

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	9th September 2014
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Gill Ragon, Public Protection Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
	Email: lisa.jones@gloucester.gov.uk		Tel: 396047
Appendices:	1. Details of licensing applications received		
	2. Licensing Forward Plan		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 2.1 To outline to Members, details of key Licensing Activities carried out in the last quarter (April to June 2014), including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
- 1.2 To seek suggestions from members as ways to improve the format and content of this report.

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

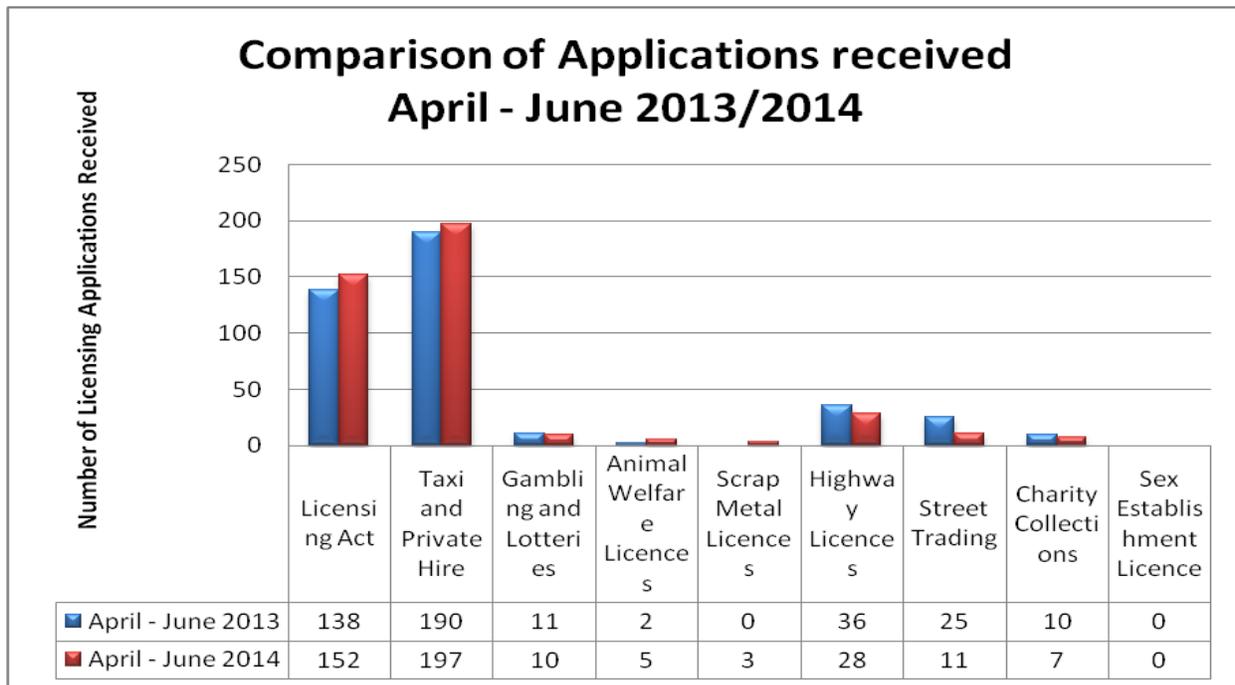
- 3.1 The Licensing Team currently include five Licensing and Enforcement Officers which comprise of 4.54 Full Time Equivalent (FTE), one 0.6 FTE Licensing Business Support Officer, a Senior Licensing and Markets Officer and a Food, Licensing and Markets Manager who covers both Licensing, Food Safety and Markets functions.

3.2 On 27th May, an additional full time Licensing and Enforcement Officer Darren Brice joined the Licensing Team and his main role is focussed on out of hours enforcement. On 30th June, Darren Mountford a full time Senior Licensing and Markets Officer also joined the Team and he will play a lead role in liaison with the trade and partners and to oversee the Licensing and Markets functions.

