **Licensing Act Policy and Cumulative Impact Policy** – The Licensing Act Statement of principles will be reviewed again later in 2013 and any changes will be consulted upon from September 2013. Any changes to the cumulative impact policy will be included in this review and the results of the late night levy and feedback from the Night Safe group will also be included in this Policy.

The Licensing Team has shared the current Licensing Act policy ‘statement of principles’ with the Night Safe group to provide feedback on how they want to shape the future of Eastgate Street and its night-time economy. The Licensing Team believes it is important for this group to contribute towards the policy to help determine future Licensing applications in this area to help boost a vibrant economy.

5.7 The Government published their ‘**Alcohol Strategy**’ in March 2012 and held a 10 week consultation with stakeholders that ended in February 2013. The key proposals of this strategy include:

- introduce a minimum unit price for alcohol
- consult on a ban on the sale of multi-buy alcohol discounting
- introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this.
- pilot innovative sobriety schemes to challenge alcohol-related offending.

The 10-week consultation, sought views on five key areas:

- a ban on multi-buy promotions in shops and off-licences to reduce excessive alcohol consumption
- a review of the mandatory licensing conditions, to ensure that they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs
- health as a new alcohol licensing objective for cumulative impacts so that licensing authorities can consider alcohol-related health harms when managing the problems relating to the number of premises in their area
- cutting red tape for responsible businesses to reduce the burden of regulation while maintaining the integrity of the licensing system
- minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price

## 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
March 2013	<b>Street Trading Policy Review</b> <b>Consideration of an application to depart from policy regarding door panels on a Private Hire Vehicle</b>

	<b>Review of Hackney Carriage and Private Hire Policy (for 8 weeks consultation) Quarterly Licensing Update for Members</b>
<i>April 2013</i>	Consultation of the Hackney Carriage and Private Hire Policy review (over 8 weeks)
<i>May 2013</i>	<i>Members Training Consultation of Barton and Tredworth DPPPO (over 6 weeks)</i>
<b>June 2013</b>	<b>Consultation document to consider adopting the Late Night Levy in Gloucester City Designated Public Place Order in Barton and Tredworth Ward Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members</b>
<i>July 2013</i>	<i>Consult on Late Night Levy Consultation document over 12 weeks</i>
<b>September 2013</b>	<b>Cumulative Impact Policy - Licensing Act Policy Statement Review Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2013) Quarterly Licensing Update for Members</b>
<i>October 2013</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 2013</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
<b>December 2013</b>	<b>Final Report on the Late Night Levy provision in Gloucester City Licensing Act 2003 Statement of principles 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 2014) Quarterly Licensing Update for Members</b>
<b>March 2014</b>	<b>Sex Establishment Policy Review 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>Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2014) Quarterly Licensing Update for Members</b>
<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>
<b>December 2014</b>	<b>Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2015) Quarterly Licensing Update for Members</b>
<b>March 2015</b>	<b>Review of Advertising Board and Tables and Chairs Policy 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 Quarterly Licensing Update for Members</b>
<i>July &amp; August 2015</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
<b>September 2015</b>	<b>Update on proposed Taxi Tariff (to take effect December 1<sup>st</sup> 2015) Gambling Act Statement of principles for approval (to take effect Dec 2016) Quarterly Licensing Update for Members</b>
<i>October 2015</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 2015</i>	<i>Consult on Taxi and Private Hire fees over 28 days</i>
<b>December 2015</b>	<b>Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1<sup>st</sup> April 2016) Quarterly Licensing Update for Members</b>
<b>March 2016</b>	<b>Review of Street Trading Policy 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