



Licensing and Enforcement Committee

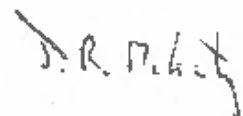
Meeting: Tuesday, 14th June 2022 at 6.30 pm hours in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Finnegan (Chair), Williams (Vice-Chair), Brooker, Ackroyd, Bowkett, J. Brown, Chambers-Dubus, Hyman, O'Donnell, Patel, Radley and Tracey
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	APPOINTMENT OF CHAIR AND VICE-CHAIR To confirm the appointment made at the Annual Meeting of Council of Councillor Finnegan as Chair and Councillor Williams as Vice-Chair of the Committee.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	MINUTES (Pages 5 - 10) To approve as a correct record the minutes of the meeting held on 14 September 2021.
5.	MINUTES OF LICENSING SUB-COMMITTEES (Pages 11 - 26) To receive the minutes of the following meetings of the Licensing Sub-Committee:- <ul style="list-style-type: none">• 27 April 2022• 30 September 2021
6.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers

7.	PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON) To receive any petitions and deputations provided that no such petition or deputation is in relation to: <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings
8.	DRAFT COUNTY CCTV CONSULTATION DOCUMENT FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES (Pages 27 - 38) To receive the report of the Licensing Team Leader which asks the Licensing Committee to approve an eight week public consultation on the Draft County CCTV consultation document in Hackney Carriage and Private Hire vehicles.
9.	QUARTERLY UPDATE (Pages 39 - 44) To receive the report of the Licensing Team Leader, which outlines to members, details of key Licensing Activities carried out from 1 March 2022 to 31 May 2022, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
10.	EXCLUSION OF THE PRESS AND PUBLIC To consider the following resolution should members wish to discuss agenda item 11. "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 proceeding, that if members of the press or public are present during consideration of this item there will be disclosure to them of exempt information as defined in Paragraphs 1, 2, 3 & 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended."
11.	EXEMPT MINUTES OF LICENSING AND ENFORCEMENT SUB-COMMITTEES (Pages 45 - 46) To receive the exempt minutes of the following meeting of the Licensing and Enforcement Sub-Committee, if members decide they wish to discuss them: <ul style="list-style-type: none"> • 21 April 2022
12.	DATE OF NEXT MEETING Tuesday 13 September at 6.30 p.m.



Jon McGinty
Managing Director

Date of Publication: Monday, 6 June 2022

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 14th September 2021

PRESENT : Cllrs. Patel (Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, O'Donnell, Patel, Radley and Tracey

Officers in Attendance

Licensing Team Leader

Community Wellbeing Officer

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

APOLOGIES : Cllrs. Walford, Brooker and Williams

Owing to apologies being sent by the Chair and Vice-Chair of the Committee, Councillor Patel was elected Chair by the Committee for the duration of the meeting. Councillor Chambers-Dubus seconded Councillor Patel's nomination to be Chair and there was no dissent by members present.

11. APPOINTMENT OF VICE-CHAIR

Councillor Brooker was confirmed as Vice-Chair of the committee.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

The minutes of the meeting held on the 15th June 2021 were confirmed and signed by the Chair as a correct record.

14. MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED that the minutes of the meetings of the Licensing Sub-Committee held on the 1st July 2021 and the 29th July 2021 were received.

15. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

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

There were no petitions or deputations.

17. COMMON STANDARDS FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS IN GLOUCESTERSHIRE

The Licensing Team Leader presented the report of the Head of Communities. The report presented the result of the consultation feedback on the draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire (following the publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards).

The Chair asked members if they required any clarification on the report.

Councillor Radley pointed to page 77 of the report pack, which detailed language proficiency requirements for Hackney Carriage & Private Hire Drivers. She stated that she would have liked to have seen more detail about what qualified as an appropriate educational certificate for criterion related to English proficiency and questioned whether more detail about what constituted an appropriate educational certificate could be included.

The Licensing Team Leader responded that she had made a good point, and that, should the Committee wish, they could incorporate more detail about relevant qualifications into the document.

Councillor Hyman stated that his understanding was that statutory guidance came from Central Government and was instructional. He asked whether this was the correct understanding.

The Licensing Team Leader replied by stating that his understanding was accurate.

Councillor Tracey asked whether all drivers needed to undertake a safeguarding test.

The Licensing Team Leader replied that all drivers needed to undertake a safeguarding test. He stated that if the updated Common Standards document was approved by members, refresher training would have to be undertaken by drivers every three years, thus increasing the level of safety for passengers.

Councillor Radley asked whether the introduction of more specific guidance regarding what was deemed to be an appropriate educational certificate would create a significantly higher workload for officers.

The Licensing Team Leader replied by stating that the proposed conditions still provided officer's with discretion as they talked to the applicants. He stated that, they were trying to raise the standards of language proficiency of drivers across the county. He said that if it passed, then not all drivers would have to undertake an English proficiency language test, if they had a relevant qualification. He added that

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if this policy created any problems in the future, then it could be reconsidered at a future meeting of the Licensing Committee.

Councillor Tracey noted that it was a good report. She asked whether drivers currently checked their back seat for items between trips.

The Licensing Team Leader responded by stating that he had faith that Private Hire and Hackney Carriage drivers would check their back seats after each trip.

Councillor O'Donnell noted that not all staff would have to have an enhanced DBS check. He asked how the Council would ensure that all staff in the trade were fit and proper persons.

The Licensing Team Leader stated that DBS requirements came from Central Government. The Licensing Team Leader added that The Licensing Authority would require six-monthly checks for drivers when the requirement previously was for every 3 years. He added that they would be encouraging drivers to sign up for an online update service, so the process of the six-monthly check would be automatic and would be cheaper for the drivers. He stated that call operators were the staff who had to have a basic DBS check before being able to work in the field, demonstrating the level of care for passengers.

The Chair asked members whether they were content to adopt the recommendations as laid out in report and if there were issues regarding the language proficiency of drivers that arose, to consider that at a future meeting of the Licensing Committee.

There was no dissent from members.

RESOLVED that

- (1) The draft Common Standards for Hackney Carriage and Private Hire Drivers in Gloucestershire is adopted and feedback is noted by members

And

- (2) The Common Standards are then incorporated into the existing Gloucester City Council Policy Conditions (Rule Books) for Hackney Carriage and Private Hire Licensing to become effective from 1st October 2021.

18. GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES

The Community Wellbeing Officer presented the report of the Head of Communities. The report asked members to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2022-2025 be formally approved and adopted.

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She stated that there were only minor changes to the revised Statement of Principles for 2022-25, and as such the document was approved for consultation by Cllr Walford (Licensing Chair) without the need for a full report to committee.

