



## LICENSING AND ENFORCEMENT COMMITTEE

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

**PRESENT** : Cllrs. H. Norman (Chair), Patel (Vice-Chair), Tracey, Lugg, D. Brown, Hansdot, 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. Gravells, Hanman and Williams

### **24. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

### **25. MINUTES**

The minutes of the meeting held on 13 September 2016 were confirmed and signed by the Chair as a correct record.

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

The minutes of the Licensing Sub-Committee meetings held on 11 and 19 October 2016 were received.

### **27. PUBLIC QUESTION TIME**

#### **1) Mr Chas Rodgers**

Mr Rodgers stated that he was the longest serving licensed Hackney Carriage Driver in the City. He referred Members to his written comments on the Revised Policy and Conditions for Hackney Carriage and Private Hire Licensing.

He believed that the standards required of licensed drivers had fallen and particularly with regard to the provision to allow applicants to have three DVLA

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points on their licence when applying for a Hackney Carriage or Private Hire Drivers Licence.

He asked if the Committee had looked at the offences that would result in the award of three DVLA points and asked if they would condone this behaviour in Hackney Carriage and Private Hire Drivers licensed by the City Council.

He noted that the only requirement now was to take and pass the Enhanced Driving Assessment and there was no proof that an applicant had been a good driver over a period of time.

He believed that applicants should hold a clean British driving licence and that any Private Hire Driver wishing to become a licensed Hackney Carriage Driver should have a clean licence.

He noted that when he first applied for a Hackney Carriage Drivers Licence the minimum age for applicants was 27 years. He supported the proposal to raise the minimum age from 18 to 21 years.

In conclusion he stated that there was no justification for granting licences to applicants with DVLA points.

**2) Mr Matthew Stevens**

Mr Stevens, a licensed Street Trader in the City for 26 years, wished to raise some points regarding the revised Street Trading Policy.

He employed his three daughters and expressed concerns that the requirement for staff to wear name badges would place them at risk in a time of increasing incidence of violent crime.

He stated that there was no similar requirement for Market traders or pedlars and he noted that City Council Officers walking through the City to meetings tended to hide their identification.

He questioned the increase in Street Trading Fees and noted that although the policy was identical to neighbouring authorities the proposed fees were up to five times higher in the City for what was essentially the same service.

**3) Mr Zdravko Yakimov**

Mr Yakimov, a licenced Private Hire Driver in the City, stated that he had made representations in respect of the Revised Policy and Conditions for Hackney Carriage and Private Hire Licensing.

He disagreed with the proposal to increase the minimum age for licence holders to 21 years and the proposal to reduce the permitted number of DVLA licence points for new applicants to three. He believed that it was very easy to be caught speeding and incur three DVLA points.

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He stated that applicants had to meet a lot of requirements in order to be granted a licence and the forty minute test should show that applicants were capable of doing what they had applied for. The enhanced Disclosure and Barring Service checks provided a form of check.

He believed that the 35 hour driver improvement courses were a better way to improve standards.

He believed that younger drivers should not be prevented from entering business.

He also believed that the behaviour of operators had a huge impact on the standards of drivers.

**28. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)**

There were no petitions or deputations.

**29. REVISED STREET TRADING POLICY**

The Food, Licensing and Markets Manager presented the report of the Head of Public Protection which presented the results of consultation on the draft revised Street Trading Policy.

She reported that an eight week consultation period had been agreed at the previous meeting and the people and organisations detailed at paragraph 3.8 of the report had been consulted. In addition, the proposed revised policy had been posted on the Council's website.

Five responses had been received which were summarised in paragraph 3.10 of the report and attached as Appendix 2 to the report.

She reported that the proposed new fees had been published on the Council's website and advertised in the Gloucester Citizen newspaper. No objections had been received as a result of the 28 day consultation period.

A Member referred to the comments made earlier by Mr Stevens when he referred to the proposed fees being five times higher than some neighbouring authorities.

The Food, Licensing and Markets Manager advised that comparisons with other authorities had been presented at the previous meeting. She noted that different authorities had differing overheads, different numbers of traders, some areas had licences others consents, some authorities had City centres and a number of other factors.

She confirmed that the proposed fees were set at the minimal level to cover the costs of the service. She noted that the fees for new applications and renewals covered the costs of processing the applications but not monitoring of the traders.

