



Licensing and Enforcement Committee

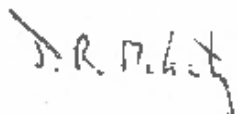
**Meeting: Tuesday, 13th December 2022 at 6.30 pm hours in Civic Suite,
North Warehouse, The Docks, Gloucester, GL1 2EP**

Membership:	Cllrs. Finnegan (Chair), Williams (Vice-Chair), Ackroyd, Bowkett, Brooker, 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.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or nonpecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	MINUTES (Pages 5 - 14) To approve as a correct record the minutes of the meeting held on Tuesday, September 13, 2022.
4.	MINUTES OF LICENSING SUB-COMMITTEES (Pages 15 - 24) To approve as a correct record the minutes of the following Licensing Sub-Committee. - Monday 21 November
5.	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. To ask a question at this meeting, please submit it to democratic.services@gloucester.gov.uk by 12pm on Thursday 8th December 2022 or telephone 01452 396203 for support.
6.	PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

	<p>To receive any petitions and deputations provided that no such petition or deputation is in relation to:</p> <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings. To present a petition or deputation at this meeting, please submit it to democratic.services@gloucester.gov.uk by 12 noon on Thursday 8th December 2022.
7.	<p>TAXI TARIFF REPORT (Pages 25 - 34)</p> <p>To receive the report of the Director of Communities, the purpose of which is to outline to members a proposal submitted by Gloucester Hackney Carriage Association (GHCA) for an increase to the current Hackney Carriage tariff.</p>
8.	<p>QUARTERLY UPDATE (Pages 35 - 40)</p> <p>To receive the report of the Director of Communities which outlines to members details of key Licensing Activities carried out from 1 September 2022 to 30 November 2022, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.</p>
9.	<p>EXCLUSION OF PRESS AND PUBLIC</p> <p>To consider the following resolution should members wish to discuss agenda item 10.</p> <p>“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.”</p>
10.	<p>EXEMPT MINUTES OF LICENSING AND ENFORCEMENT SUB-COMMITTEES (Pages 41 - 48)</p> <p>To receive the exempt minutes of the following meetings of the Licensing and Enforcement Sub-Committee, if members decide they wish to discuss them:</p> <ul style="list-style-type: none"> - 17 October 2022 - 16 November 2022
11.	<p>DATE OF NEXT MEETING</p> <p>Tuesday, 14 March 2023 at 6.30 p.m.</p>



Jon McGinty
Managing Director

Date of Publication: Monday, 5 December 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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If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

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Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- 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, 13th September 2022

PRESENT : Cllrs. Williams (Vice-Chair, in the Chair), Ackroyd, Bowkett, Brooker, Chambers-Dubus, J. Brown, Hyman, Patel, Radley and Tracey

Officers in Attendance

Director of Communities
City Centre Manager
Licensing Team Leader
Senior Lawyer, One Legal
Democratic and Electoral Services Officer

Also in attendance

Local Resident (x2)

APOLOGIES : Cllrs. Finnegan and O'Donnell

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

The minutes of the meeting held on the 14th June 2022 were confirmed and signed by the Chair as a correct record.

14. PUBLIC QUESTION TIME (15 MINUTES)

A local resident asked whether it was an appropriate time to conduct a Street Trading Policy Review and to potentially prohibit street trading within Eastgate and Westgate Street. He noted that the trade had a difficult three years, particularly with the COVID pandemic and the cost-of-living crisis. In response, the Senior Lawyer highlighted that the report was only recommending beginning the consultation process.

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A local resident asked whether it was an appropriate time to consult about the Street Trading Policy Review, amid a cost of living crisis. In response, the Chair stated that her question had been noted.

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

There were no petitions or deputations.

16. STREET TRADING POLICY REVIEW

The Licensing Team Leader presented the report of the Director of Communities. The purpose of which was to seek the Licensing and Enforcement Committee's approval to undertake a 12-week consultation in respect of a review of the draft Street Trading Policy as well as a review of the designation of streets in certain areas of Gloucester as prohibited and consented streets.

Councillor J.Brown noted that she had read through the report and asked why there was a proposal to potentially prohibit Eastgate and Westgate Street from street trading. In response, the City Centre Manager explained that it formed part of a wider vision for Gloucester to turn the city into distinct quarters and to support regeneration. He added that it would provide a 'blank canvass' to support a wider vision for Gloucester.