3.3 **New Licensing Applications**

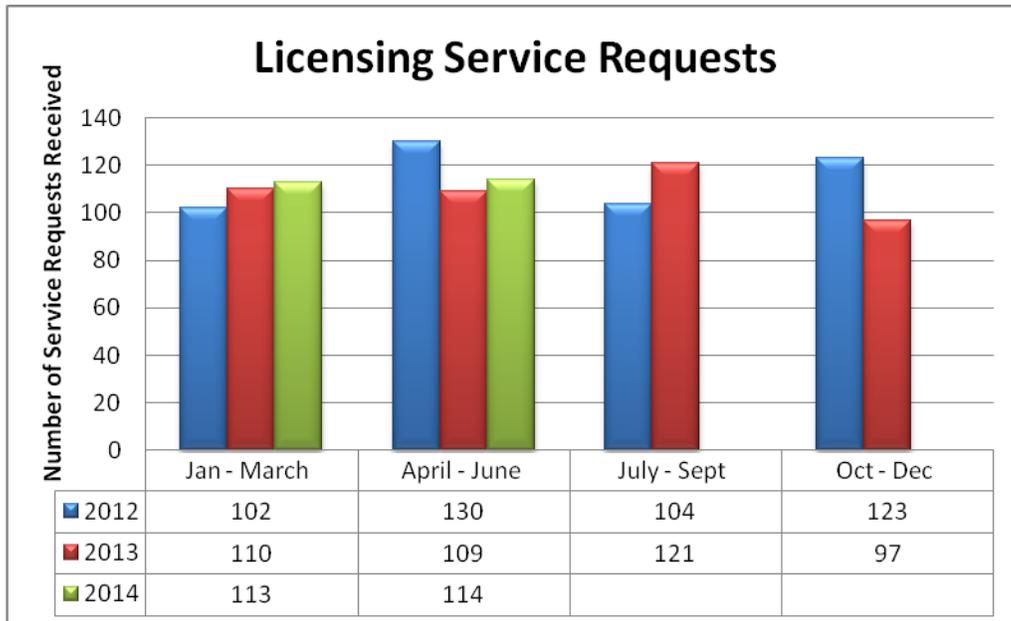
3.3.1 Between 1st April 2014 and 30th June 2014 the Licensing Team have received a total of 413 licensing applications, this is 57 more than we received in the previous quarter (January to March 2014) however it is similar to the number of applications that we received during April to June 2013 (412). In comparison to the last quarter, we have received 46 additional applications under the Licensing Act largely consisting of Temporary Event Notifications because we received 41 more than we received during Jan- March. This is comparable with the same period during 2013 reflecting the more events that are organised for the summer season. Figures of the number of licensing applications received this quarter and over the last two years can be found in Appendix 1.

3.3.2 The graph below illustrates the numbers of applications received between April and June 2014 in comparison to 2013.

