

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	15th September 2015
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Ross Cook, Corporate Director for 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. 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 (April to June 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.

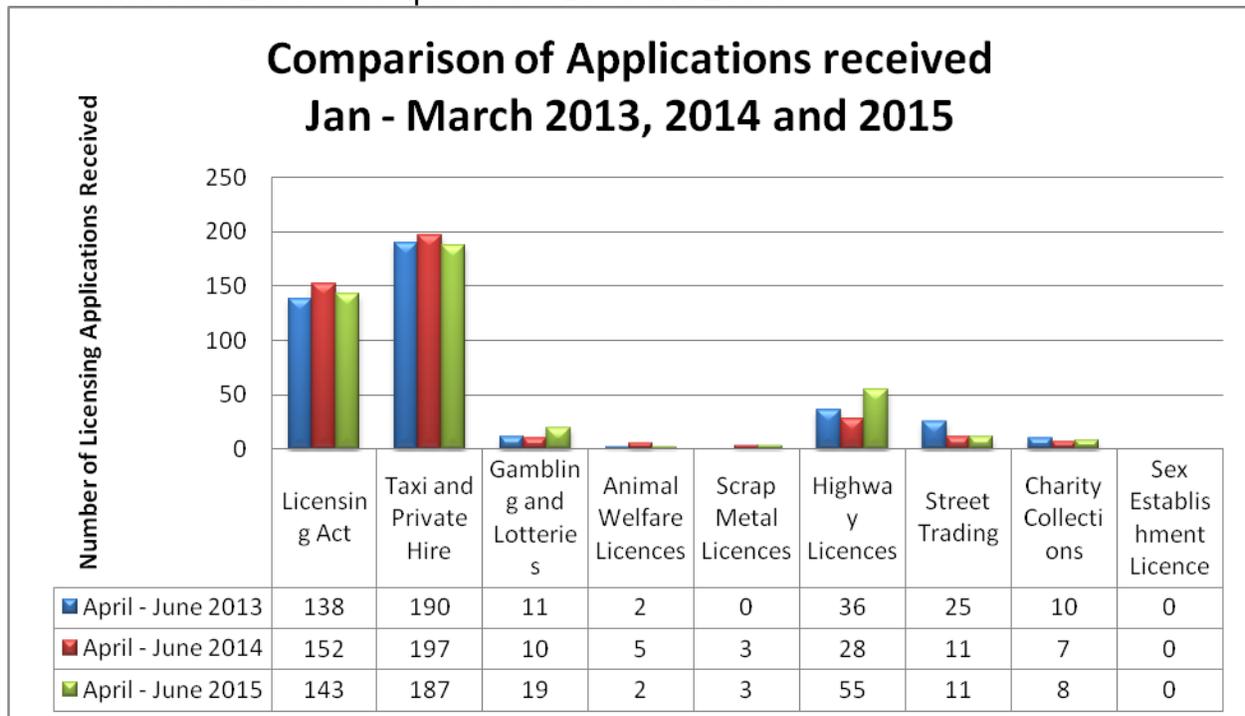
3.0 Updates on Licensing Activities in the last Quarter

- 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.

