

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	9th December 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

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter (July to September 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.

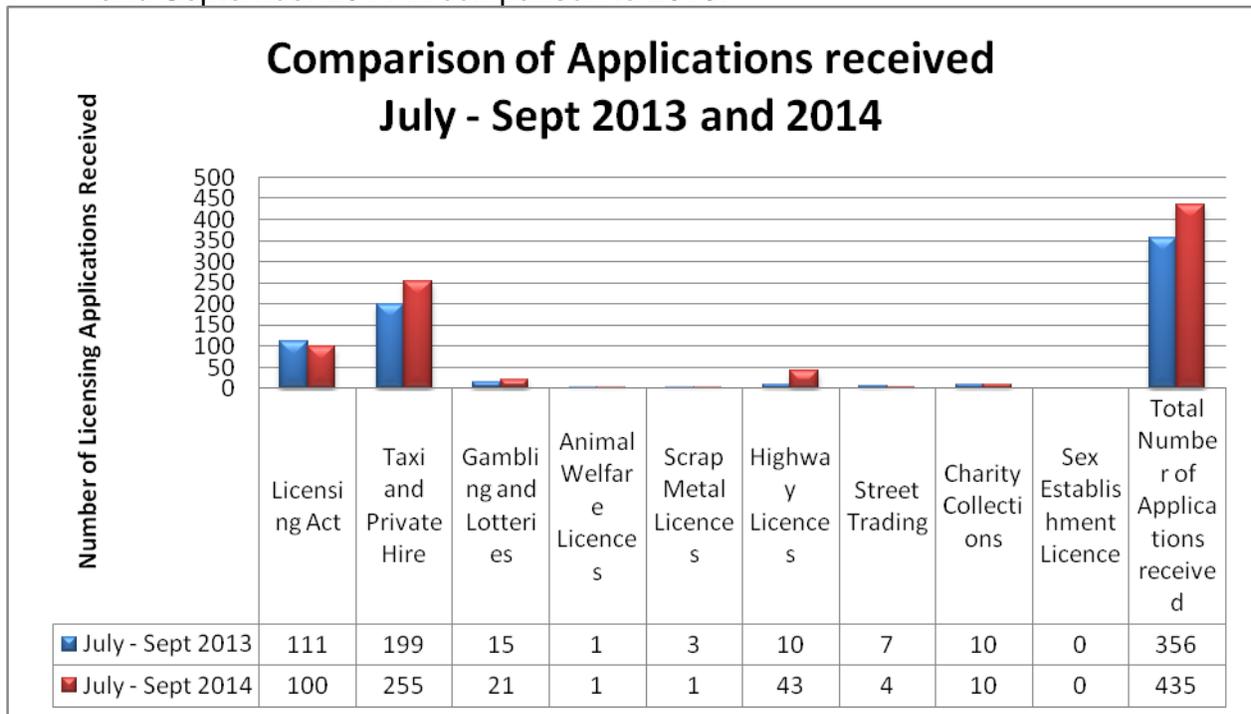
3.0 Updates on Licensing Activities in the last Quarter

- 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 and Licensing Service Manager who covers both Licensing, Food Safety and Market functions.

