



## LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Tuesday, 13th September 2016

**PRESENT** : Cllrs. Patel (Vice-Chair), Gravells, Tracey, Lugg, D. Brown, Pullen, Pearsall, Brazil and J. Brown

### **Officers in Attendance**

Gill Ragon, Head of Public Protection

Vikki Fennell, Solicitor-One Legal

Lisa Jones, Food, Licensing and Markets Manager

Darren Mountford, Senior Licensing and Markets Officer

Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. H. Norman, Hanman, Williams and Hansdot

### **13. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

### **14. MINUTES**

The minutes of the meetings held on 7 June and 9 August were confirmed and signed by the Chair as a correct record.

### **15. MINUTES OF LICENSING SUB-COMMITTEES**

Consideration was given to the minutes of the Licensing Sub-Committee held on 4 July, 7 July and 12 July 2016.

**RESOLVED that the minutes be received.**

### **16. PUBLIC QUESTION TIME**

There were no questions from members of the public.

### **17. PETITIONS AND DEPUTATIONS**

There were no petitions or deputations.

### **18. REVISED STREET TRADING POLICY**

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**13.09.16**

The Food, Licensing and Markets Manager presented the report of the Head of Public Protection which invited the Committee to approve the draft revised Street Trading Policy and fee structure for purposes of public consultation.

She circulated a revised version of Appendix 4 which compared the proposed fees with those of other Local Authorities in the County together with Bristol and Bath.

She drew Members' attention to the significant changes in the policy detailed at paragraph 3.8 of the report and particularly noted the proposal to introduce a requirement for applicants for a new street trading consent to obtain a Disclosure and Barring Service (DBS) certificate.

She advised that the fees and charges for street trading in Gloucester were last changed in 2008 and the proposed fees were laid out in Appendix 3 of the report.

A Member questioned the requirement for mobile street traders to remain on a particular site for no more than 20 minutes and to move out of an area with a radius of 400 metres away. She noted that 400 metres would mean that such traders would have to leave the City centre.

The Food, Licensing and Markets Manager explained that events such as street markets or fairs were dealt with separately and the example quoted of an ice cream vendor in the Park was operating on private land and had a static consent. The Head of Public Protection undertook to give the matter further consideration.

Another Member was advised that the DBS certificate required would be at the basic level and that provision would be made in the scheme for applications from charities and social enterprise organisations

The Food, Licensing and Markets Manager advised that the chimes used by ice cream vendors were subject to separate legislation and advised those Members who had heard chimes before noon to report the matter with full details.

**RESOLVED that**

- 1) The draft Street Trading Policy be approved for the purposes of public consultation for an eight week period;
- 2) The proposed new fee structure for 2017-18 be approved for consultation over a 28 day period.

**19. PROPOSED REVISED DRAFT CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Senior Licensing and Markets Officer presented the report of the Head of Public Protection which presented the draft revised conditions for Hackney Carriage and Private Hire Licensing for approval by the Committee for the purposes of consultation.

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The Chair advised Members that an e-mail had been received from Mr Zeya Ahmed who was unable to attend the Committee but wished the Committee to be informed of his support for the proposed changes and his thanks for having had the opportunity to provide input which he believed was a significant improvement on the previous review.

He also wished it to be known that he had found the Senior Licensing and Markets Officer easy to work with even if they were not always in agreement.

Mr Ahmed had also suggested that any mention of the DVSA enhanced assessment be accompanied by words to the effect of 'or equivalent driving test as approved by the Council'.

The Senior Licensing and Markets Officer advised that the DVSA intended withdraw the enhanced driving assessments with effect from 31 December 2016 and the Council was looking at alternatives. One provider would use former DVSA staff trained to that standard although the fee would be increased from £79.66 to £87.00.

A Member believed that the cost to the applicants should be kept at the same level. The Solicitor noted that existing drivers should have completed the assessment by 1 October 2016 and would still be able to take the DVSA assessment until the end of the year.