She stated there had been three responses during the consultation period from Gambleaware, The Betting and Gaming Council and the Gloucestershire Safeguarding Children Partnership.

She stated that since the publication of the agenda pack that she had looked more closely at the Gambling Commission's Guidance to Licensing Authorities in respect of the Betting & Gaming Council's comment relating to the use of the words 'promoting the licensing objectives'. She quoted from the relevant paragraph of the guidance which stated that the policy document should begin by stating the three licensing objectives which the policy would promote. Therefore, it was not necessary to change the word 'promote' to 'pursue' as originally intended. She clarified that the licensing objectives of the Gambling Act 2005 were not the same as those of the Licensing Act 2003 and therefore the use of the word promote would not cause confusion.

Councillor Bowkett noted that the maximum stake that could be placed on B2 gambling machines was £2. He asked whether the Community Wellbeing Officer was aware whether the maximum stake for B1 and B3 machines had also been lowered and if not, whether there were any B1 machines operating in Gloucester.

The Community Wellbeing Officer stated that she was unaware of any changes to maximum stakes for B1 machines, or if they were currently operating in Gloucester. She stated that she would investigate and get back to Councillor Bowkett.

Councillor Tracey noted that it was a very detailed report.

The Chair stated that she echoed Councillor Tracey's comments.

The Chair proposed to accept the recommendations outlined in the report. There being no dissent it was:

RESOLVED that the Licensing and Enforcement Committee **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.

And

Ask Council to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2022-2025 and to authorise the Head of Communities to publish and advertise it.

19. QUARTERLY UPDATE

The Licensing Team Leader asked members whether they understood the contents of the report and whether they had any queries on any aspect of it.

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The Chair pointed to paragraph 4.3 of the report. He asked for clarification on the levels of enforcement that the Licensing Team had undertaken since the previous quarterly report.

The Licensing Team Leader replied that owing to the pandemic, there had been a reduction in enforcement work. He stated that enforcement work had now began to pick up again and that officers had begun to step up their evening enforcement work. He stated that the Licensing Team had managed to retrieve some annual fees and managed to get some unpaid annual fees back.

Councillor Bowkett asked why premises selling alcohol could only serve to persons who were clearly over 25, without identification, where as the “think 21” policy for gambling stipulated that those clearly over 21 could operate gambling machinery without identification.

The Licensing Team Leader responded that the policy regarding the sale of alcohol used to be to challenge those who did not clearly look over 21 and that this had been raised to 25. He said that whilst gambling operators did not have a think 25 policy, they had robust measures in place and were heavily regulated by the Gambling Commission as well as the Licensing authority.

The Chair noted that it may be useful for the Licensing Committee, if they were made aware of when Planning applications for Gambling Premises went before the Planning Committee.

RESOLVED that the Licensing and Enforcement Committee note the contents of the report.

20. DATE OF NEXT MEETING

Tuesday, 14th December 2021 at 6.30 p.m in Civic Suite, North Warehouse.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.30 pm hours

Chair

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LICENSING SUB-COMMITTEE

MEETING : 27th April 2022

PRESENT : Cllrs. Williams (Chair), Ackroyd, Brooker

Officers in Attendance

Licensing Team Leader

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

Also in Attendance

Solicitor, Winckworth Sherwood (Representing the applicant)

Director, Samy Limited

Employee, Samy Limited

Councillor Patel

PC Hammond, Gloucestershire Constabulary

APOLOGIES : None.

1. ELECTION OF CHAIR

Councillor Williams was elected Chair. Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR DETERMINATION

Licensing Officer's Report

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The Licensing Officer presented the report inviting Members to consider an application made by Samy Limited to vary a Premises Licence in respect of 227 Barton Street, Gloucester.

Statement of the Applicant

Counsel representing the applicant stated that the original application was to vary the opening hours so that the shop could sell alcohol for 24 hours, but that after consultation with Gloucestershire Constabulary, the application had now been amended.

He stated that the amended application was only for an additional hour to serve alcohol, that they would stop serving alcohol at 1am and that they would not sell single cans of beer, cider, or lager.

Counsel representing the applicant explained that Samy Limited bought the site from Sainsburys, that Samy Limited employed over 200 staff and had 25 stores across the country. He added that none of these stores had ever faced a licensing review.

He stated that the representations objecting to the application were based on when the application was to serve alcohol for 24 hours a day, as opposed to the amended application, which only stipulated the sale of alcohol for an additional hour.

He stated that he would encourage the Sub-Committee to attach very little weight to the petition in appendix 4 of the Council's report. This was because the petition was not dated, had a prejudicial message at the top of it and no signatories of it had attended the meeting.

Counsel representing the applicant stated that any potential for anti-social behaviour in the area would have been identified by Gloucestershire Constabulary and noted that they did not object to the application.

He said that the shop was not located in a Cumulative Impact Area so there was no presumption of refusal.

He stated that paragraph 9.3 of the Council's policy stipulated that shops should be allowed to serve alcohol whilst they were open. He stated that this was broadly consistent with governmental policy also.

He said that Samy Limited used the company CPL to provide training and confirmed that all staff were sufficiently trained, and they received refresher training every three months. He stated that they kept the area clean by providing litter bins. He further added that they provided parking spaces so that vehicles did not have to park on the road.

He stated that The Licensing Act was generally permissive but that there was a 'sting in the tail' which was the right to review. He said that if the application led to

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an increase in anti-social behaviour then any party would have a right to request a review.

He concluded by stating that the application before the committee proposed a small modification to the licence and that there was no evidence at this time to refuse the application and that the onus was on the objectors to prove to the contrary.

Members' Questions to the Applicant

The Chair asked whether the amended application was financially viable.

In response, Counsel representing the applicant said that if the additional hour of opening proved to be commercially unviable then they would close the store earlier. He said that his client wanted the entire store to be open and to serve hot drinks and confirmed that his client was commercially experienced enough to decide whether it was commercially viable.

The Chair asked what the applicant meant when stating that they would sell 'hot refreshments' at night.

In response, Counsel representing the applicant stated that this referred predominantly to hot drinks.

In response to a question from Councillor Ackroyd, Counsel representing the applicant said that they would monitor noise in the area but that there had been no records of noise complaints up to midnight, which was the current cut-off point for serving alcohol.

Interested Party Statement – Councillor Patel

Councillor Patel stated that two out of three local Councillors objected to the application, as well as 300 local residents and that he believed that the petition should not be disregarded. He stated that local residents did not want a late-night premises on their doorstep and that the modified application still proposed to serve hot refreshments.