Councillor Radley noted that the City Centre Manager had proposed to support regeneration through the suggested changes. She asked how potentially removing street traders from Eastgate and Westgate Street would achieve this. In response, the City Centre Manager replied that perhaps the term 'regeneration' was not the correct one but that the move would help to support the wider vision that the Council had for the City. He said that on Eastgate and Westgate Streets already, the Council had asked for phone boxes to be removed and for Gloucestershire Highways to remove bollards to create space as part of supporting the wider vision for the city.

Councillor Patel noted that that he was unhappy that prior to the publication of the report, he was not made aware of the potential prohibiting of Eastgate and Westgate Street from street trading. He said that when he went into town, the markets were bustling, and this encouraged footfall and people to come into the city. Councillor Patel expressed concerns that prohibiting Eastgate and Westgate Streets from these purposes would have the opposite impact than what they hoped and would lead to less people entering Gloucester. In response, the City Centre Manager said that this was the first time it had been brought before the Committee in report form because the recommendation in the report was only to begin the start of the consultation process. He said that these proposals would have also been discussed in great detail already at meetings of the Senior Management Team and leadership meetings, including meetings with the Leader of the Council, for them to give the go-ahead to start the process of consulting.

In regard to Eastgate and Westgate Streets and the potential prohibiting of street trading in those streets, The City Centre Manager advised Members that they were only discussing the possibility of stopping street trading in those specific streets and

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not in the entire City Centre. He said that the Council had started the process of consulting street traders about the possibility of potentially moving to areas such as Southgate Street and closer to areas that could see more footfall, such as the Transport Hub and the University Campus when that was complete. He said that this policy was by no means guaranteed and that the report only recommended starting the process of consultation. He explained that in terms of time scale, the proposed changes would not come into effect until 2024 at the earliest, so that traders would be properly consulted and supported to be ready to relocate in time for the change. He highlighted that Gloucester was a business-friendly Council and that they wanted to work with street traders.

Councillor J.Brown asked how the proposed change would affect the Friday Market. In response, the City Centre Manager said that it would not affect the Friday Market at all, as that came under the Market Charter, not Licensing Policy.

Councillor Chambers-Dubus said that the proposal concerned her. She said that Eastgate was the main shopping area, not Northgate and Southgate Street. She said that she believed that moving street traders to less profitable areas could be viewed as gentrification.

Councillor Tracey noted that Gloucester was fortunate to have excellent street traders. She asked what would happen to the Farmers Market. In response, the City Centre Manager said that the Friday Market would be completely unaffected as that came under the Markets Charter.

Councillor Tracey asked for further clarification as to how outside trading fell under the Marketing Acts as opposed to Licensing. In response, the Licensing Team Leader said that current street traders were governed by the Local Government (Miscellaneous) Act and that market traders on Fridays came under the Markets Charter. He highlighted that these were two separate pieces of legislation.

Councillor Tracey asked whether the Market Traders on Fridays would still use Westgate and Eastgate Streets. In response, the City Centre Manager said that they would be able to use these streets for the Friday Market. He added that the Council had also explored the possibility of allowing current street traders to join the Farmers Market on Fridays. He said that the Council wanted to encourage street traders and explained that this was why the consultation only proposed prohibiting street trading on two streets in Gloucester.

Councillor Tracey asked whether street traders could trade in the Oxbode if the consultation went through, and the policy received consent. In response, the City Centre Manager said that if relevant partners such as the Police and Gloucestershire Highways were content with an application, there was no reason why a street trader could not trade there, and that the proposal only recommended prohibiting street trading in Eastgate and Westgate Streets.

Councillor Tracey asked for clarification as to when this policy would come into effect if it did receive consent. In response, the Licensing Team Leader stated that if members approved the report to go to consultation, this would probably come back before the Committee at the March 2023 Licensing meeting. If members approved it

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at that point, he explained that there would then be a legal process to follow, which would include the need to send it out to public notice for 28 days, then for it to go out to consultation. The Licensing Team Leader further explained that after this consultation process, the report would then have to come back before Committee again if approved, the Committee would have power to pick a date for it to come into effect and could determine a 2024 date to give street traders time to adjust and prepare to move from Eastgate and Westgate Street. The City Centre Manager added that even if the Council had the legal power to make the change in 2023, they would not, so that they could work properly with street traders. Members were reassured that 2024 was the earliest date in which these changes would come into effect.

Councillor Ackroyd asked what the response from the Street Trade had been so far. She also noted that she did not approve of the terminology in of 'tidying up' regarding the area as the street traders in Gloucester were very conscious of mess and were tidy. The Licensing Team Leader replied that they would have to wait for formal responses to come from the consultation process before they had an idea of how the changes had been received by the trade. The City Centre Manager added that Councillor Ackroyd was correct to highlight the point in relation to street traders and that the term 'tidying up' did not refer to street traders and that the street traders were an asset to the City. He explained that the term tidying up referred to street furniture generally and had nothing to do with street traders. He thanked Councillor Ackroyd for allowing him to clarify this point.