Several members questioned the need for identity badges and were advised that they would assist officers in enforcement matters. A Member produced an identity

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badge which had her photograph on the front and her name on the back. Members indicated that they would prefer this arrangement.

The Food, Licensing and Markets Manager confirmed that only supervisory staff would be required to wear identity badges.

**RESOLVED that the revised Street Trading Policy and Fees and the consultation responses be noted and, subject to amending the requirement for identity badges being amended to refer to names on the reverse, the policy and fees be adopted with effect from 1 April 2017.**

**30. REVISED POLICY AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Senior Licensing and Markets Officer presented the report of the Head of Public Protection which detailed the result of the consultation on the revised draft Policy and Conditions for Hackney Carriage and Private Hire Licensing and invited the Committee to agree a final version for adoption.

He advised Members that paragraph 1.4 of Appendices 1 and 2 stated that new applicants for Hackney Carriage and Private hire Drivers Licence should have no more than six current penalty points on their DVLA Licence. This had been printed in error and should read no more than three current penalty points which was the number quoted in the consultation.

He advised that all Hackney Carriage and Private Hire Drivers and Operators had been written to and invited to make written comments on the proposals which were also posted on the Council's website. Four responses had been received from members of the Hackney Carriage and Private Hire Trade and had been attached as Appendix 5 to the report.

The Chair thanked Officers for the report and for spending time with members of the Trade.

Several Members indicated that they would prefer new applicants to have clean DVLA licences and the Chair advised that the amendment to three points had been agreed at the previous meeting.

The Food, Licensing and Markets Manager stated that six DVLA points were generally awarded for major offences and three for minor offences.

The Vice-Chair welcomed the increase for the minimum age for applicants to 21 years which he believed would lead to an improvement in standards as drivers would be more experienced.

In answer to a question the Senior Licensing and Markets Officer advised that there were currently 370 licensed Hackney Carriage and Private Hire drivers in the City.

The Chair was advised that 10-15 Private Hire drivers converted to Hackney Carriage drivers each year and the only requirement to convert was to pass the hackney carriage knowledge test.

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The Food, Licensing and Markets Manager advised that the knowledge requirement was greater for hackney carriage drivers than private hire drivers as the latter were pre-booked and had the opportunity to look up where to go.

A Member stated that he had not had the benefit of Mr Rodgers' views at the previous meeting and proposed an amendment that new applicants should have a clean driving licence. The amendment was seconded and on being put to the vote was defeated.

**RESOLVED that the consultation feedback be noted and the revised Policy and Conditions for Hackney Carriage and Private Hire Licensing be adopted with immediate effect.**

**31. MEMBERS' QUARTERLY UPDATE**

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

She advised that 41 penalty points had been issued to 11 drivers compared to 119 points issued to 36 drivers in the same quarter in 2015. She believed that this demonstrated the effectiveness of increased enforcement activity over the last two years in raising compliance within the licensed fleet in the City.

She reported that no objections had been received to the proposed increase in Private Hire Operators' fees which would now be implemented on the 1 April 2017.

The responses to consultation on the proposal to introduce a Late Night Levy in the City would be reported to cabinet prior to a final decision by Full Council.

She drew Members' attention to the Best Bar None Awards Ceremony which would be held at Kingsholm on 17 January and asked any Members who wished to attend to let her know. She advised that the adjudication panel had comprised Ed Pomfret, Damien Blandford and Rich Burge of CitySafe.

The Chair asked if more enforcement hours were required, the Senior Licensing and Markets Officer noted that the Trade understood that enforcement officers were out and about and would issue penalty points if justified. He noted that all businesses subject to a recent test purchase initiative in the City had passed.

He noted that the City Council and Cheltenham Borough Council officers were working in partnership and a joint initiative during Cheltenham Races had identified five instances of illegal plying for hire although all the City drivers had passed. The Solicitor advised that there had subsequently been five convictions.

Members expressed support for Sub-Committee dates to be fixed in the Civic calendar and cancelled should they not be required.

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The Chair wished all present a very Merry Christmas.

**RESOLVED that the report be received.**

**32. DATE OF NEXT MEETING**

Tuesday, 21 March 2017 at 6.30pm.

**Time of commencement: 6.30 pm**

**Time of conclusion: 7.45 pm**

**Chair**