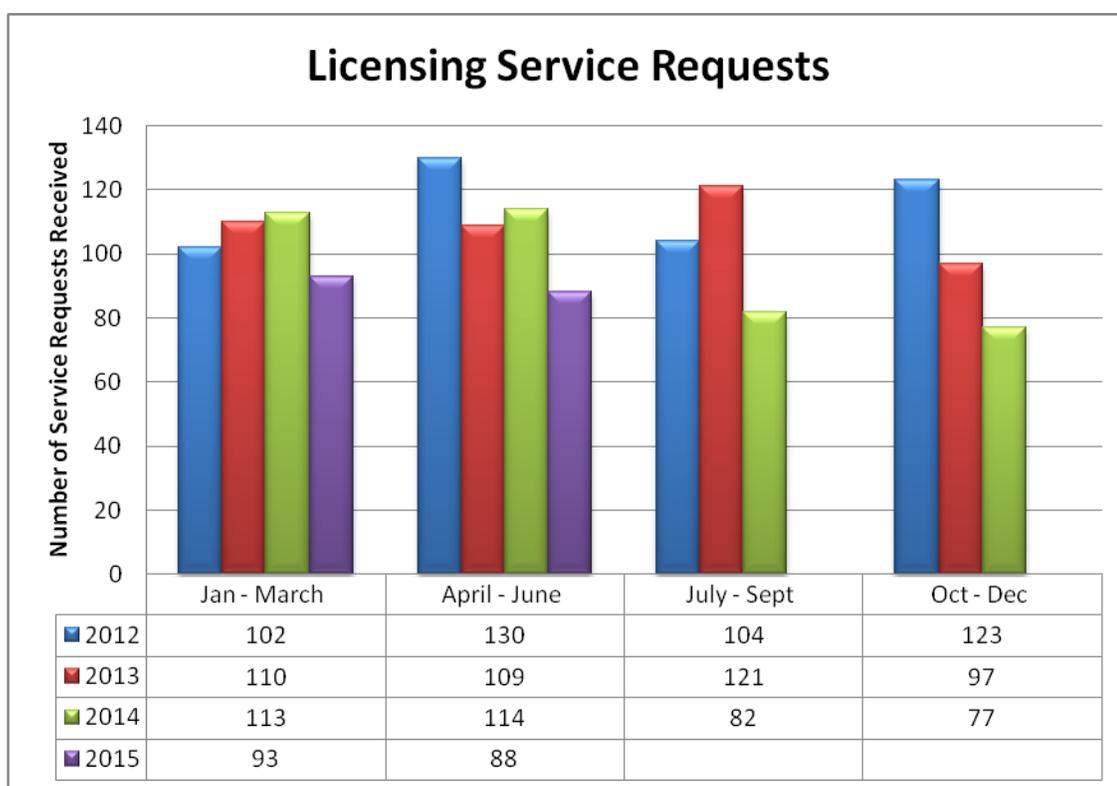
New Licensing Applications

- 3.2 Between 1st April 2015 and 30th June 2015 the Licensing Team received a total of 428 licensing applications, this is 21 more than we received in the previous quarter (January to March 2014) and 15 more applications than the number of applications that we received during April to June 2014 (413). In comparison to the last quarter, we received 21 more applications under the Licensing Act because we saw an increase of applications to renew personal licences, this falls in line with the 10 year expiry since the Act first took effect in 2005. 43 more application for Highways Licences were received this quarter compared to the last as a number of them were due to be renewed. 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 10 fewer applications during April – June 2015 (184) than compared to the same period in 2014 (194) and just 3 less than in 2013 (190).
- 3.4 The graph below illustrates the numbers of applications received between April and June 2015 in comparison to 2014 and 2013.