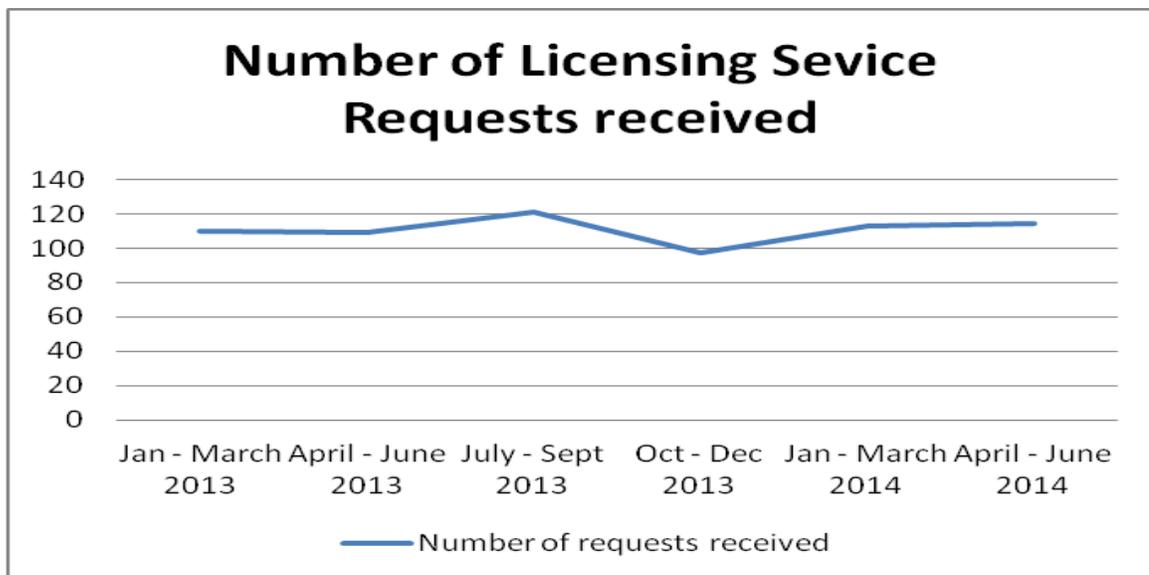


3.3.3 At appendix 1 there is a pie chart that shows the % of licence applications received by type.

3.3.4 In addition to the administration of Licensing applications, the Licensing Team also deal with a number of service requests. These can consist of complaints and enquiries about various Licensing matters. We received a similar amount in 2012 and 2013. The graph below compares the numbers received per quarter during 2012, 2013 and 2014:



3.3.5 The line graph below illustrates the trend in the number of licensing service requests received over the last year. There was a reduction in the winter months, however over the last year these requests have remained fairly constant.



4.0 Enforcement Work

Taxi and Private Hire Enforcement:

- 4.1 Licensing and Enforcement Officers have monitored activities of licensed drivers and their vehicles. In the last quarter no suspension notices have been issued requiring works to be made to their vehicles where defects have been found, however, totting up penalty points have been issued to 5 drivers for matters including parking their licensed vehicle on double yellow lines, smoking in the licensed vehicle, unsatisfactory behaviour and failure to notify the Licensing of motoring offences. The Licence team have also worked with Gloucestershire Constabulary to help pull over vehicles on the roadside.

Licensed Premises Enforcement

- 4.2 The Food and Licensing Team have taken part in two multi-agency operations with Gloucestershire Constabulary and the Fire and Rescue Service on 26th June and 2nd July 2014, which focussed on takeaways and other licensed premises. This joint approach has been a huge success and has ensured that a comprehensive approach to licensing, food hygiene, health and safety and fire safety was taken, rather than individual agencies acting on their own.

On the first operation 8 premises were visited and 5 were found to have non-compliances in at least 2 areas of enforcement including food safety, fire safety and licensing. On the second operation 9 premises were visited and 5 were found to be in breach of at least 2 areas of enforcement including food safety, fire safety and licensing.

These premises have now complied with the licensing contraventions found during the operation.

We all want to ensure that Gloucester is a safe and hygienic City for the public to enjoy and together we have the ability to use a variety of legislative powers to ensure change.

5.0 Legislative Updates

5.1 The Gambling Commission Consultation

The Gambling Commission has published a consultation report on proposed amendments to the social responsibility provisions in the licence conditions and codes of practice (LCCP) for all operators.

The Gambling Commission states that the proposed amendments aim to reflect developments in social responsibility practice and in the understanding of risk, that have evolved since the LCCP first came into effect.

The Commission has confirmed that whilst some of the proposals contained within the consultation relate to specific changes to the LCCP, other proposals aim to 'stimulate a wider debate on a number of key issues'. They also propose to 'inform and shape the current debate about the place of gambling in Britain

today' so that the industry and regulators 'can deliver an effective regulatory framework'. The consultation is available on the link below:

<http://www.gamblingcommission.gov.uk/pdf/Proposed%20amendments%20to%20social%20responsibility%20provisions%20in%20LCCP%20consultation%20August%202014.pdf>

5.2 Alcohol Harm Minister

The All Party Parliamentary Committee on Alcohol Misuse has called for a single government minister to be responsible for reducing alcohol harms as part of its 2015 Manifesto that also includes a minimum unit price for alcoholic drinks.

