

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	10th September 2013
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Director of Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
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Appendices:	1. Simple guide on Live Music Act 2012 and deregulation of licensable activities		
	2. A Councillor Handbook on Metal Theft		

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 18th June a full Licensing and Enforcement Committee was held to consider the following items:
- **Late Night Levy.**
Members were advised about the new power, which allows the City Council to consider charging a late night levy to all licensed premises that sell alcohol between midnight and 6 am. Gloucester City Licensing Authority has not received a formal request from the Police Crime Commissioner at this time, and

Licensing officers do not think it is suitable for Gloucester City in the current economic climate. The levy can impose fees which are more than double the amount of the usual annual fee, so it does pose a risk of deterring new businesses to the City subsequently leaving a number of premises unoccupied. Smaller premises are also likely to reduce their licensing hours to avoid the late night levy times. Members recommended that any introduction of the Late Night Levy in the future, would depend on us seeing a vibrant night time economy in Gloucester City.

- **Revised Policy and conditions for Hackney Carriage and Private Hire Licensing.**

Members considered the feedback following an 8 week consultation of the revised policy and approved a final version, which will take effect September 2013. The revision largely consisted of tidying up the current rule books, removing out of date criteria following changes to processes and legislation.

- **Review of the City Taxi Ranks**

Members were updated about a review of the City's current Taxi ranks and the locations of the proposed additional ranks. Members were advised that any changes and improvements made to the ranks in Kings Square, the Oxbode and the Bus Station would be considered as part of the new developments planned for the City Centre to ensure the ranks are suitable and fit for purpose. Equally the Eastgate Street rank will be considered as part of the plans to position this rank outside of GL1 leisure centre when plans to fully pedestrianise Eastgate Street commences. Members were recommended to retain the taxi ranks that are no longer regularly used for the time being (namely Brunswick Road and Quay Street), on the grounds that they may come back into regular use sometime in the future. Members also instructed Officers to monitor and assess the need for an additional taxi rank in the vicinity of Southgate Street as requested by the Hackney Carriage trade.

3.2 On 3rd July, the Licensing and Enforcement Sub-Committee held a hearing to consider a new application for a premises licence at Gloucester Academy Playing Field, Estcourt Close, Gloucester. The application was for regulated entertainment only Monday to Thursday from 09:00 until 21:00hrs and Friday to Sunday from 09.00 to 22:00hrs in a large open space owned by Gloucestershire County Council. The Sub-Committee decided to grant licence in accordance with the application in accordance with the agreed conditions offered up by the applicant. This area of land was used in conjunction with the City Council licensed playing field at Plock Court for the Sport Beat Festival held on 5th – 7th July.

3.3 Southgate Street Taxi Rank Provision

The Licence team are currently assessing the demand and feasibility of providing a taxi rank in the vicinity of Southgate Street. Consultation will commence shortly with members of the public to assess the demand in this area.

3.4 Eastgate Street Closure on Weekends –

The Nightsafe Group are making progress to move towards a full pedestrianisation of Eastgate Street between 11pm and 5am on Friday and Saturday nights. Investigations have been made on installing suitable bollards to support the road closure and Gloucestershire Highways are making further assessments to any proposed changes in directional travel and access needed to the side streets before putting in place a 6 month experimental order for the closure to commence. The Licensing Team will continue to liaise closely with the Nightsafe members and the taxi and private hire trade to ensure that any major teething problems associated with collecting a dropping off passengers are resolved before the experimental order takes effect. It is aimed to start the experimental closure in autumn 2013.

3.5 Gating Order-

The licensing Team completed a formal consultation on a proposal to gate Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street in June 2013. An informal consultation was also carried out with nearby residents who maybe affected by the gating order during November to December 2012 and evidence has been collated on the problems found and experienced in Organs Alley. The formal consultation sought representations from key stakeholders including statutory undertakers over a period of 28 days and no objections were received from statutory bodies however, one objection has been received from an interested party. The matter will be now be referred to Cabinet for decision on 11th September 2013.