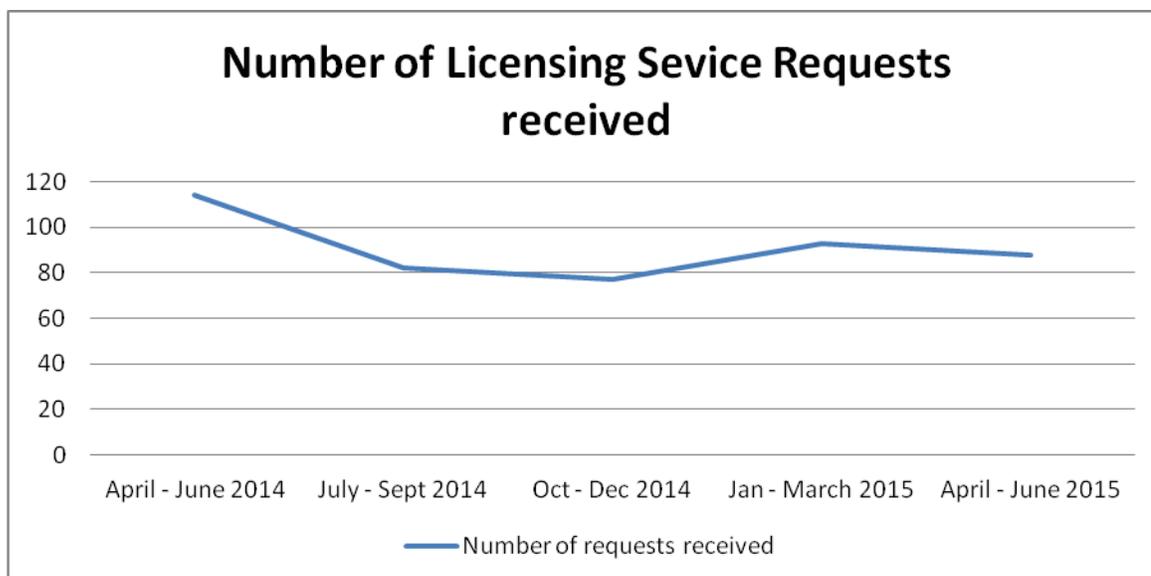


3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence during April - June 2015. It shows that more than 44% of the applications received were relating to Hackney Carriage and Private Hire Licensing and 33% relate to Licensing Act applications, this 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 April and June 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 has been a reduction in 2015 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 June and August 2015

Taxi and Private Hire Hearing (Four Hearings)

- 4.1 On the 30th June 2015 a new Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had previous convictions which did not fall in line with the Licensing Authority's guidelines for convictions. The Sub-Committee considered the applicant's explanation and decided to grant his application as he was considered to be a fit and proper person to hold a Private Hire Drivers Licence.
- 4.2 On the 9th July 2015 a new Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had accumulated 15 totting up points on the Council's internal penalty points system. The Licensing and Enforcement Sub-Committee considered the applicant's explanation and decided to issue a written warning that will remain on his record for 12 months and if he receives any further endorsements within that period, he will be referred straight back to the Licensing and Enforcement Sub-committee for consideration.
- 4.3 On the 15th July 2015 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had been convicted of illegally plying for hire. The Sub-Committee considered the applicant's explanation and decided to suspend his licence for a period of six weeks as he is was not considered to be a fit and proper person to hold a Private Hire Drivers Licence. The Driver had placed the travelling public at risk as his insurance had been invalidated by the illegal pick-up. The Sub-Committee also believed that there were trust issues and following his statement and failure to

notify the Council of his pending Court case and his conviction the panel had lost all trust in him.

- . 4.4 On the 28th July 2015 a new Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had previous convictions which did not fall in line with the Licensing Authority's guidelines for convictions. The Sub-Committee considered the applicant's explanation and decided to grant his application as he was considered to be a fit and proper person to hold a Private Hire Drivers Licence.

Out of Hours Enforcement

4.5 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 April and June 2015, 22 drivers were issued a cumulative total of 75 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 fire extinguisher, proceeding through a red light, no door panels, no Bus lane stickers, 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.

4.6 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.

4.7 Other Enforcement work

The Licensing Team took part in Operation Tuc Tuc with the Police on 14th April 2015, conducting roadside safety checks. Operation Tuc Tuc was put into action after concerns from the public that some taxi and private hire drivers had been ignoring road signs, causing obstructions and speeding, particularly during late night pub and club hours.

Officers targeted problem hotspots like Parliament Street, Trier Way and the

Barton Gates traffic lights between 7pm on Friday April 10 and 2am on Saturday April 11.

Speed checks were also carried out in Bristol Road, in Secunda Way, Hempsted and on Cheltenham Road, Longlevens.

A total of 29 vehicles were stopped, eight Traffic Offence Reports (TOR) were issued for speeding, six Non-Endorsable Fixed Penalty Notices (NEFPN) were issued for contravening a 'no right turn' sign and a Vehicle Defect Rectification Scheme (VDRS) notice was issued for a sidelights offence.