Councillor Patel noted that various references had been made to a vision for Gloucester. He asked what the vision for Gloucester's City Centre was. He said that he did not see the issue with street furniture and bollards. Councillor Patel also commented that he did not understand the logic of allowing the Farmers Market to operate unfettered in Westgate and Eastgate Street on Fridays, whilst prohibiting the use of the streets for street trading the rest of the week. He felt that if there was going to be a prohibiting of those streets, then it should be consistent throughout the week. Councillor Patel raised concerns that relocating businesses would be highly inconvenient for the traders and was unnecessary in his view. He said that if Gloucester wanted to be a business-friendly Council, then it should not put hurdles in front of businesses. He further noted that he was concerned that the public consultation would have a low response rate and thus would not reflect the views of people in in the city and street traders.

Councillor Bowkett stated that he had failed to be convinced that the proposed changes were the right course of action. He questioned whether it was worth conducting research into footfall in other parts of the city to see where street traders could benefit, should Eastgate and Westgate be inaccessible. In response, the City Centre Manager said that they did not have the figures for footfall in other parts of the city yet. He added however, that with the addition of the University Campus and the addition of the Forum, there would be an increase of footfall.

Councillor Radley asked what the process of approving a Licence for a Street Trader currently was and whether the local environment was taken into consideration. In response, the Licensing Team Leader responded that when an

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application came before the Council, they consulted the relevant partners, including Environmental Health and that an application could be denied on those grounds.

In response to a question from Councillor Radley regarding whether this was a change of policy, the Licensing Team Leader said that this was not the case as there are currently no prohibited streets for street trading in Gloucester. He said to prohibit a street for street trading purposes, a legal process would have to be followed, once this had taken place then members of this Committee would decide on whether to approve or reject the proposal and if they were minded to approve then they could set the date of implementation.

Councillor Radley asked how much the consultation process would cost. In response, the Licensing Team Leader said that he did not have the figures but that it would be a low-cost consultation as cost effective measures such as emails would be used to consult the trade and relevant partners.

Councillor Radley asked if there was flexibility to prohibit applications from the Council if there was a potential for the nature of the area to change. The City Centre Manager responded that there would be no changes to how Street Trader applications were dealt with, and it was his expectation that they could reject applications in Eastgate and Westgate Street if they were prohibited. He added that currently, a Street Trader could apply anywhere in the City, and it was likely that if partner agencies and officers agreed to the application and that it did not contradict Council Policy, it would receive consent.

Councillor Radley asked how much officer time the consultation would take up. In response, the Licensing Team Leader said that he did not have these figures to hand but would follow the matter up with Councillor Radley after the meeting.

Councillor Hyman stated that he would vote against the officer recommendation and believed that it was an inappropriate time to be proposing such a policy. He added that he believed that the Council should be focused on empty shops and getting more people into the city.

Councillor Patel reiterated his belief that he did not think it was sensible to prohibit trading in Eastgate and Westgate Streets but still to allow the Farmers Market to operate on both streets on Fridays. He said that he believed it should be kept as it was and for street traders to be allowed to operate from Eastgate and Westgate. He said that he believed that there should have been a recommendation to keep the current rules around prohibited streets as they were in the Council report. In response, the Licensing Team Leader reiterated that the Markets Charter was separate to Licensing Policy.

The Chair said that she was sympathetic to the issue raised by Councillor Patel but noted that the Markets Charter was separate to what was before them. The City Centre Manager added that the Markets Charter would at some point also be reviewed.

Councillor Tracey highlighted that many people enjoyed the outside street trading stalls as some people struggled with claustrophobia in the indoor market. She noted

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that the Cathedral brought in high amounts of footfall that benefitted street traders and asked whether fees would remain the same. The Licensing Team Leader confirmed that fees would remain the same and would look to review them in 12 months time if members approved

Councillor Tracey asked what would happen if this report was voted down by the Committee. In response, the Licensing Team Leader referred to an earlier point made by Councillor Patel, and advised that the Committee could, if they were minded to, approve the non-controversial changes to the policy which were mainly grammatical changes outlined in appendix 1 and defer appendix 2 which included the prohibition of Eastgate and Westgate Streets for street trading if more information was required but envisaged that it would come back to the next Committee.

Councillor Hyman stated that he was against consulting on the proposals and that he would still vote against the officer recommendation.