3.6 New Licensing Applications

Between 1st June 2013 and 1st September 2013 we have received 115 new Licensing Act applications; the majority consisted of Temporary Events Notices where 45 were received. This is similar to the amount of applications received in the previous quarter (we reported 125 applications and 57 TENs). 52% of all Licence applications received related to Private Hire and Taxi licensing which was larger in numbers than last quarter as we reported 48%. 35% related to applications under the Licensing Act 2003 (last quarter we reported 30%). This quarter has seen a high number of licensing applications with the team also taking over street trading consents. Seasonally, this is consistent with our expectations but we did expect a slightly higher number of temporary event applications over the summer months as more events were planned.

4.0 Court cases and other Enforcement Work

- 4.1 On July 21st Officers attended Cheltenham Magistrates Court to prosecute a private hire driver for plying for hire during a test purchase operation conducted in December 2012. The driver pleaded not guilty so the case has now been postponed for full trial in October 2013. Further updates will be provided once the case has been heard; the matter will also be referred to the Licensing and

Enforcement Committee for their consideration following the outcome of the case.

Taxi and Private Hire Enforcement:

- 4.3 Over the last few months, Licensing and Enforcement Officers have been busy monitoring activities of drivers and their vehicles. A number of drivers have been issued suspension notices requiring works to be made to their vehicles where defects have been found or door panels/plates are missing. The Licence team have also been working with Gloucestershire Constabulary to help monitor conditions of vehicles and the Police can also issue suspension notices where the vehicle is found to be unfit.
- 4.4 During July, Licensing and Enforcement Officers have carried out regular out of hours enforcement during weekends, focusing on operations at in-house booking systems, monitoring for plying for hire and taxi touting offences and also conducting other taxi and private hire vehicle checks. A couple of drivers were witnessed plying for hire or taxi touting and appropriate enforcement action is being considered against them. A few vehicles were also seen without door panels and they were issued appropriate notices requiring them to display them on their vehicles. All in-house booking venues have been provided with a laminated copy of the rules to display at their booking point. This measure has been taken to ensure persons taking the bookings as well as premises licence holders can remind themselves of the Council's rules for operating such systems.
- 4.5 We will also continue to issue an appropriate number of totting up penalty points against drivers proprietors or operators through our internal enforcement procedures where breaches are found in contravention of the rule books. Where 12 or more points are issued, the Licence holder will be referred to the Licensing and Enforcement Sub-Committee for a disciplinary hearing. Some infringements can incur 12 points at one time, so Licence holders have been reminded through a recent newsletter that they may be referred to committee immediately where serious breaches are witnessed.
- 4.6 The Licence Team continue to carry out 'test purchase' operations and spot checks to challenge illegal plying for hire activities. Further action is being taken against offenders and outcomes of any prosecutions taken will be published on our taxi and private hire newsletter in the future.

5.0 Legislative Updates

5.1 Gambling (Licensing and Advertising) Bill:

The proposed Bill introduces regulatory changes that will ensure that all remote gambling operators offering services to British consumers will be subject to consistent regulation. In particular any regulatory changes introduced will apply to all those providing online gambling facilities to those in Britain not just the less than 15% currently licensed by us. This consistency will make it easier for a

consumer to understand their rights and ensure operators report suspicious activity direct to us, all of which should provide greater transparency to consumers and protection against match fixing. It will also make it easier for advertisers, including those carrying marketing messages to understand whether an operator is permitted to advertise into Great Britain. The target implementation date is April 2014 although this depends on how quickly the Bill will progress through Parliament.

5.2 Scrap Metal Dealers Act 2013:

This new Act takes effect from 1st October 2013 and repeals the former legislation governing scrap metal dealers and motor salvage operators. Previously, scrap metal dealers were only required to only register for free with the local authority whilst obtaining a waste collectors licence from the Environment Agency. Motor Salvage Operators however, were required to obtain a licence costing £70 to carry out those activities. Following a nationwide rise in metal theft and recognition that the two activities are so similar in nature, Government has reviewed the regulatory controls and merged the two activities under one piece of legislation.

A handbook has been produced for Councillors on Metal Theft and a copy can be found in appendix 2.

5.3 Live Music Act 2012 and the deregulation of Schedule 1 of the Licensing Act:

The Institute of Licensing and Poppleston Allen Solicitors have felt that this deregulation was confusing for licensing officers and lawyers alike and expected that others would also be uncertain as to what the changes now permit. Therefore, they have produced a simple guide for circulation, explaining what the changes mean, a copy can be found in appendix 1 of this report.

