



Meeting:	Licensing and Enforcement Committee	Date:	15 th March 2016
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Ross Cook, Corporate Director for Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No For Information	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 (October to December 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.

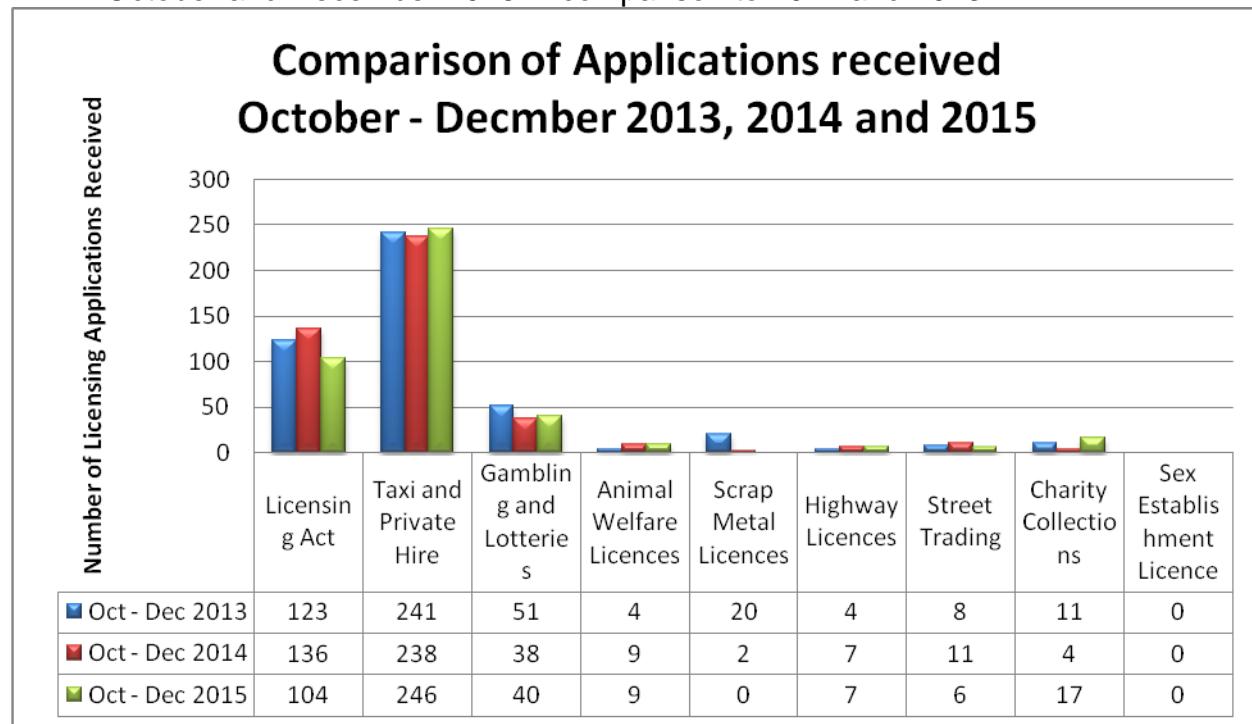
3.0 Updates on Licensing Activities in the last Quarter

- 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

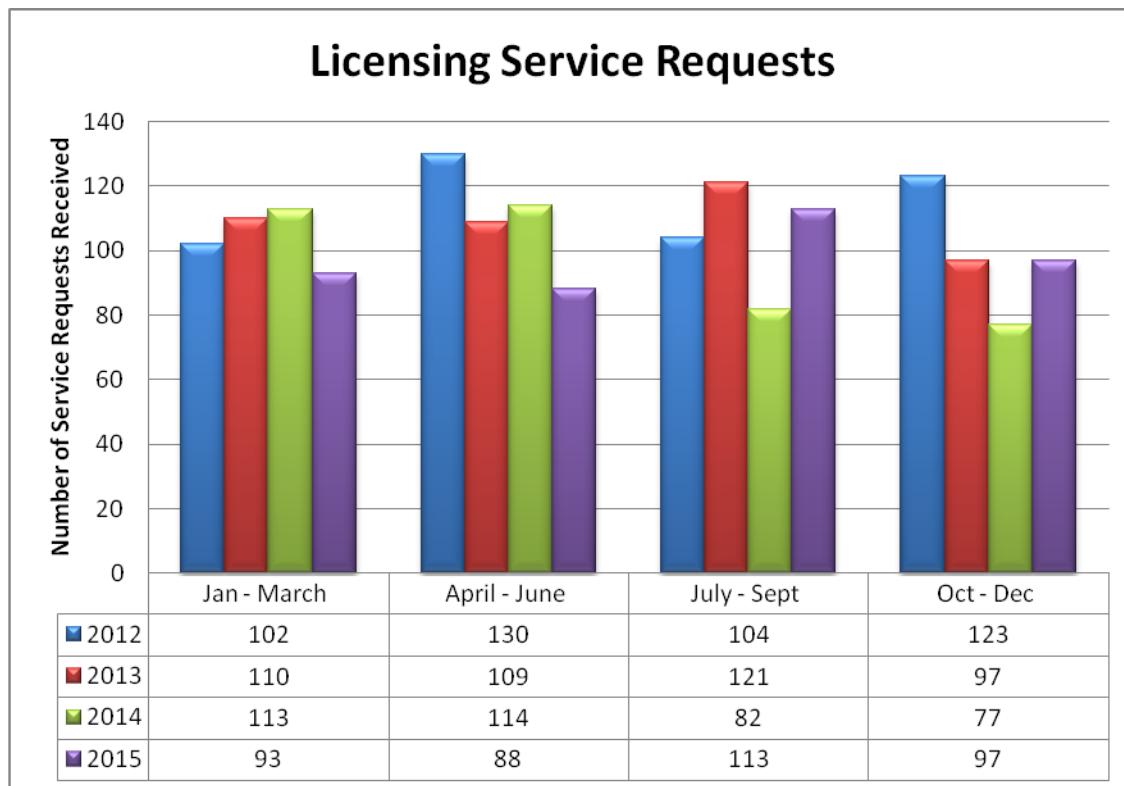
- 3.2 Between 1st Oct 2015 and 31st December 2015 the Licensing Team received a total of 429 licensing applications, this is 14 less than we received in the previous quarter (July to September 2015) and 16 less applications than the number of applications that we received during October to December 2014 (445). In comparison to the last quarter, we received 29 fewer applications under the Licensing Act because we received less temporary event applications and 14 fewer applications for highways licences. More applications were received for gambling applications mainly lottery, which were expected for the Christmas season as many raffles are held then. 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 8 more applications during October – December 2015 (246) than compared to the same period in 2014 (238).
- 3.4 The graph below illustrates the numbers of applications received between October and December 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 2015 and for the Period October and