He stated that the shop was located in a residential area and was not on a main road. He added that it was in an area that had a myriad of issues with street drinking, gambling, deprivation and alcohol addiction. He said that he recently dealt with a situation where there was late night street drinking and partying which was creating issues for local residents and that this issue could not be ignored. He said that the granting of the application would escalate these problems.

He stated that two weeks ago, he witnessed a robbery outside of the store and anti-social behaviour.

Councillor Patel said that he believed that selling alcohol until 1am would lead to a huge rise in anti-social behaviour and an increase in drunkenness at night when residents were trying to sleep.

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He said that the residents in his ward had a right to peace and quiet and that the application should be about the community and protecting their interests.

He concluded by stating that the granting of the application would have the potential to attract street drinkers and that he was already beginning to see the issue of street drinking on Barton Street. He urged the Committee to refuse the application, and expressed the view that the granting of it could lead to more call outs to the Police and NHS and that the decision the Committee took could have a real impact on the younger generation in Barton Street.

No members or interested party had any question to Council Patel regarding his statement.

Applicant Sum Up

Counsel representing the applicant stated that the shoplifting incident referred to by Councillor Patel in his statement had nothing to do with alcohol or alcohol sales.

He said that his client had consulted with the police and that they only proposed a modest change to the licence.

He said that his client would be happy to just serve hot drinks and not hot food. He said that this may be of benefit to the local community as those who had been drinking could have a coffee in their store.

He said that most objections raised by Councillor Patel in his statement related to when the application was for 24 hour opening.

He stated that the situation on the ground would be monitored by his client and that the Police could raise concerns at anytime if the granting of the application did lead to any increase in anti-social behaviour.

He said that there had been no objections from experts and officers, including the Police and Environmental Health.

He concluded by stating that his client was not belittling concerns raised. However, on Licensing terms, there was zero evidence for refusing the application.

Officer Sum Up

The Licensing Officer outlined the options available to the Sub-Committee detailed in Paragraph 2.1 of the report.

The Decision

In relation to the application by Samy Limited in respect of 227 Barton Street, the Sub-Committee having considered the application, the relevant representations, the

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Licensing Objectives, the Council's statement of Licensing Policy and National Guidance (Section 182) has **resolved**:

- To accept the application and modify the conditions of the licence by adding that hot refreshments served from 23:00 and 01:00 are limited to hot drinks only.

At this stage there is no evidence to refuse the application.

- There are no objections from the responsible authorities.
- The police and the applicant have worked together to agree a way forward that both parties are happy with, including the applicant amending the application and agreeing not to sell single cans of alcohol and the Sub-Committee welcome that negotiation.
- The Sub-Committee would hope that being a new business to the city the applicant will work with the local residents and the local Councillors to deal with any issues, should they arise, in a prompt manner.
- The Sub-Committee would remind the interested parties that should their fears come to fruition then there is the ability to call the matter in to review

Right of Appeal

All parties are reminded that there is a right of appeal to the local magistrates' court within 21 days of the decision.

Time of commencement: 6:00pm

Time of conclusion: 6:40pm

Chair



LICENSING SUB-COMMITTEE

MEETING : Thursday, 30th September 2021

PRESENT : Cllrs. Finnegan, Hyman and O'Donnell

Officers

Head of Law (Litigation & Business Development), One Legal
Community Wellbeing Officer
Democratic and Electoral Services Officer

Also in Attendance

QC, 11KBW (representing the applicant)
Solicitor, Poppleston Allen
Senior Compliance Auditor, Merkur Slots UK Limited
Head of Product, Merkur Slots UK Limited
Operations Director, Cashino Gaming Limited

Licensing Lawyer, Woods Whur (representing the interested party)
Manager, Iludo Limited

APOLOGIES : None.

1. ELECTION OF CHAIR

Councillor Finnegan was elected Chair.

2. WELCOME AND INTRODUCTIONS

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR DETERMINATION

Community Wellbeing Officer's Report

Additional material had been circulated after the publication of the agenda by both the applicant (Merkur Slots UK Limited) and the interested party (Iludo Limited). The applicant circulated a hearing bundle and a supplemental pack. The interested party circulated a hearing bundle.

The Community Wellbeing Officer presented the report inviting members to consider and determine an application made by Merkur Slots UK Limited for a premises licence under section 159 of the Gambling Act 2005 (the Act).

No one present sought clarification on the report of the Community Wellbeing Officer.

Statement of the Applicant (Merkur Slots UK Limited)

Counsel representing the applicant, stated that they had provided an overwhelming amount of evidence supporting the application for a bingo premises licence and that he would go off the assumption that members had had an opportunity to read the skeleton argument and supporting documentation. He said that he would therefore focus on nine brief points in support of the application by his client.

- 1) Merkur Slots UK Limited (hereafter shortened to Merkur or Merkur Slots) were one of the most experienced and largest gaming providers in the United Kingdom. He stated that Merkur Slots UK were licenced by the Gambling Commission and that their systems were internationally accredited. He stated that in Gloucester, staff, who would work for Merkur Slots, would have had to have received six weeks of training.
- 2) Counsel representing the applicant stated that Merkur had set out a standard of excellence. He added that this was evidenced by the fact that Merkur had 192 licenced premises, many in challenging locations and that it had received a licence in every place it had applied in. He stated that none of Merkurs licensed premises had ever gone to a review. Counsel representing the applicant, stated that the applicant not only met the requirements outlined by the Gambling Commission, local authorities, and other relevant parties, it exceeded them. He stated that Merkur subject their premises to audits, quizzes their staff on safe gambling policies, send in mystery customers and undertake test purchases to ensure that each of their sites were compliant.
- 3) Counsel representing the applicant said that there were no objections to the application by the Police, expert advisers, members of the public, the local authority, nor any body or agency concerned with safeguarding. He stated that the only objection came from a rival trader. He stated that the Police had no objections even when Merkur were proposing 24/7 opening hours, which it was no longer doing.
- 4) Counsel representing Merkur Slots stated that the clientele did not engage in anti-social behaviour for a myriad of reasons. He stated that the product, the calm environment of their premises, the strong training of staff, and the

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management all worked in tandem to create a pleasant environment, which discouraged anti-social behaviour. He stated that the demographic of Merkur's Bingo Premises was different to betting shops. He said that there would be no alcohol served on site, and that teas and coffees would be provided instead. He stated that number of persons on site was usually low and that the clientele were easy to monitor partially owing to this. He stated that there was not a tendency for groups of people to gather outside of the premises, like in a gambling shop, that staff were actively trained to monitor the area, that CCTV was deployed, that all incidents were logged, that staff carried tablets to record incidents and Senior Management were consulted on any incident. Counsel representing the applicant said that the Police were wholly aware of these facts, hence why they had not objected to the application.