Councillor Patel stated that he agreed with Councillor Hyman. He said that regarding Eastgate Street, it had a large Christmas tree every year with a barrier. He asked whether this would be considered clutter. In response, the City Centre Manger said that the plan for the future was to have one large Christmas Tree in Kings Square.

Councillor Tracey asked what would happen to traders if the Committee voted for the recommendations in the report. In response, the Licensing Team Leader said that they could operate as usual and would be operating under the 2017-22 policy which allowed them to trade as usual until a new policy was adopted.

Councillor Patel highlighted that Gloucester had a retro festival every year, which brought in thousands of people. He questioned whether the cars and other street furniture it used would be considered clutter.

Councillor Radley said that she believed that the discussion at Committee showed that the policy needed further work. In response, the City Centre Manger said that the very purpose of the report was to consult relevant partners and persons so that they could have a discussion and create a policy that benefitted traders and the City. He said that consulting the public and relevant partners would provide an opportunity to do exactly what members were doing at the Committee meeting, namely scrutinising the contents of the proposed policy review. He said that the Policy may end up looking different as it was now but that changes could not be made to it if they did not allow it to go out for consultation. The Senior Lawyer added that from a legal point of view, approving the recommendations outlined in the report would simply be giving the go ahead to start the consultation process, to delay it would lead to it coming back to Committee to recommend starting the consultation process again.

Councillor Radley highlighted that she would be comfortable sending out the non-controversial aspects, such as the grammatical changes to the policy outlined in appendix 1 but not the potential prohibiting of street trading on Eastgate and Westgate Steet without further clarification. In response, the Director of Communities stated that a few issues had been highlighted by members. She noted

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that members had discussed issues, such as the closing of shops that the Council was trying to address. She explained that should the council only send the grammatical and small changes to the Street Trading Policy Review outlined in appendix 1 to consultation then they would only garner a small amount of feedback. She said that the current set up negatively affected footfall to the Guildhall as there was a barrier right outside of it. The Director of Communities highlighted that if no changes were made to the City Centre, then the same issues with the high street such as closing shops would continue. She said that she wanted members to respond to the consultation and help to formulate a successful policy. With regard to a point made by Councillor Chambers-Dubus regarding gentrification, she added that any policy would be subject to an equality impact assessment so her assertion that it was a policy of gentrification was not accurate.

Councillor Chambers-Dubus asked why the two recommendations in the report were not in the form of two separate reports. She said that she was comfortable with some of the changes outlined in appendix 1 of the Council report but was uncomfortable with the potential to prohibit street traders trading on Eastgate and Westgate Streets. In response the City Centre Manager responded that the first reason was because each consultation would take a similar amount of time. He said the second reason was because the proposal to consult in regard to street trading was only the start of a process. The City Centre Manager explained that Members allowing the Council to consult at this stage did not mean that the policy would definitely go through but could help highlight whether the proposed changes would be positive and would be starting the process of consulting.

Councillor Chambers-Dubus said that if the recommendation to move the street traders was a financially sound decision, then would the street traders have not already consulted the Council about this. In response, the City Centre Manager said that there was no reason for them to relocate away from Eastgate and Westgate Street when they were used to using it as a location but that there would be an opportunity for traders to test different locations.

Councillor Patel highlighted the low response rates of previous Council consultations. He asked for the figures of response rates from previous consultations undertaken by the Council. He said that he believed that the recommendations outlined should have been placed into different reports. He asked who would be being consulted. The City Centre Manager replied that the list of consultees was outlined in paragraph 1.4.1 of appendix 1 of the report. He said that any proposed policy changes started with members and that the report before the Committee was to start the process of consulting.

Councillor Patel asked whether having a list of consultees meant that many people were excluded from responding. The City Centre Manager responded that this was not the case. The Licensing Team Leader added that the consultation would be advertised through the Council's social media channels and put on the Council's website.

The Chair proposed recommending the recommendations outlined in the report. It was put to a vote and lost.

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RESOLVED that the Licensing and Enforcement Committee did not support the recommendations outlined in the Council report.

17. RESPONSE TO THE DRAFT COUNTY CCTV CONSULTATION DOCUMENT FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Team Leader presented the report which presented the result of the consultation feedback on the draft County CCTV consultation document in Hackney Carriage and Private Hire vehicles.

He said that the Council had received 8 responses of which four were from Private Hire or Hackney Carriage drivers. He highlighted the recommendations in the report which was for members to note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months until further information can be provided on the cost, what systems to be used and the legality on introducing such a condition and for the Committee to request that Officers engage with the trade through the Hackney Carriage and Private Hire trade meetings to better understand their thoughts following the poor response from them to the CCTV consultation document.

