

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>16<sup>th</sup> June 2015</b>
<b>Subject:</b>	<b>Members Update for Licensing and Enforcement Committee</b>		
<b>Report Of:</b>	<b>Head of Public Protection</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>		
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<b>Appendices:</b>	<b>1. Details of licensing applications received</b>		
	<b>2. Licensing Forward Plan</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 (January to March 2015), 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

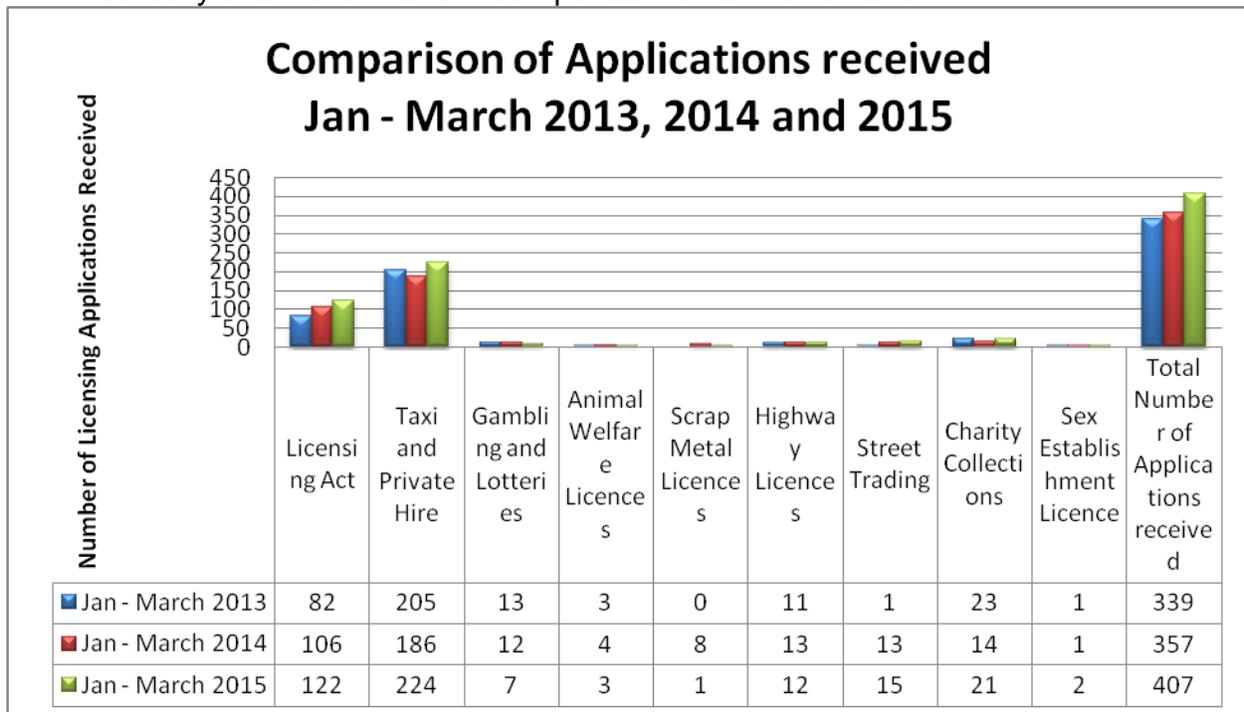
- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