- 5) Counsel representing the applicant, stated that his client had applied for a Bingo Premises licence, and under the law, would be permitted to allow children on the premises and to serve alcohol. However, he said that his client had chosen not to do that. He said that there would be no alcohol served, children would not be allowed on premises and that gaming machines were not visible from the outside.
- 6) He stated that Gloucester's Gambling Policy did not contain any presumptions against Licences in different locations. He stated that there was not a Cumulative Impact Assessment for Gambling. He said that his client had carried out a full and thorough risk assessment.
- 7) Counsel representing the applicant stated that should the licence be granted by the Sub-Committee then there would be extensive legal obligations on the licence that would be adhered to. He stated that these came various places, from the Gambling Licence Code of Practice, to mandatory conditions placed on all gambling premises, to the additional conditions put on the licence that were offered by his client. He stated that one of the conditions offered by his client was to reduce hours from being open 24 hours a week to closing on Midnight between the days of Sunday to Thursday and to close at 1am on Friday and Saturdays. He stated that out of all of the licenced premises Merkur had, only nine had reduced their hours, and that Gloucester would be the tenth. He stated that all proposed conditions were supplemented by operational standards.
- 8) Counsel representing the applicant, stated that the one representation in opposition to the application was not a responsible authority, but a trader and that there had not been a single responsible authority who had objected. He added that no neighbour, resident, or business had objected either. He stated that the one objector did not have any additional conditions imposed on their licence at their business in Westgate Street. He stated that trade objections used to be commonplace. However, that changed after 2007, when the Gambling Act – 2005 was passed which outlined that commercially motivated objections to premises being granted were meant to stop. He stated that the question for members of the Licensing Sub-Committee was whether there was any substance to the objection outlined by the interested party, which was outlined in page 55 of the Councils Agenda Pack. He stated that the objection stated that the site did not 'lend itself' to premises of that nature.

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He stated that the comment outlined was an opinion, and that there was no evidence provided by the interested party demonstrating that fact. He further added that it was not an opinion shared by any responsible authority. He said that the objection then went on to state that it would be single staffed, which was an assumption. He said that his client would assess and decide on how many staff were needed at various times of the day, depending on the demand. He said that the objection went on to say that the site would be open for 24 hours, when it would close at midnight on Monday to Thursday and would close at 1am on Fridays and Saturdays. He stated that his client had collated evidence from witnesses and knows that the Police had no objections to the application. He stated that Gloucestershire Constabulary's Head of Crime Prevention and Alcohol Licensing had no concerns with his clients proposed applications, nor were any concerns identified regarding an association between local licensed gambling premises and crime, disorder, nuisance, or anti-social behaviour. He stated that the objector's letter then went on to claim that its proximity to a McDonalds would attract children to the site when the other premises was far closer to McDonalds. He said that the objector also mentioned the fact that a Planning Application was rejected at the site as evidence. He stated that this application had nothing to do with the Planning Application.

- 9) He stated that his final point was regarding the comment from the objector that the applicant would not be able to support the Licensing Objectives. He stated that there was nothing to suggest, from the clients history, the way it trained staff, the way it controlled their operation, or the views of any authority that they would undermine the Licensing Objectives. He stated that his client had already offered conditions and would be happy to discuss with members of the Sub-Committee, any reasonable tweaks and that if the Gloucester premises was unlike their other 192 premises and had issues regarding the promotion of the Licensing Objectives, then there would be a right to review it.

The Chair asked members and other interested parties, whether they sought any clarification on the statement provided by Counsel representing the applicant. No one sought clarification.

Statement of the Interested Party (Iludo Limited)

Counsel representing Iludo Limited (hereafter shortened to Iludo) stated that Iludo had ten years' experience in the field relating to Gambling Premises and that he would be using his statement to cover the application itself, it's unsuitable location, the planning refusal and the s153 aim to permit in his statement.

He stated that Iludo would request refusal of the application. He stated that members would be aware that the application was for a Bingo premises licence. However, he stated that the applicant failed to admit that there would be numerous higher stake B3 Machines and would essentially operate as a Gaming Den,

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particularly after the hours of 11pm. He stated that page 63 of the agenda pack made clear that Merkur would be allowed to have up to '20% of the total number of gaming machines' to be the higher stake B3 machines. He stated that the applicant had failed to provide the exact number of B3 machines that would be used. He stated that on a rough count, it seemed that there would be 42 machines, therefore around eight would be of the higher and more dangerous B3 variety. He stated that regarding the opening hours, they were only provided the amended opening hours recently. He added that even with the reduced opening hours, they would still be open to 1am on Friday and Saturday and would attract intoxicated persons leaving public houses, which could lead to a rise in anti-social behaviour. Counsel representing the interested party pointed page 308 of the applicants pack. He stated that he had three points to raise in relation to this:

- 1) That Gaming Machines could only be made available in licensed bingo premises only where there were also substantive facilities for non-remote bingo. He stated that the fact that the site would be open past 12am on Friday's and Saturdays and that there would be no non-remote Bingo played during this time contradicted this point.
- 2) Facilities for Gambling must always provide appropriate supervision. He stated that the fact that it could be single staffed contradicted this point.
- 3) Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premise licensed for the purposes of providing bingo facilities. He stated that the frontage of Merkur Slots facilities did not make it clear that they were used for bingo and that children and other vulnerable persons may be attracted to the site and try to access it.

He stated that it was his and the interested party's view that the application was not for a bingo premises but rather an Adult Gaming Centre, owing to the number of high stakes machines that there would be. He stated that the location was also inappropriate, as evidenced by the supporting documentation circulated to members prior to the meeting, which showed a high level of crime on Northgate Street. He stated that it was almost double than in Westgate Street.

He pointed to page 314-15 of the applicant's bundle which had advice from the Gambling Commission. The advice stated that 'licensing authorities may need to consider the location of premises' when considering whether to grant a licence, particularly if the area is one that was noted for high levels of criminal activity. He said that the area did have a high level of criminal activity and was in an inappropriate location. He stated that paragraph 5.8 of the Gambling Commission's guidance stated that licensing authorities had the ability under s.169 of the Gambling Act to attach additional conditions, such as the requirement for door supervision. He stated that he was aware that Merkur Slots operated with door supervision on some places and believed that owing to its location, the Gloucester premises should also have dedicated door supervision. Regarding the location of the building, Counsel representing the interested party stated that Northgate Street was far busier than where his clients business was situated, which was reflected in the crime statistics provided. Counsel representing the interested party introduced a local Operations Support Manager, to address the Sub-Committee.