5.4 Minimum unit price for alcohol:

The Government has shelved plans for a minimum unit price for alcohol, but will ban the sale of alcoholic drinks priced below the level of duty and VAT. A consultation document last year discussed a base price of 45p per unit in England and Wales, but Home Office Minister Jeremy Browne said there was not enough concrete evidence that the move would reduce the level of problem drinking without hitting people who drink responsibly. Mr Browne also ruled out a ban on multi-buy promotions due to a “lack of convincing evidence” that it would have a significant effect on the volumes people consume.

The Prime Minister insisted that banning drinks priced below the level of duty plus VAT was effectively a minimum price because selling below this price range will become illegal. He said “we do not yet have enough concrete evidence that its introduction would be effective in reducing harms associated with problem drinking ... without penalising people who drink responsibly.” The Minister added:

“We will tackle the most egregious examples of cheap alcohol by banning sales of alcohol below the value of alcohol duty and VAT. This will come into effect in England and Wales no later than spring 2014 and will stop the worst instances of deep discounting which result in alcohol being sold cheaply and harmfully.

The decision not to ban deals such as “buy one get one free” was taken because there remains a lack of convincing evidence that it would have a significant effect in reducing consumption. Mr Browne said it would not be a reasonable course of action for us to introduce a ban, especially at a time when responsible families are trying hard to balance their household budgets.

6.0 Future Work

6.1 Designated Public Place Order for Barton and Tredworth

The Licensing Team are considering a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. The formal consultation was postponed from September 2012 due to additional areas being identified as potential dispersal areas for street drinking, so the proposal is now looking to 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.

The licensing team are currently analysing the evidence of crime and anti-social drinking in the area during the last twelve months to assess whether other controls such the closure of Napier Street play area at night has had any positive affect to resolve the problems there. If problems associated with street drinking remain, the Licensing Team will consider this evidence and commence a formal consultation during the autumn 2013. Feedback from the consultation will determine whether a DPPO is appropriate and if contentious responses are received, this will be brought back to Licensing and Enforcement Committee for a final decision.

6.2 Taxi Tariff

The current tariff card took effect in February 2012 and the rates were frozen during 2013. We are now considering any requests from the trade to change the taxi tariff for 2014. To date no formal requests have been made, and some members of the trade at the Hackney Carriage and Private Hire liaison meetings have expressed no wish to increase the tariff at this point in time. If any changes are proposed, it is planned to formally consult on any new tariff rates during October 2013.

6.3 Taxi and Private hire Fees 2014:

The fees for Taxi and Private Hire Licensing were last changed in April 2010 where they were reduced by 5%. The Licensing Team will reassess the

current fees and charges shortly and will notify Drivers and Operators of any proposed change, with any changes scheduled to take effect from 1st April 2014.

7.0 Forward work plan and Conclusions

7.1 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
September 2013	Scrap Metal Dealers Act 2013 Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members
<i>October 2013</i>	<i>Consult on Designated Public Place Order in Barton and Tredworth Ward 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>
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 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
<i>July & August 2015</i>	<i>Consult on Gambling Act Statement of Principles over 12 weeks</i>
September 2015	Update on proposed Taxi Tariff (to take effect December 1st 2015) Gambling Act Statement of principles for approval (to take effect Dec 2016) Quarterly Licensing Update for Members
<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>
December 2015	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 2016) Quarterly Licensing Update for Members
March 2016	Street Trading Policy Review Quarterly Licensing Update for Members
<i>May 2016</i>	<i>Members Training</i>
June 2016	Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members
September 2016	Update on proposed Taxi Tariff (to take effect December 1st 2016) Quarterly Licensing Update for Members

7.2 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.

8.0 Financial Implications

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

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

9.0 Legal Implications

9.1 There are none at this time.

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

10.0 Risk & Opportunity Management Implications

10.1 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.

11.0 People Impact Assessment (PIA):

11.1 There are no key decisions included in this report.

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

12.0 Other Corporate Implications

Community Safety

12.1 None

Sustainability

12.2 None

Staffing & Trade Union

12.3 None

Background Documents: None