3.2 **New Licensing Applications**

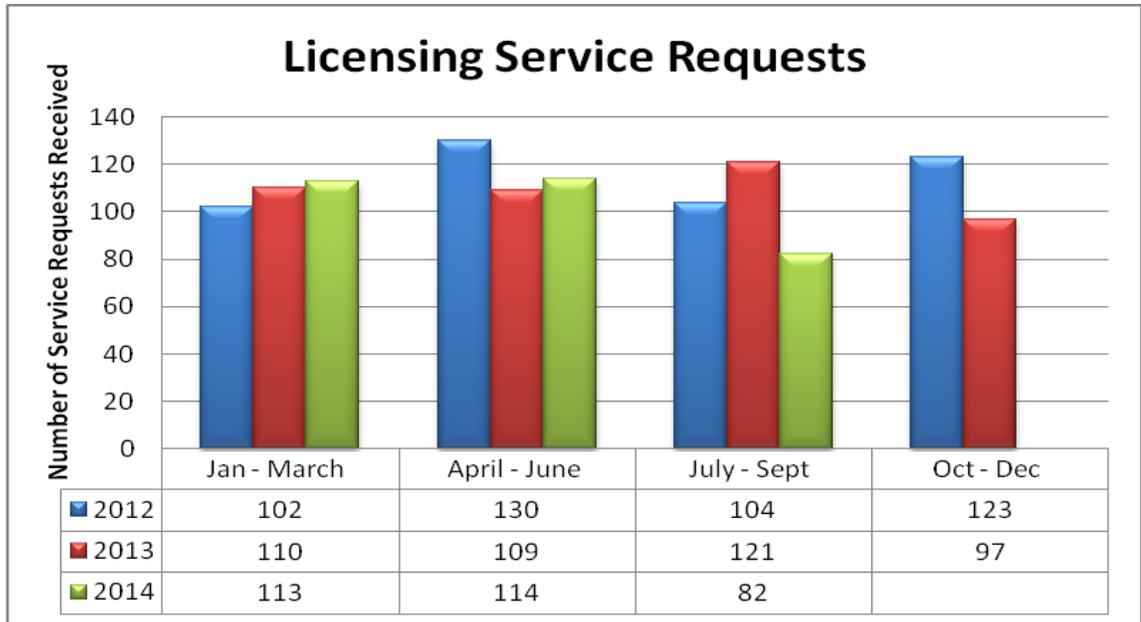
3.3 Between 1st July 2014 and 30th September 2014 the Licensing Team have received a total of 435 licensing applications, this is 22 more than we received in the previous quarter (April to June 2014) and 79 more applications than the number of applications that we received during July to July 2013 (356). In comparison to the last quarter, we received 52 fewer applications under the Licensing Act because we saw an increase of Temporary Event Notifications leading up to the summer period. The main increase in applications this quarter includes A'Board licence applications and private hire driver and vehicle applications. Figures of the number of licensing applications received this quarter and over the last two years can be found in Appendix 1.

3.4 The graph below illustrates the numbers of applications received between July and September 2014 in comparison to 2013.

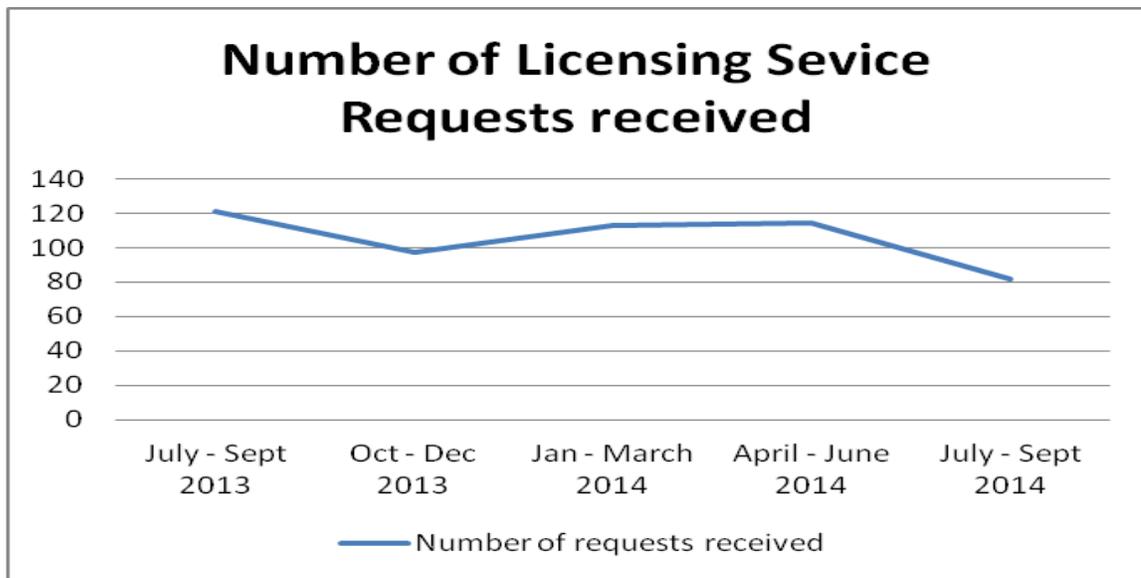


3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence.