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The Operations Support Manager stated that he had been working the area for five years. He stated that he was not anti-gambling but that the main issue with the application was the opening hours and the location. He stated that Northgate Street was a road that people had to walk through to get to the transport links, such as the buses and trains and that the area outside of his establishment he worked at was not always pleasant at 11pm, therefore this would be exacerbated by a 1am closure. He stated that Merkur Slots were a great operator, but the opening hours mixed with the location would lead to an increase in anti-social behaviour and unwanted attention.

Counsel representing the interested party stated that the experience provided by the Operations Support Manager combined with the crime statistics helped to demonstrate that the application should be rejected. He pointed to page 83 of the Council agenda pack which contained the Gambling Act Statement of Principles. He stated that it made clear that Licensing Authorities had 'specific measures' to take action to protect children and other vulnerable persons from being harmed or exploited by gambling. He stated that the conditions relating to CCTV would do nothing to deter crime.

He stated that the looking at the size and layout of the site, he and his client would hope that the site would be double staffed. He stated that with staff walking about and the size of the premises, vulnerable or young persons could walk in and gamble without being spotted. He stated that some conditions were at odds at Merkur's own policies. He stated that Merkur Slots claimed that they operate a robust late-night working policy, which was fully supported by a full-night-time manager. He stated that Merkur could not achieve this, should they single staff at night-time. He further added that Merkur claimed that 'individuals who are deemed to be under the influence of excessive alcohol should be prevented from entering any of our premises'. He stated that this would hard if not impossible to achieve with single staffing or no dedicated door staff, particularly at night where the staff member may be roaming and when the pubs kick out their clientele around 11pm. He stated that there would be no duty manager to assist with difficult customers at night if the premises were single staffed.

He stated that considering the issues that there would be after 11pm, when the pubs were turned out, they would ask that if the Sub-Committee did not refuse the application outright, that they introduced an additional condition to shut at 11pm and one to introduce mandatory double staffing so that it was never single staffed, thus promoting the Licensing Objectives.

He stated that the site should be double staffed according to their own standards and that it would ensure the safety of the staff and clientele who used the premises. He stated that being open to 1am on Friday and Saturday would attract those under the influence of alcohol after they have left the pub. He stated that the other Adult Gaming Centre in the City did not operate after 11pm, so the reduction in hours, should there not be a full refusal would bring Merkur Slots in line with other establishments and help to promote Licensing Objectives and bring them in line with LCCP requirements for appropriate supervision.

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He stated that in regard to the refusal of planning permission, his client was fully aware of Section 210 of the Gambling Act 2005 which stated 'that 'in respect of an application a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'. However, he stated that the planning refusal had partly been rejected due to littering and anti-social concerns and that the application was parallel to the licensing application.

He stated that he and his client were aware that S153 of the Gambling Act 2005 stated that a Licensing Authority had an aim to permit, as long as it was in code with the relevant code of practice, in accordance with relevant guidance, reasonably consistent with licensing conditions and in accordance with the licensing authorities statement of principles. However, he stated that the specific location of the site, combined with the opening hours would undermine the Licensing Objectives and that if S153 was taken to its logical conclusion, that there would never be a Sub-Committee.

He stated that in summary, he believed that the application should be refused due to insufficient measures being put in place by the applicant to protect children and other vulnerable persons. He said that it should also be rejected as the applicant's application would not prevent the gambling site being a source of crime and disorder. He stated that it was his and his clients belief that the main purpose of the application was not for Bingo, but for Adult Gaming, that there would be far higher number of high value B3 machines than in Betting Shops and that the premises would be used as a Gaming Machine Den not a Bingo premises. He stated that the location was a key issue regarding the application. He stated that the crime figures that had been presented, the oral evidence provided by his client, the late hours and that the fact that if it were single staffed, then the applicant would be unable to be in line with their own policies meant that they would ask if the Sub-Committee did see fit to aim to permit that they introduce mandatory double staffing and reduced hours to meet Licensing Objectives.

The Chair asked members, Counsel representing the applicant and other relevant parties, whether they sought any clarification on the statement provided by Counsel representing the interested party. No one sought clarification.

Members' Questions to the Applicant

Councillor Hyman asked the applicant how many gaming machines would be on the premises, what the minimum stake on gaming machines would be and whether problem gamblers would be able to come in and use the machines without any safeguarding measures.

In response, Counsel representing the applicant stated that there would be twenty Bingo tables. The minimum stake on those would be five pence, the maximum would be £2.00. He stated that the law used to stipulate that Bingo and Adult Gaming Centres, had to have a limited number of machines, but that the law had changed so that there was not a limit on the number. He said that only 20% of

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machines at a Bingo Premises could be of the higher stake variety, and that 80% would have to be of Category C, which were the same stake as those at Public Houses. Regarding whether someone could come in and play the machines, Counsel representing the applicant stated that someone would be able to come in, in the same way they could in a Public House or a Betting Shop. He stated that the law now stipulated that Bingo Premises had to offer substantive space in which to play Bingo but did not need to primarily provide it. He stated that regarding vulnerable persons using and accessing the machines and the premises, that there were many laws on that topic. He stated that his client protected the vulnerable more than what was required by law and took safeguarding incredibly seriously. He stated that there were posters dotted across his clients premises, for sites such as *BeGambleAware.org* with messages such as 'when the fun stops, stop'. He stated that operators were required to train their staff in customer interaction, that staff had to observe behaviour and if the customer displays poor behaviour then they were trained to go over and there needs to be an interaction which is reported. He stated that his client protected the client to a standard of excellence.

The Chair noted that she was impressed with the level of detail provided by the applicant in support of the application. She asked how Merkur managed to ascertain these figures.

Counsel representing the applicant stated that Merkur Slots had a compliance team who provided thorough research into an area before Merkur make an application for a premise there.

The Chair asked whether Merkurs compliance team had visited the City of Gloucester before making their application.

Counsel representing the applicant stated that their compliance team did visit local areas before making an application and that they liaised with local authorities.

Members' Questions to the Interested Party

The Chair asked Counsel representing the interested party for more detailed statistics relating to crime on Northgate and Westgate Street.

Counsel representing the Interested Party replied with the following statistics taken from Gloucestershire Constabulary's website.

May 2021

Westgate Street – 5 Crimes

Northgate Street – 12 Crimes

June 2021

Westgate Street – 9 Crimes

Northgate Street – 8 Crimes

July 2021

Westgate Street – 5 Crimes

Northgate Street – 10 Crimes

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Councillor Hyman asked how close the interested party's premises was to McDonalds.