The Food, Licensing and Markets Manager advised that one alternative provider under consideration was a charitable trust and £7 of each fee would be remitted to the Local Authority for donation to a home for elderly or vulnerable people. She stated that there would be an estimated 27,000 applicants for the assessment next year nationally and the DVSA had been unable to cope with the demand.

The Senior Licensing and Markets Officer advised that in the region of ninety drivers still had to take the assessment but some may have not yet notified the Council that they had passed.

He stated that Officers were aware of difficulties in arranging appointments in Gloucester and each case would be treated on its own merits. If drivers could prove that they had genuinely tried to arrange a test that would be taken into account when the situation was reviewed on 1<sup>st</sup> October.

A Member referred to paragraph 1.1B of the Private Hire Rule Book which stated that applicants for licences were expected to have a good command of the English language both verbal and written. He was advised that the Trade had asked for this to be included and One Legal had been consulted and were satisfied with the clause.

Members were advised that this was assessed by a Licensing Officer during the Private Hire Knowledge test. In most instances applicants held a Private Hire Drivers Licence before applying for a Hackney Carriage Drivers Licence.

A Member referred to paragraph 3.13 regarding medical notification and suggested that this should also require that such instances should be reported to the DVLA

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who could, in appropriate cases, impose limitations on licences. The Senior Licensing and Markets Officer agreed to incorporate this in the draft policy.

A Member referred to the recent instance when the full Committee was required to approve a vehicle slightly over the age limit for a Private Hire Vehicle Licence and suggested that this could have been dealt with by a Sub-Committee of three Members.

The Head of Public Protection noted that this would require amendment of the Council's constitution and was a matter for the Constitution Working Group and ultimately for the Council to determine.

Another Member questioned the requirement that new applicants should have no more than six penalty points on their driving licences as she believed that they should be required to have a clean licence. She was advised that six points had been supported by the Trade. After some discussion Members asked that the clause be amended to no more than three penalty points.

Members welcomed the proposed penalties for non-notification of medical issues and the inclusion of e-cigarettes and vaping devices in the prohibition of smoking in vehicles.

A Member referred to charges for luggage and was advised that this was a matter for the tariff.

The Chair referred to the requirement for those convicted of drug offences to have at least three years free of conviction before being considered for a licence and noted that they would not have any further convictions if they had been in prison for the three years.

The Solicitor advised that each application had to be determined on its own merits.

**RESOLVED that the revised policy for Hackney Carriage and Private Hire Licensing be approved for an eight week consultation subject to amending paragraph 1.4 of the Rule Books to refer to 'no more than three penalty points on their DVLA licence'.**

**20. MEMBERS' QUARTERLY UPDATE**

The Food, Licensing and Markets Manager presented the report of the Corporate Director for Services and Neighbourhoods which outlined to Members details of key licensing activities carried out in the quarter April to June 2016 including applications and service requests received, details of any enforcement work, progress updates on the Committee work plan and any changes in licensing law.

She advised Members that the graph illustrating the numbers of applications received had not been reproduced in the report and she would provide Members with a copy.

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She drew Members' attention to the Best Bar None 2016 scheme which had been launched on 5 July 2016. She asked Members to encourage the operators of any licensed premises within their wards to participate in the scheme.

She reported that the Cabinet would be requested to approve a twelve week consultation on the Late Night Levy proposal. The decision on whether to introduce a Late Night Levy in Gloucester would be made by Full Council.

The Chair was advised that the consultation period was set down in legislation.

**RESOLVED that the report be noted.**

**21. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED that the press and public be excluded** from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this item there will be disclosure to them of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

**22. EXEMPT MINUTES OF THE LICENSING ENFORCEMENT SUB-COMMITTEE**

Consideration was given to the exempt minutes of the following meetings of the Licensing Enforcement Sub-Committee:-

8 June	2016	Mr K
8 June	2016	Mr P
28 June	2016	Mr K
13 July	2016	Mr C
31 August	2016	Mr A

**RESOLVED that the exempt minutes be received.**

**23. DATE OF NEXT MEETING**

Tuesday, 13 December 2016 at 6.30 pm.

**Time of commencement: 6.30 pm**

**Time of conclusion: 8.00 pm**

**Chair**