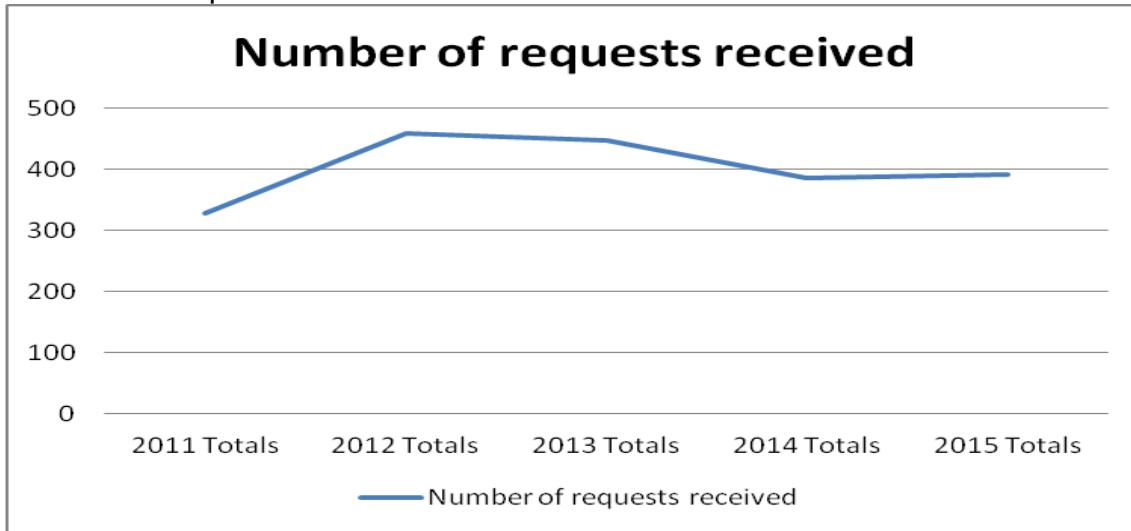
December 2015. It shows that more than 53% of the applications received during 2015 were relating to Hackney Carriage and Private Hire Licensing with 29% relating to Licensing Act applications, this is very similar proportions to the total applications received during the full year of 2014 where we reported 53% related to Hackney Carriage and Private Hire with 30% relating to applications under the Licensing Act.

- 3.6 During October and December 2015, there were a higher proportion of applications for Hackney Carriage and Private Hire at 57% compared to the annual figures, with a smaller proportion of Licensing Act Applications at 24%. Gambling was also higher for this period compared to the annual figures due to the Christmas season raffles.
- 3.7 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 previous last three years the total number of service requests received reduced each year. However, we saw a slight increase in 2015 with just 5 more service requests received.



- 3.7 The line graph below illustrates the trend in the number of licensing service requests received over the last 5 years. There has been a slight increase in 2015 however the general workflow within the team has remained consistent,

because a lot more enforcement including out of hours compliance checks and enforcement operations have been conducted.