3.6 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.



3.7 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 Hackney Carriage and Private Hire Drivers and their vehicles. There has been a number of

drivers that have been issued with penalty points for matters including illegal U-turns, parking on double yellow lines, no first aid kits and fire extinguishers, proceeding through a red light, no door panels, no Bus lane stickers, driving through a pedestrianized zone, smoking in a licensed vehicle, defective brake lights and rear plates not being displayed. 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, e.g. plying for hire. The Licence team have also worked with Gloucestershire Constabulary to help pull over vehicles on the roadside.

4.2 Taxi Meter Tariff

The Taxi Tariff was advertised to include Easter Sunday as a public holiday as per a request from the trade. No objections were received.

4.3 Taxi Ranks

Following a request from the Taxi trade a temporary taxi rank in Clarence Street was trialled from 31st October until 29th November 2014.

5.0 **Legislative Updates**

5.1 New Powers under the Anti-social Behaviour, Crime and Policing Act 2014

On 20th October 2014, various provisions of the Anti-social Behaviour, Crime and Policing Act 2014 have come into effect, which change the powers available to the police and local authorities to tackle anti social behaviour. A summary of the changes which could affect licensed premises are set out below:

Dispersal Powers

If an officer (a constable in uniform and police community support officer) has reasonable grounds to suspect that someone is contributing, or is likely to contribute to anti-social behaviour or crime or disorder in an area, dispersal powers allow them to direct that person to leave a specified locality for a period of up to 48 hours. They can also request that certain property is surrendered for the duration of that period, such as any alcoholic drink.

Public Spaces Protection Order

A public spaces protection order (PSPO) can be made to prohibit alcohol consumption but this will not apply to areas covered by a premises licence under the Licensing Act 2003 or a pavement / highways consent. These PSPO's will replace the Designated Public Place Orders (DPPO's) and Gating Orders.

Closure Notices and Closure Orders

If the police or a local authority are satisfied on reasonable grounds that use of a particular premises has resulted or is likely to result in nuisance to members of the public, or that there has been or is likely to be disorder near the premises which is associated with the use of the premises then they may issue a closure notice which prohibits access to the premises for a period specified in the notice, up to a maximum of 48 hours.

There are various rules in respect of notification requirements and service of the closure notice but there is no hearing, the notice applies immediately and so the premises must close immediately.

Whenever a closure notice is issued and not cancelled an application must be made to the Magistrates Court for a closure order. The application must be heard by the Magistrates within 48 hours of the original closure notice being issued. A closure order is an order prohibiting access to the premises for a period of time not exceeding 3 months. At any time before expiry, an application for an extension to the order can be made to the Magistrates.

These powers will repeal the closure powers under Sections 161 to 166 of the Licensing Act 2003.

5.2 Home Office update on Personal Licence Renewals

Personal Licences are valid for 10 years, and so come 2015, the majority of these licences will be due for renewal after the Licensing Act took effect in 2005. A spokesperson from the Home Office has now confirmed that the Deregulation Bill which will remove the requirement to renew a personal licence is to receive Royal Assent no earlier than spring 2015.

Consequently any persons with a Personal Licence falling due for renewal before then will be required to make an application to renew their licence, providing basic information. No application fee, photographs, DBS certificates nor existing personal licence will be required with the application. The Council will just need to acknowledge receipt of the application for it to be valid. The Home Office will very shortly be publishing guidance on the revised process.

5.3 Consultation on Community and Ancillary Sellers' Notice

The Government has launched a consultation on the Community and Ancillary Sellers' Notice (CAN) which it proposes will make it easier for businesses such as bed and breakfasts and community groups such as charities that hold occasional events to be able to sell alcohol.