### 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.

## New Licensing Applications

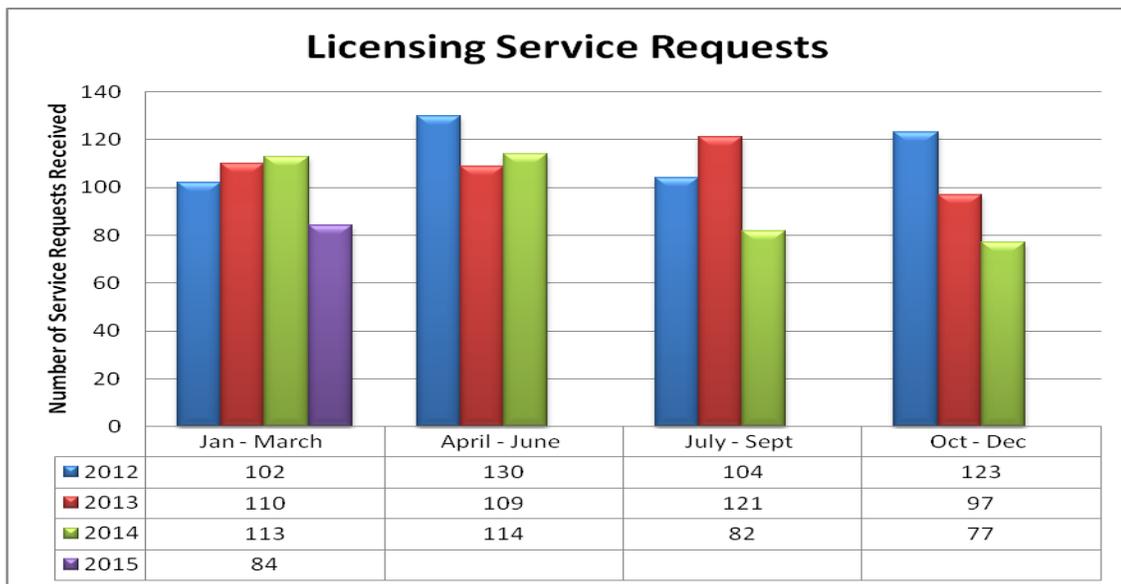
- 3.2 Between 1<sup>st</sup> January 2015 and 31<sup>st</sup> March 2015 the Licensing Team received a total of 407 licensing applications, this is 38 less than we received in the previous quarter (October to December 2014) but 50 more applications than the number of applications that we received during January to March 2014 (357). In comparison to the last quarter, we received 14 less applications under the Licensing Act because we saw an increase of applications to renew personal licences in the previous quarter, this falls in line with the 10 year expiry since the Act first took effect in 2005. Although fewer applications were received this quarter under Taxi and Private Hire, the Licensing Act, Gambling Act, an increase of applications were received for street trading, highways licences and charity collections. Figures of the number of licensing applications received this quarter and over the last two years can be found in Appendix 1.
- 3.3 A further breakdown of Hackney Carriage and Private Hire applications can also be found in Appendix 1. We have received 38 more applications during January – March 2015 (224) than compared to the same period in 2014 (186) and 19 more than in 2013 (205).
- 3.4 The graph below illustrates the numbers of applications received between January and March 2015 in comparison to 2014 and 2013.



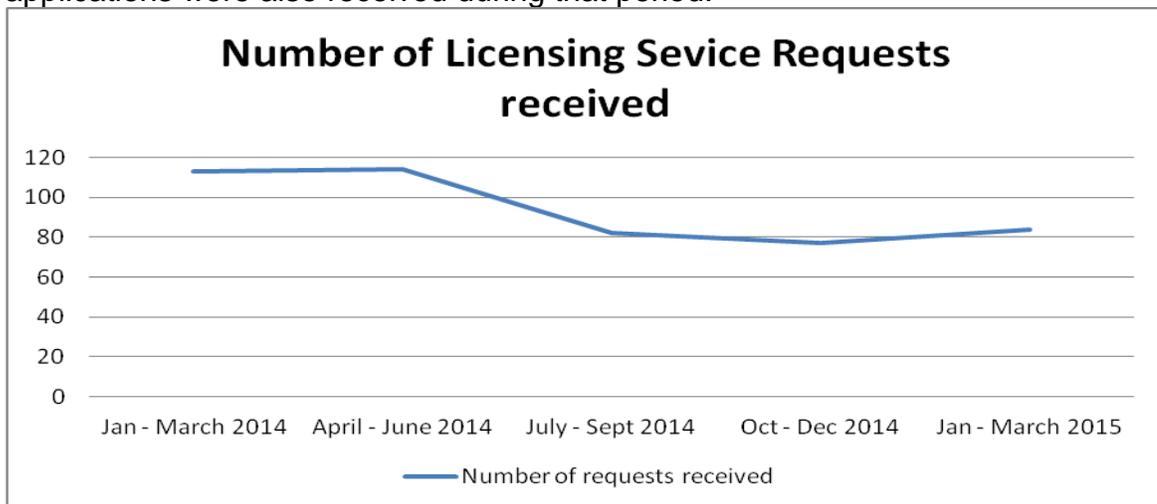
- 3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence during January - March 2015. It shows that more than 50% of the applications received were relating to Hackney Carriage and Private

Hire Licensing and 30% relate to Licensing Act applications, this is similar proportions to the total applications received during the full year of 2014.

- 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. The graph below compares the numbers received per quarter during 2012, 2013, 2014 and 2015. Over the last three years the total number of service requests received has reduced. This is clearly seen when comparing the service requests received between January and March 2015 with previous years for that period.



- 3.7 The line graph below illustrates the trend in the number of licensing service requests received over the last year. There was a gradual reduction in the winter months; however the general workflow within the team has remained consistent, because although fewer service requests were received, more licensing applications were also received during that period.