4.0 Enforcement Work

Sub-Committees Held between November 2015 and February 2016

Taxi and Private Hire Hearing (Three Hearings)

- 4.1 On the 4th November 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 convictions for theft and depositing waste without a permit 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 issue a written warning as he was considered to be a fit and proper person to hold a Private Hire Drivers Licence.
- 4.2 On the 3rd December 2015 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed following a conviction on 05 October 2015 for Plying for Hire. The Sub-Committee considered the applicant's explanation and decided to issue the driver with a written warning. The warning will remain on his record for 12 months. He was also required to satisfy Officers with his knowledge of the Council Rule Book.
- 4.3 On the 3rd December 2015 a second Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because had accumulated 13 penalty points under the Council's internal totting-up procedure. The Licensing and Enforcement Sub-Committee considered the applicant's explanation and decided to issue the driver with a written warning. The driver was also required to complete a test on the private hire knowledge test. The warning will remain on his record for 12 months.

- 4.4 On the 4th February 2016 a Private Hire Driver was referred to the Licensing and Enforcement Sub- Committee to consider his suitability to be licensed because he had been accumulated 24 penalty points under the Council's internal totting-up procedure. The matter was adjourned to the 15th February to allow the driver additional time to gain representation. The Licensing and Enforcement Sub- Committee considered the applicant's explanation and decided to issue written warning regarding his future conduct.

Licensing Act Sub-Committee Hearings (One Hearing)

- 4.5 On the 21st January 2016 the Licensing Sub-Committee re-considered an application by Supreme Services (Glos) Ltd. for a new premises licence for 5-7 Brunswick Road, Gloucester, GL1 1HG following an appeal against the Licensing Sub-committee's decision on Monday 3rd August 2015 to restrict hours and modify conditions imposed. Cheltenham Magistrates Court ordered that the matter be remitted back to the sub-committee, Members decided to accept the application ensuring activities stop at midnight Monday to Thursday, 02:30hrs Friday to Saturday and 01:00hrs on Sundays.

A'Board Licensing sub-committee Hearing

- 4.6 On the 9th January 2015 the Licensing Sub-Committee considered an appeal against an Officer decision to refuse a permit to place an A'board on the highway by Roots Coffee& Community CIC of 69 Alvin Street, Gloucester. The application had received objections from Heritage Services and was in breach of the Council policy because it was proposed to be placed in a side street away from the premises concerned. Members decided to refuse the permit application.

Out of Hours Enforcement

4.7 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 July and September 2015, 35 drivers were issued a cumulative total of 129 penalty points on our internal totting up system. This is ten more points than we issued in the last quarter for July – September 2015 where we reported 119 against 36 drivers. Similar offences were found 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.

The cumulative total of points issued in 2015 was 411, which is significantly higher than 2014 where 156 points were issued. These figures clearly demonstrate the increased enforcement work carried out by the team since we employed an additional Licensing Enforcement Officer dedicated to carrying out enforcement work.

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.

4.8 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, further monitoring has been conducted on In -house booking systems where a Private Hire Operator takes bookings from another venue such as a nightclub. Penalty points have been issued to the Operator where breaches were found.

Other Enforcement work

4.9 Operation Tri Force

The Licensing Team took part in Operation Tri force on 28th November 2015 with 4 Officers from Road traffic Police in unmarked vehicles. The Operation focussed on any potential illegal plying for hire by private hire vehicles and conducting road safety checks of licensed vehicles. The operation tested 25 vehicles between the hours of 23:00 and 04:00hrs in different locations of the City. 2 Private Hire's and 4 Hackney Carriages were found to have defective tyres and appropriate action was taken. 2 Private Hire was caught speeding and words of advice were given. 2 Hackney Carriage drivers and 1 Private Hire driver was found without their licensed driver badge and some other miscellaneous offences were also noted such as failure to display a tariff card and interior licence plates.

4.10 Court Cases

There have been no court cases in the last quarter.

5.0 Other Updates

5.1 The Best Bar None Scheme

Following the introduction of the Best Bar None scheme in Gloucester City for the first time. The National Best Bar None awards were held on 2nd February 2016 at the House of Lords, Coordinators of the scheme the winner of the Gloucester Scheme (Butlers) and were invited to attend. We are proud to announce that Gloucester City won the 'Best New Scheme' for 2015 at the awards. As a result of this success, we were given a trophy and certificate with a prize of £1000. This money will be put back into the scheme for 2016. It is hoped to expand the scheme with further categories of premises and hopefully increase the numbers of premises that participate this year.

6.0 Future Work

6.1 Late Night Levy

The Licensing Team are currently liaison with the Police about introducing the Late Night Levy into Gloucester. We are currently in the early stages of considering its application and it is hoped to bring a draft consultation document to the Licensing and Enforcement Committee in June 2016 to approve for a 12 week consultation.

6.2 Street Trading Fees

Street trading fees were reviewed with the aim for them to take effect on 1st April 2016. The revised proposed fees was advertised and consulted upon during February to March 10th. The only change proposed is to introduce a new application fee at £115. Objections have been received so this matter will be brought to the Licensing and Enforcement Committee for consideration in June 2016.

6.3 Taxi Marshalling Scheme

Funding to the current Taxi Marshalling Scheme has run out, it has been funded by the Police Crime Commissioner for the last three years. The Licensing team are conducting a full evaluation of the current scheme before any decisions are made as to whether to continue with the scheme in the future. Alternative options are also being considered to determine whether this is the best value approach.

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