The Government says that a CAN should only apply to small providers of overnight accommodation who want to sell small amounts of alcohol as part of their overall service, and to community groups holding occasional events.

The proposal would allow such organisations to apply for a CAN that would last for three years and allow a limited amount of alcohol to be sold between 07:00am and 11:00pm. The consultation is essentially about the implementation of the Government's existing policy - what size of accommodation provider should benefit; what type (self-catering holiday homes, camp sites etc in addition to bed and breakfast); the appropriate definition of a community group; and the amount and frequency of the alcohol that can be sold under a CAN.

The Consultation, which begins on 11th November 2014 and ends on 9th December 2014, can be found on the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374692/2014-11-13-CAN_Consultation_final_HO_branding_v2.pdf

5.4 Reforms to Street Trading and Pedlars rules

The new system, for licensing Street Traders and Pedlars will be introduced next year, removing unnecessary burdens from traders operating in market places up and down the country whilst making sure the system is compliant with EU law. The planned changes are part of the government's Red Tape Challenge and will come into force in April 2015, they include:

- amending street trading legislation so that undue restrictions on licences for pedlars and street traders are removed
- character checks to include a search of the police national databases to be applied consistently across the UK
- removing the requirement for a pedlar to have lived in the area where he or she wants to operate

The changes will ensure that consumers can have confidence that pedlars will have the same checks no matter where they trade. This will include a check of the Police National Database to see whether the applicant has a criminal record or is suspected of having links with criminal activities.

The reforms will also remove a requirement for traders to prove that they have lived in an area they wish to trade in for at least one month. This was not compliant with European law and restricted enterprise unnecessarily.

The changes will help to reduce barriers to street traders and pedlars by making it easier to trade, boosting retail and helping small traders - including many young entrepreneurs - to expand and grow.

6.0 **Future Work**

6.1 Taxi Ranks

The GL1 taxi rank has been advertised for formal adoption. The public notice will seek public comments over a 28 day consultation period.

6.2 Taxi and Private Hire Ambassador Scheme

The funding bid to deliver the WorldHost accredited customer service and ambassador training has been successful. The City Council are in the process of recruiting 10 facilitators who will be trained to deliver the WorldHost programme.

The drivers who expressed an interest in signing up to the Ambassador Scheme will be contacted so that we can start to roll out the training programme. All licensed drivers have been encouraged to sign up whilst spaces remain. The training programme will allow for 600 candidates to obtain free training including taxi and private hire drivers, retailers and hoteliers.

6.3 Best Bar None

The Licensing Team are working with Community Safety and Economic Development to introduce the Best Bar None Scheme in the City. Best Bar None raises standards and rewards excellence for those venues that attain the Award standard. This is delivered at a local level by active partnerships between the industry, local authorities and police.

The scheme will promote and maintain an Awards Scheme for licensed premises in Gloucester City, recognising Good Practice and leading to an enhanced customer experience. This scheme is recognised nationally. The Awards are based on core national standards with local standards to ensure they address local needs. Licensed premises will be assessed by trained, impartial assessors, who will ensure the assessment criteria will be clear and straight forward, with a minimum of bureaucracy and with constructive feedback provided to all entrants.

The criteria could include measures to tackle irresponsible drinks promotions by setting local standards. Many licensed premises in Gloucester already take a responsible approach and have agreements through their LVA (Licensing Victuallers Association) to ensure their minimum prices are not set too low, to encourage irresponsible binge drinking. This award scheme will help recognise those licensed premises that are taking more social responsibility to keep their venues safe and enjoyable.

We are currently in the early stages of introducing this scheme, consulting with stakeholders, but have received positive responses so far. It is aimed to launch this scheme in February 2015, at which time licensed premises will be able to sign up. With a view to launch the first award ceremony in Gloucester in August 2015. We hope this scheme will improve customer choice by informing residents and visitors to the City on the licensed venues awarded for their excellence.

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