Counsel representing the interested party replied that it was approximately 30 metres away from McDonalds.

Councillor O'Donnell noted that an argument made by the interested party was that the granting of the licence would lead to an increase of anti-social behaviour on site. He asked the Operations Support Manager whether their site attracted any anti-social behaviour.

The Operations Support Manager replied that he could not remember the last time that they needed to call the police, and that he did not believe that anti-social behaviour was caused by their establishment, it was caused by surrounding bars and restaurants. Counsel representing the applicant stated that this was why his clients premises shut at 11pm, as persons leaving the local pubs would congregate and would have to walk past Merkur's establishment to get to nearby traffic links so would be attracted to gamble and commit anti-social behaviour.

Officer Sum Up

The Community Wellbeing Officer outlined the options to the Sub-Committee detailed in paragraph 7.4 of the report.

Applicant Sum Up

Counsel representing the applicant stated that none of the critiques of the application made in the rival traders representation were shared by any responsible authority or expert advisor in Gloucester. He stated that the argument that Merkur were applying for a Bingo Licence when they would act as an Adult Gaming Centre was false. He stated that his client applied for a Bingo premises licence because they want to provide Bingo. He stated that the law did not stipulate how many gaming machines there could be. He said that the law stipulated that his client needed to ensure that there was a maximum of 20% of higher category gaming machines and that his client would do so. He stated that any customer would be fully aware that it was a Bingo establishment as evidenced by the shop frontage of other Merkur premises, where there is a sign that says that Bingo was played there.

He stated that in regard to the interested parties concern about the location, their argument ultimately boiled down to the fact that his clients establishment would be open for two more hours on Friday and Saturday and therefore, there would be an increase in crime. He stated that the issue with this argument was that there was no evidence to substantiate the claim. He stated that he believed that Councillor O'Donnell's question to the interested party regarding whether their premises attracted anti-social behaviour was a fair one, and the response by the interested party that they never had to call the police suggested that Merkur would also not attract bad behaviour. He stated that the crime figures provided for Northgate and

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Westgate Street were irrelevant unless his client's premises would add to them, and that there was no evidence for this. He stated that there were no grounds on which to require double staffing, and that if after opening, the demand was so high that his client felt it necessary to employ security staff, they would do so. He stated that a local Ladbroke's did not require double staffing, despite being thrice the size of the client's proposed establishment. He stated that staff could walk from the back to the front of the establishment in 4.5 seconds.

He stated that the idea of having to double staff when it was not required was 'ridiculous'. He stated that, had the Police raised objections, regarding the opening hours or in relation to staff, then this would have been a material consideration. He stated that the opening hours were an operational consideration, and that his client would strongly object to further restricting hours, particularly as Merkur had already offered reduced hours, which they had offered to only nine of their other sites. He stated that the planning refusal was wholly irrelevant to this application. He said that the concern raised by the interested party about the proposed site's proximity to McDonalds and other facilities used by children was a strange submission when their premises was far closer.

He stated that, in regards to the aim to permit outlined in Section 153 of the Gambling Act 2005, and the fact that there would never have to be an appeal if that logic was taken to its conclusion, he believed that it was an odd thing to say when the interested party launched the representation which stipulated the need for the Sub-Committee. He stated that the application was in accordance with the relevant code of practice and in accordance with the guidance set out by the Gambling Commission. He said that his client had offered controls, and that it was in accordance with the Council's Statement of Principles. He said that all of this was agreed upon by every expert consulted on the application. He stated that he would ask the Sub-Committee to aim to permit.

Interested Party Sum Up

Counsel representing the interested party stated that regarding the location of the proposed site, it was completely different than his client's premises, as Westgate Street was not on the thoroughfare for Gloucester. He stated that the main issues would come after 11pm, where there would be migration from persons who had drunk at public houses through Northgate Street and would be tempted to gamble and engage in anti-social behaviour. He stated that if this was primarily an application for a Bingo premises, then they would not be proposing having as many Gaming Machines as they were. He stated that it would only be used for Gaming between the hours of 12am and 1am on Friday and Saturday. He stated that the crime statistics coupled with the oral evidence by the Operations Store Manager showed the issues with the location. He said that it was clear from the information that had been provided that the purpose of the application was for a gaming den, not a Bingo premises. He stated that Betting Offices could only provide up to 4, higher category machines, whereas Merkur would provide up to 12. He stated that he and his client believed that the premises should close at 11pm, to protect vulnerable people from gambling when intoxicated. He stated that the layout of the premises did not protect or promote the Licensing Objectives, the late hours and

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single staffing would mean that they could not meet their own procedures, and it would be easier for children to access the site, particularly with the amount of amenities specifically designed for children that were nearby. He stated that his client would ask for refusal. However, refusing that, they would ask for reduced hours and mandatory double staffing.

The Decision

The Sub-Committee having considered the request for a premises licence under section 159 of the Gambling Act 2005. Having read all of the paperwork submitted by the Applicant, the Interested Party, the committee report, and all the relevant guidance and considered all of the submissions at the hearing it resolved: -

To grant the application as requested subject to the mandatory conditions and the default conditions set out in the Act. The application is also granted subject to the conditions outlined by the Applicant in their application.

The Sub Committee has granted the application as it is satisfied, despite the concerns raised by the Interested Party, that the granting of the licence with the conditions attached will meet the licensing objectives as set out in the Act.

The Sub Committee did consider whether or not to impose a condition regarding the minimum number of staff but on this occasion, it decided that it was not necessary as the licensing objectives are met by the current conditions. The Sub Committee would however ask the applicant to consider minimum staffing numbers as any anti-social behaviour arising from the premises could amount to a ground for a review and inadequate staffing levels could be considered as a relevant matter for consideration at any review.

Right of Appeal

Any party who is aggrieved by the decision has a right of appeal to the Magistrates' Court within 21 days.

Time of commencement: 6.00 pm hours

Time of conclusion: 7.55 pm hours

Chair



Meeting:	Licensing and Enforcement Committee	Date:	14 June 2022
Subject:	Draft County CCTV consultation document for Licensed Hackney Carriage and Private Hire Vehicles		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email:	darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:	Appendix 1 – Draft County CCTV consultation Document		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 The recommendation in the Department for Transport Statutory Standards is that Local Authorities should consult on whether CCTV would have a proportionate positive impact on public safety in their district.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** to

Approve an 8 week public consultation on the Draft County CCTV consultation document in Hackney Carriage and Private Hire vehicles as detailed in **Appendix 1**.