## 4.0 Enforcement Work

### Sub-Committees Held between January to March 2015

#### *Taxi and Private Hire Hearings (Five Hearings)*

- 4.1 On the 9<sup>th</sup> February 2015 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had received a dishonesty conviction which did not fall in line with the Licensing Authority's guidelines for convictions. The Sub-Committee considered the applicant's explanation and remorse, that the Magistrates Court imposed a sentence at the lower end of the appropriate scale and that the applicant had served most of the Community Service and paid off half the costs, and decided to issue the applicant with a written warning.
- 4.2 On the 16<sup>th</sup> February 2015 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had received an accumulation of nineteen penalty points on the Licensing Teams internal totting up scheme. Drivers who obtain twelve or more points in a 12 month period are automatically referred to a Sub –committee for consideration. The Sub -Committee considered the supplementary information and the applicant's statement and decided to suspend the applicant's Private Hire Drivers Licence until such time as the applicant takes and successfully passes the Driver and Vehicle Standards Agency Taxi Driving Assessment Test as most of the points issued to him are for motoring offences.
- 4.3 On the 13<sup>th</sup> April 2015 two Hackney Carriage Drivers were referred to the Licensing and Enforcement Sub- Committee to consider their suitability to be licensed because they were involved in a violent altercation at the train station taxi rank. The Committee considered each case separately, including each licensed drivers' statements and any supporting information and observed the CCTV footage of the incident. They decided to revoke the Hackney Carriage licence of one driver with immediate effect and to give the second driver a written warning with a requirement to complete an anger management course, before the expiry date of his current hackney carriage driver's licence.
- 4.4 On the 14<sup>th</sup> April 2015 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had received an accumulation of twelve penalty points on the Licensing Teams internal totting up scheme, he had also received 9 DVLA points which he had failed to notify the licensing team. The Sub-Committee considered the applicant's statement and decided to issue a written warning which will remain on his record for 12 months. The driver was also required to successfully complete the Driver and Vehicle Standards Agency Taxi Driving Assessment Test on 28<sup>th</sup> April 2015.

#### *Street Trading Appeals (Three Appeals)*

- 4.5 On 11<sup>th</sup> February 2015, the Licensing Sub-Committee considered an appeal against an Officers decision to refuse a street trading application for a catering van in Innsworth Lane. The renewal application had received representations both for and against the street trading activities, Officers refused the application based on the objections received however the application was able to demonstrate that during the trial period they were granted consent, the presence of the unit had prevented crime anti-social behaviour in this area. The Sub-committee decided to uphold the appeal and renew the application subject to amending the trading hours to 10am until 10pm Mon- Sun due to the proximity of residential properties.
- 4.6 On 17<sup>th</sup> March 2015, the Licensing Sub-Committee considered an appeal against an Officers decision to refuse a new street trading application for a catering van on Crypt School roundabout. The licence team had received 6 objections against the street trading application. The Sub-committee decided to dismiss the appeal because the siting of the operation was likely to cause problems of highway safety and obstruction to users of the highway, school events and other users in the evening, and because of concerns that the use will generate noise, smells, litter and late night disturbance and affect the security of the school and the amenity of the nearby bungalow.
- 4.7 On 17<sup>th</sup> March 2015, the Licensing Sub-Committee considered another appeal against an Officers decision to refuse a new street trading application for a catering van at Olympus Park, Quedgeley. The Sub-committee decided to adjourn this hearing to seek further information from the Highways and Police authorities regarding the suitability of the location and the number of incidents in this area. Licensing Officers received further information from these authorities confirming that they have no objections to this application, as a result Licensing Officers no longer have grounds to refuse this street trading application and so the application has been granted. The appeal hearing is no longer necessary.

#### *Sexual Entertainment Venue (New Application)*

- 4.8 On 11<sup>th</sup> May 2015, the Licensing and Enforcement Full Committee considered an application for a new sexual entertainment venue for Minx Club, Quay Street. The application was to operate the club as a lap-dancing club to allow nudity every night the club is open. Police had objected to the current manager running the club due to concerns about his suitability. However, Members decided to grant the application subject to some additional conditions to help control activities at the premises.
- 4.9 During this quarter the licensing authority acting as a responsible authority also made an application to review the premises licence for Club Minx due to breaches of conditions relating to door staff and CCTV. However, Officers continued to monitor compliance at the premises and were satisfied that the premises were able to demonstrate compliance before the hearing was to be

held. As the grounds for review were no longer valid, it was agreed to withdraw this review application and cancel the hearing.

### **Out of Hours Enforcement**

#### **4.10 Taxi and Private Hire Enforcement**

In the last quarter Licensing and Enforcement Officers have continued to monitor activities of Hackney Carriage and Private Hire Drivers and their vehicles. Between January and March 2015, 30 drivers were issued a cumulative total of 99 penalty points on our internal totting up system. This included matters such as drivers witnessed making 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 whilst using a mobile phone, smoking in a licensed vehicle, defective brake lights, rear plates not being displayed and leaving a licensed vehicle unattended.

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.

#### **4.11 Licensed Premises**

The Licensing Team have a close working relationship with the Police and Environmental Protection and regularly share information to ensure compliance at licensed premises. In the last quarter, a number of premises were monitored out of hours where complaints were received regarding noise emanating from licensable activities.