In addition, seven licensing checks were completed on private hire vehicles, one antisocial behaviour incident was attended and officers carried out a 1.5-hour high-visibility presence to deter vehicle obstruction offences.

5.0 Legislative Updates

5.1 The Deregulation Act 2015

The Deregulation Act 2015 received Royal Assent on 26th March 2015 and amends The Local Government (Miscellaneous Provisions) Act 1976 to alter the length of time a licence must be issued for, together with the method of operation of the holders of a Private Hire Operator's licence.

The Deregulation Act 2015 contains two Sections, Sections 10 and 11 relating to the Hackney Carriage and Private Hire industry. These Sections take effect on 1st October 2015.

Section 10 provides that driver's licences for Hackney Carriage and Private Hire vehicles must be issued for a period of three years, unless there is reason for issuing a licence for a shorter period. Gloucester City Council currently issue Hackney Carriage and Private Hire driver licences for 1, 2 and 3 years. On first application Hackney Carriage and Private Hire driver licences are issued for a 1 year period. It also includes additional costs for a DBS and DVLA Check. This change of legislation means that this period would have to be extended to three years unless it was deemed appropriate to issue a licence for a shorter period.

Section 10 also provides for the issue of Operators Licence's to be changed to a standard duration of five years or a lesser period depending on the circumstances of an individual case. Gloucester City Council currently issues Operators Licences with a duration period of one year. This change of legislation means that this period would have to be extended to five years unless it was deemed appropriate to issue a licence for a shorter period.

Section 11 makes provisions for Private Hire Operators to sub-contract work to an operator licensed by a different local authority. This has not previously been lawful.

5.2 New Licensing powers proposed in the Immigration Bill

A new Immigration Bill will be introduced in autumn of 2015, building on the Immigration Act 2014 to help deal with illegal migrants. It proposes to introduce a range of powers to deter people from trying to find work illegally in the UK as well as introducing more effective measures to deal with employers who continue to employ persons that do not have permission to work in the UK.

Late night takeaways and off-licence will be required to comply with immigration laws as a condition of obtaining and holding their licence. If they fail to comply with immigration laws or employ illegal workers the business could face closure and the employers could lose their licence to operate.

6.0 **Future Work**

6.1 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.

6.2 Hackney Carriage Rates (Taxi Tariff)

The Licensing Team have reviewed the current taxi tariff rates and identified that the current rates are consistent with the local average. In addition Petrol and Diesel prices have reduced since 2014, therefore the Council is not proposing to change the rates at this time.

6.3 Taxi and Private Hire Fees

The Council will need to amend its procedures with regard to Section 10 of the Deregulation Act 2015 and review its licence fees in order to move to issuing licences for the new standard durations.

The Council will need to raise awareness amongst Licensing and Enforcement Officers and the Private Hire trade about the change to sub-contract Private Hire vehicles.

6.4 Court Cases pending (4 Cases)

The Licensing Team has been summoned to Court on 7th September for a pre-hearing to an appeal against the Council decision to revoke a Private Hire Driver's Licence under delegated powers. The decision was taken as an urgent and sensitive matter following information received from the County's Council's safeguarding children's service.

The Licensing Team will be attending Court for an appeal trial on 9th November to hear an appeal against the Council's Sub-Committee's Council decision to revoke a Hackney Carriage Driver's Licence following a violent incident.

Cheltenham Borough Council are taking two cases to Court on 7th September and 19th October, after Gloucester City Officers witnessed offences and supplied them with evidence to pursue the prosecutions. The first case involves an unlicensed driver and vehicle and the second case includes a plying for hire offence witnessed during Cheltenham Race Week.

6.5 Best Bar None

The Licensing Team working with Community Safety and other partners have completed the assessments for 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 promotes and maintains good practices for licensed premises in Gloucester City and leading to an enhanced customer experience. This scheme is recognised nationally and the awards are based on core national standards with local standards to ensure they address local needs.

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 will be held in the New County Hotel on 8th September 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