3.0 Background and Key Issues

- 3.1 In July 2020, the Secretary of State for Transport issued a new set of 'Statutory Taxi and Private Hire Vehicle Standards' to Licensing Authorities aimed at safeguarding children and vulnerable adults.
- 3.2 The standards set out a range of measures to protect passengers and the Department for Transport required that each Licensing Authority reviewed their policies with a plan to implement the standards.
- 3.3 In September 2021, the Licensing and Enforcement Committee adopted the Gloucestershire Common Standards for Hackney Carriage and Private Hire Licensing for Gloucester City. These Common Standards reflect a first stage of work undertaken by The Gloucestershire Licensing Officer Group (GLOG) to consider and comply with the Statutory Standards issued by the Department of

Transport in 2020. The Common Standards mainly related to drivers and safeguarding issues.

- 3.4 Following on from that work last year a second stage of the review is now being undertaken. This report considers the recommendation in the Statutory Standards about CCTV in Hackney Carriage and Private Hire vehicles.
- 3.5 One of the recommendations, not yet considered by Gloucester City Council, is that “All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of Hackney Carriage and Private Hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.”
- 3.6 The Department for Transport’s view is that CCTV can provide an additional deterrence to prevent the potential risk to public safety and has an investigative value if there is an incident. Its view is that “The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers.”
- 3.7 However, the Standards also note that the imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. The report recognises that such a policy could impact on the privacy of the passenger and the driver. In addition, mandatory CCTV will have cost implications to the vehicle licence holder and introduce a responsibility to the Council to be the data controller for all data captured.
- 3.8 The Gloucestershire Licensing Officers Group have drafted a county consultation document that each authority can use to consult on this matter. The aim of the consultation is to identify if there is local evidence that would support each local authority introducing a mandatory CCTV policy.
- 3.9 The intention is that each of the Gloucestershire Licensing Authorities will use the same consultation document and consult at the same time. However, local outcomes to consultation may be different and each authority will need to make its own decision, based on local evidence, whether to introduce a mandatory approach.
- 3.10 Appendix 1 is the draft County CCTV Consultation Document. This report recommends that Committee approves undertaking this consultation for Gloucester City, the result of which will be reported back so that a decision can be made whether to proceed with developing a mandatory CCTV policy.

4.0 Social Value Considerations

- 4.1 The whole purpose of consulting is to ensure we focus our resources on the things that mean most and bring most value to our residents.

5.0 Environmental Implications

- 5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

- 6.1 Members may request for further amendments to be made to the suggested draft County CCTV consultation document which they consider suitable for the Committee to consider.

7.0 Reasons for Recommendations

- 7.1 In accordance with the Department of Transport's Statutory Taxi and Private Hire Standards, Gloucester City Council must undertake a consultation to consider whether local circumstances indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of Hackney Carriage and Private Hire vehicle users taking into account potential privacy issues. The outcome of this consultation would then enable the Council to decide whether it would be proportionate to consider introducing mandatory CCTV. **Appendix 1** is a proposed consultation document drafted by GLOG.

8.0 Future Work and Conclusions

- 8.1 If members approve the draft County CCTV consultation document then it will go out for an 8 week consultation and any comments will be brought back to the next Licensing and Enforcement Committee.
- 8.2 The Public consultation will include the trade and relevant agencies.

9.0 Financial Implications

- 9.1 The recommendations have no impact on the Council's budgets
(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 The Council will need to comply with public law consultation principles and with data protection legislation when undertaking the public consultation on the draft CCTV policy.
(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 The risk management implications for this report and Policies are as follows:-
- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
 - Consultation inadequate.
 - Not to follow the recommendations from the DfT.

12.0 People Impact Assessment (PIA):

- 12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required

13.0 Other Corporate Implications

Community Safety

- 13.1 None

Sustainability

- 13.2 None

Staffing & Trade Union

- 13.3 None

Background Documents:

Department for Transport Statutory Taxi & Private Hire Standards

CONSULTATION

Mandatory CCTV in licensed vehicles



Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

The licensing authorities in Gloucestershire are seeking views on the statutory guidance’s requirements with regards to CCTV in licensed vehicles.

This consultation follows previous work by the licensing authorities in Gloucestershire to adopt common licensing standards for taxi and private hire drivers, vehicle proprietors and operators.

Responding to the consultation

The consultation will be open **for xx weeks from xx 2022 to xx 2022**.

Your responses can be submitted in writing either by email to licensing@gloucester.gov.uk or by post to:

Licensing Section
Gloucester City Council
PO Box 3252
Gloucester
GL1 9FW

Privacy Statement

Please refer to the [Data protection - Gloucester City Council](#) for more information on how we may process your personal information.

CCTV in licensed vehicles

The DfT's Statutory Taxi and Private Hire Vehicle Standards states that:

"All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues."

The DfT's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety when passengers travel in taxis and private hire vehicles and has investigative value when it does. Its view is that *"The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers."*

To this end, the licensing authorities in Gloucestershire are conducting an initial consultation to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults. In addition, the consultation is seeking views on whether it would be proportionate for the the installation of CCTV to be made a mandatory condition of a vehicle licence. Any decision to make it mandatory condition will take account of the benefits to public safety as well as any adverse effects including potential privacy concerns and costs to the licensed vehicle holder.

Consultation Questions

Please complete the consultation survey if you want to respond to this consultation.

Next Steps

We will analyse the consultation feedback to decide if there is local evidence to support a mandatory requirement for CCTV in licensed vehicles.

Where we consider there to be such a requirement, we will undertake further consultation and engagement with the licensed trade and key stakeholders to develop a CCTV policy and specifications for CCTV systems.

We will continue to communicate with the licensed trade on the outcome of this consultation and next steps.

Proposed survey questions

General

1. Full name
2. Email address
3. Capacity
 - a. Taxi licence holder
 - b. PH licence holder
 - c. PH operator
 - d. Councillor
 - e. Gloucestershire Constabulary
 - i. Specify which department
 - f. Gloucestershire Police and Crime Commissioner
 - g. Gloucestershire County Council
 - i. Specify which department
 - h. Other
 - i. Please specify

Safety of passengers

4. Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer
5. Do you agree that additional audio CCTV recording in licensed vehicles will benefit the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. Please explain the reason for your answer
6. Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?
 - a. Yes/No
 - b. If yes please give details

Safety of licensed drivers

7. Do you agree that CCTV would benefit the safety of the licensed driver
 - a. Yes/No
 - b. Please explain the reason for your answer
8. Do you agree that additional audio CCTV would benefit the safety of the licensed driver
 - a. Yes/No
 - b. Please explain the reason for your answer

9. Do you have any local examples where CCTV (video or audio) did or could have benefited the safety of the licensed driver
- Yes/No
 - If yes please give details