The Manifesto includes 10 points for political parties to minimise alcohol related harm in the UK, including:

- Adding public health as the fifth licensing objective to enable local authorities to make licensing decisions based on local population health need and density of existing outlets.
- Strengthening the regulation of alcohol marketing to protect children and young people.
- Increasing funding for treatment of problem drinkers, raising access levels from 6% to 15%.
- Including health warnings on all alcohol labels delivering a government funded national public awareness campaign on alcohol related health issues.
- Reducing the blood alcohol limit for driving in England and Wales, starting with drivers under 21.
- Introducing sobriety order to break the cycle of alcohol related crime, antisocial behaviour and domestic violence.

5.3 Irresponsible promotions

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 will come into effect on 1st October 2014 and includes measures to address irresponsible drinks promotions.

The main change, is that the previous qualification that **any** drinks promotion is only irresponsible if it is carried on in a manner which 'carries a significant risk' of undermining one of the licensing objectives has disappeared. The Order then goes on to split definitions of irresponsible drinks promotions into 5 categories, some of which are not qualified by the requirement that it carries such a significant risk.

Three categories are illegal under any circumstances: dispensing alcohol directly into a person's mouth; a game or activity which encourages people to drink a quantity of alcohol within a certain time limit (other than drinking up time), or to

drink as much alcohol as possible; and selling alcohol in association with any posters / flyers in the vicinity of the premises, which can reasonably be considered to condone, encourage or glamorise anti-social behaviour, or the effects of drunkenness, in a favourable manner.

However, two other forms of promotions - unlimited or unspecified quantities of alcohol being sold free or for a fixed or discounted fee, and the provision of free or discounted alcohol as a prize, to encourage or reward purchase or consumption of alcohol over a period of 24 hours or less, are only irresponsible if they are carried on in a manner where there is a significant risk of undermining one or more of the licensing objectives.

6.0 Future Work

6.1 Taxi Meter Tariff

The Licensing Team have reviewed the current taxi meter tariff in comparison to our County, Regional and National rates. A formula used to calculate the median range of the Southwest and Midlands region suggests that an increase of 3.2% could be applied to our tariff to bring it in line. The Licensing team have also taken on board the cost petrol and diesel, which has reduced by 1p and 3p respectively, since we last reviewed the meter tariff in October 2013. The Licensing team has informally discussed the current tariff with the Taxi trade and there are no requests to increase the rates this year. Therefore, the Licensing Team are not proposing to change the Taxi Meter Tariff for December 2014, however, it will be re-published to include Easter Sunday as a public holiday, following a request from the trade earlier this year.

6.2 Taxi Ranks

- The Taxi trade have requested a review of the taxi rank in Gloucester Quays located in High Orchard Street, so the team will be reviewing this shortly.
- The Taxi trade have also requested using Clarence Street as a temporary taxi rank late at night; Gloucestershire Highways have agreed for us to trial this subject to liaison with Stagecoach. The Licensing Team will make arrangements for this to be put in place by October 2014.

6.3 Taxi and Private Hire Ambassador Scheme

The Licensing team have written to all licensed Drivers and Operators to encourage engagement in the Ambassador scheme for the City. To date a number of drivers have provided expressions of interest in signing up to the scheme and they will be invited to an introductory meeting so that Officers can explain in more detail the incentives and benefits of joining and hopefully encouraging a formal sign up from them.

The scheme includes liaison with Marketing in Gloucester and Tourist Information Board to ensure adequate publication and branding gets the scheme recognised by visitors and residents. The scheme will also award drivers with an NVQ in customer service with an additional element tailored toward the tourist

information of the City. The Licensing Team have liaised with Economic Development to secure funding toward the scheme and it is aimed to deliver it by February 2015.

7.0 Forward work plan and Conclusions

7.1 The table in appendix 2 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 listed illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

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 preparing 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. There is no risk to the Authority connected to this report, as it is for information only.

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