The Licensing Team also participated in a test purchasing operation in February with the Police at four licensed premises, two premises failed the test purchase and required further formal action to be taken:

Gordon Stores – Millbrook Street (Failed)

Podsmead Premiere – Scott Avenue (Failed)

Tesco Express – Bristol Road (Passed)

Wellington Stores – Wellington Street (Passed)

#### **4.12 Other Enforcement work**

The Licensing Team took an active role in monitoring our own licensed Vehicles in Cheltenham Borough during the Cheltenham Races Week 9<sup>th</sup> – 13<sup>th</sup> March. In total 16 Gloucester licensed vehicles were checked and challenged for illegally plying for hire. Five vehicles passed the Licensing checks, however eleven failed some checks including missing door panels, and bus lane stickers. In addition Gloucester Licensing Officers also witnessed an unlicensed vehicle operating in Cheltenham following intelligence reports about it operating and further

witnessed a Gloucester licensed private hire driver conduct an illegal pick up in Cheltenham. Cheltenham have thanked Gloucester Licensing team for their support on this as they have been able to provide witness statements to help them take prosecution cases forward. The Gloucester licensed driver caught illegally plying for hire is going to Stroud Magistrates Court in July 2015.

## **5.0 Legislative Updates**

### **5.1 Gambling Commission Consultation - Guidance to licensing authorities**

The Gambling Commission are currently consulting on proposed amendments to their 'Guidance to Licensing Authorities' (5<sup>th</sup> Edition). This consultation ends on 22<sup>nd</sup> June 2015.

The main changes will be in the following areas:

- A new general guidance section at the beginning of the document intended to make clear the breadth of discretion available to licensing authorities (LAs) in exercising their powers, the underpinning statutory 'aim to permit gambling subject to being reasonably consistent with the licensing objectives' and the benefits of partnership working
- The importance of the statement of licensing policy (policy statement) as a regulatory tool and changes to reflect our recently completed consultation on improving social responsibility controls, particularly around local risk assessments
- Relatively minor changes to reflect the coming into force of new arrangements for regulating online gambling.

### **5.2 Report Published – The impact of the Licensing Act 10 years on**

A report has been published by the Institute of Economic Affairs called '*Drinking, Fast and Slow, Ten Years of the Licensing Act*' which looks at the impact of the Licensing Act 2003 over 10 years since it first took effect.

The report debunks the myths that extending the licensing hours for pubs, bars and nightclubs would lead to a rise in demand for alcohol and perpetuate excessive drinking. It shows that the relaxation of licensing laws benefitted consumers and did not result in the disastrous outcomes predicted at the time. The statistics show that ten years after the Licensing Act was introduced:

- Alcohol consumption per capita fell by 17% between 2005 and 2013, the biggest decline since the 1930's
- Violent crime reduced
- Binge drinking fell, particularly amongst young people

- The number of drink driving accidents also dropped significantly
- No rise in alcohol related deaths.
- No rise in alcohol-related A&E admissions.

## **6.0 Future Work**

### **6.1 Gambling Act Statement of Principles Review**

The Licensing Team will be consulting on a revised version of the Council's Gambling Act Policy during the summer. This statement is revised every three years and is planned to take effect January 2016. The revised Policy will incorporate any changes to 'Guidance to licensing authorities' currently under consultation.

### **6.2 Licensing Act Policy Statement Review**

The licensing team are also currently revising the Council's 'Licensing Act Policy Statement'. The revised draft policy will be brought to the Licensing and Enforcement Committee in September to approve for consultation. This policy was last revised in 2011 and must be revised every five years. This revision will include a number of significant changes to help support our vision for the City over the next five years as well as including the relevant changes affecting the Licensing Act over the last five years.

### **6.3 Gloucester Private Hire prosecuted by Cheltenham Council**

Last quarter we reported that Cheltenham Borough Council has prosecuted a private hire driver from Gloucester who was found to be illegally plying for hire in Cheltenham, during last year's Cheltenham Gold Cup week. This driver will be referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed once he has returned to the UK.

### **6.4 Best Bar None**

The Licensing Team have been making great progress with Community Safety 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. The scheme was officially launched on 3<sup>rd</sup> March 2015 and licensees were encouraged to sign up by April 7<sup>th</sup> 2015. To date 18 applicants have signed up to the scheme which is much more than we first anticipated. The scheme will be delivered at a local level by active partnerships between the industry, local authorities and police, assessors received training on 9<sup>th</sup> and 10<sup>th</sup> June 2015 and will carry out assessments during July ready for the Awards Ceremony.

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.

This award scheme will help recognise those licensed premises that are taking more social responsibility to keep their venues safe and enjoyable. It is targeted to launch the first award ceremony in Gloucester at the end of 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