Reducing fear of crime

10. Do you agree that video CCTV recording would reduce the fear of crime
- Yes/No
 - Please explain the reason for your answer
11. Do you agree that additional audio CCTV recording would reduce the fear of crime
- Yes/No
 - Please explain the reason for your answer
12. Do you have any local examples where CCTV did or could have reduced the fear of crime
- Yes/No
 - If yes please give details

Adverse effect on safety of passengers

13. In your opinion are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
- Yes/No
 - If Yes, please explain

Privacy

14. In your opinion are there any adverse effects on the privacy of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles?
- Yes/No
 - If Yes, please explain
15. In your opinion are there any adverse effects on the privacy of licensed vehicle drivers by installing CCTV in licensed vehicles?
- Yes/No
 - If Yes, please explain
16. In your opinion do the benefits to public safety outweigh any adverse effect on privacy
- Yes/No
 - If Yes, please explain

Costs to licence holders

17. In your opinion do the benefits to public safety outweigh the costs that would be incurred by licensed vehicle drivers by installing CCTV in licensed vehicles?
- Yes/No
 - If Yes, please explain

Other adverse effects

- 16 Are there any other adverse effects from installing CCTV in licensed vehicles.

- a. Yes/No
- b. If Yes, please explain

Local circumstances to support mandatory CCTV

17. Overall, do you think that there are local circumstances that would make it proportionate to make it a mandatory requirement for all licensed vehicle operators to install CCTV
- c. Yes/No
 - d. Please explain the reason for your answer

Mandatory video only or video and audio

18. If yes to question 18 do you think that mandatory CCTV should be video recording only or video and audio
- e. Video/ video and audio
 - f. Please explain the reason for your answer

Extra Questions for licence holders

1. Do you have a Gloucestershire County Council Contract?
- a. Yes/No
2. Do you have a CCTV system installed in your current licensed vehicle?
- a. Yes/No
 - b. If yes,
 - i. please specify if it is video OR video and audio recording?
 - ii. Are you registered with the ICO (Information Commissioners Office) Yes/No
 - iii. Do you display signage in your vehicle making it clear to passengers that CCTV is on operation? Yes/No
 - iv. Have passengers ever made positive comments about CCTV in operation Yes/No If Yes, please explain
 - v. Have any passengers ever objected to CCTV being in operation Yes/No If Yes, please explain
 - vi. Are you satisfied that the data that you capture on your CCTV is kept secure Yes/No please explain

Other comments

Do you have any other comments to make?

DRAFT

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Meeting:	Licensing and Enforcement Committee	Date:	14 June 2022
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email: darren.mountford@gloucester.gov.uk		Tel: 396240
Appendices:	1. Licensing Forward Plan		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out from 1 March 2022 to 31 May 2022, 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 During this quarter, the licensing functions were carried out by the Licensing and Community Wellbeing Teams.

Licensing Applications

- 3.2 Between 1 March 2022 and 31 May 2022 a total of 281 licensing applications were received.
- 3.3 In addition to the administration of licensing applications a number of service requests are also received. These can consist of complaints and enquiries about various Licensing matters.

4.0 Enforcement Work

Sub-Committees Held between March 2022 and May 2022

Taxi and Private Hire Hearing

- 4.1 On 21 April 2022 a new Hackney Carriage Vehicle Licence application was referred to the Licensing and Enforcement Sub-Committee. The application was brought before the Committee on the grounds that the vehicle did not meet the specification required by the Council's policy in relation to Wheelchair Accessible Vehicles, nor in relation to vehicle age and Euro status. Members accepted the application on the grounds that the Council's Hackney Carriage Vehicle policy should be departed from in this particular case.

Licensing Act 2003 Hearing

- 4.2 On 27 April 2022 members of the Licensing Sub-Committee considered an application to vary a Premises Licence following representations by other persons and agreed times and conditions from Gloucestershire Constabulary. The Sub-Committee resolved to accept the application for the retail sale of alcohol until 01:00 and modify the conditions of the licence by adding that hot refreshments served from 23:00 to 01:00 are limited to hot drinks only.

Out of Hours and daytime Enforcement

4.3 Taxi and Private Hire Enforcement

Licensing Officers have continued to monitor activities of drivers and conditions of their Licence.

4.4 Licensed Premises

Licensing Officers have a close working relationship with the Police, Trading Standards and Environmental Protection and regularly share information to ensure compliance at licensed premises.

5.0 Legislative Updates

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31 March 2022.

From 31 May 2022, if any licensing authority in England has information about a Taxi or Private Hire driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence. Please click on the below link for more information:-

[Taxis and private hire vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022)

On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle drivers and operators.

All licensing authorities must maintain and publish a list of licenced Taxis and Private Hire Vehicles they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 on providing assistance to wheelchair users and refraining from charging extra for this.

For further information please click on the below link:-

[Taxis and Private Hire Vehicles \(Disabled Persons\) Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12/section-1)

6.0 Future Work

None

7.0 Forward work plan and Conclusions

- 7.1 The table in appendix 1 outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 12 months. As the year 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.

(One Legal 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

Licensing Forward Plan

LICENSING AND ENFORCMENT COMMITTEE	POLICY ITEM
September 2022	<ul style="list-style-type: none"> • Quarterly Licensing Update for Members • Street Trading Policy review (consultation) • Gloucestershire Common Standards for Hackney Carriage and Private Hire Vehicle Licensing (CCTV in vehicle consultation results)
December 2022	<ul style="list-style-type: none"> • Quarterly Licensing Update for Members • Street Trading Policy (results following consultation) • Table and Chairs Policy and A-Board review (Consultation)
March 2023	<ul style="list-style-type: none"> • Quarterly Licensing Update for members • Table and Chairs Policy and A-Board review (Consultation results)

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LICENSING AND ENFORCEMENT SUB-COMMITTEE

MEETING : 21st April 2022

PRESENT : Cllrs. Williams (Chair), Ackroyd, O'Donnell

Officers in Attendance

Licensing Team Leader

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

Also in Attendance

Applicant

Representative, Taxi Trade

Representative, Unite the Union

APOLOGIES : None.

1. ELECTION OF CHAIR

Councillor Williams was elected Chair. Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 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 the proceedings that if members of the press and public were present during consideration of this item there would be disclosure to them of exempt information as defined in Paragraphs 1,2,3 & 7 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

4 APPLICATION FOR DETERMINATION

LICENSING AND ENFORCEMENT SUB-COMMITTEE
21.4.2022

RESOLVED as per the exempt minutes.

Time of commencement: 4:55pm

Time of conclusion: 5:35pm

Chair