Councillor Bowkett noted that the report asked for a 12 month delay to any changes. He asked who would pay for the changes if CCTV was introduced. In response, the Licensing Team Leader replied that the purpose of the report was simply to ask the Committee to delay mandating any policy change in relation to CCTV so a more robust consultation could take place. He said that an open dialogue with the trade would allow to see what the cost implications of mandatory CCTV would be. He said that Police were in favour of mandatory CCTV but that some in the trade were only happy with aspects of it. He said that the Council would also have to work out who the data controller would be. He added that other Councils in Gloucestershire (Stroud, Cheltenham, Forest of Dean and Tewkesbury) were also going out to consultation so that collaborative work on the topic with other authorities would be beneficial.

The Chair asked if Members had any objections to approving the recommendations laid out in the report. There being no dissent, it was:

RESOLVED that the Licensing and Enforcement Committee

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- 1) Note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months until further information can be provided on the cost, what systems to be used and the legality on introducing such a condition.

AND

- 2) Request Officers to engage with the trade through the Hackney Carriage and Private Hire trade meetings to better understand their thoughts following the poor response from them to the CCTV consultation document.

18. QUARTERLY UPDATE

The Licensing Team Leader asked if any Member had a query on the content of the Quarterly Update.

Members indicated that they had read the report and understood its content.

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

19. DATE OF NEXT MEETING

Tuesday 13 December 2022 at 6:30pm in the Civic Suite, North Warehouse.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.56 pm hours

Chair

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LICENSING SUB-COMMITTEE

MEETING : Monday, 21st November 2022

PRESENT : Cllrs. Ackroyd, Finnegan (Chair) and O`Donnell

Officers

Licensing Team Leader

Licensing Officer

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

Also in Attendance

Licensing Consultant (representing the applicant)

Manager, Gloucester Rugby Ltd

Councillor Angela Conder

Local Resident (x7)

APOLOGIES : Cllrs. None

4. ELECTION OF CHAIR

Councillor Finnegan was elected Chair.

5. INTRODUCTIONS AND PROCEDURES

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

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

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7. APPLICATION FOR DETERMINATION

Licensing Officer's Report

The Licensing Officer presented the report detailing an application by Gloucester Rugby Ltd for a new Premises Licence at St Catherine's Street, Gloucester.

No members sought any clarification on the officer report.

A resident of Gloucester asked for clarification in relation to a petition she had provided to the Council, opposing the application. She said that the application was handed in on the deadline, not afterwards as stated by the officer. Counsel representing Gloucester Rugby Ltd stated that they were content to accept the petition.

Statement of the Applicant – Gloucester Rugby Ltd

Counsel representing Gloucester Rugby Ltd (hereafter minuted as the applicant) stated that the application was to licence an area of the Gloucester Rugby Training Centre as a multi-purpose function suite, which would have a maximum of 720 persons. He said that they were not looking to operate as a bar or open as a nightclub. He said that they were more interested in events, such as corporate events and a place for fans to meet on matchdays.

Counsel representing the applicant stated that the application was not to licence the entire building, but a section of it. He said that the application hours had created concern but they would not use those hours all the time. He said that their event partners who would run the events, had an excellent reputation for running events and were respected by local authorities and the police. He stated that, after consultation with the Police they had reduced the hours of the application. He said that appropriate noise mitigation measures had been put in place including the agreement that music noise level from any event at the venue would not exceed 85dB(A) 1 metre from the facade of any noise sensitive premises. He added that there would be no external speakers. He further stated that a Noise Assessment Survey had been carried out by noise experts which was used to work out the acceptable limits of noise from the site.

Councillor O'Donnell stated that he sympathised with the concerns of local residents. He asked how the applicant planned to deal with possible anti-social behaviour.

In response, Counsel representing the applicant noted that Licensing Law and policy could not control behaviour of individuals away from the site. He said that the applicant would be responsible for the building and its immediate vicinity, any anti-social behaviour away from the site did not fall under the application.

Councillor O'Donnell asked how much security presence would there be at the site.

In response, Counsel representing the applicant stated that this would be assessed on an event by event basis but that there would be adequate security at each one.

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The Chair stated that she had concerns about being open until 2am for 12 times a year, she asked why they were proposing to open that late.

In response, Counsel representing the applicant said that they may not use the premises until 2am for the twelve events but that the proposed hours would allow them flexibility. He further added, if they wanted to open until 2am for events without the granting of the application, they could have applied for a temporary events notice but this would have meant that they would not be under the obligations of the licence.

The Chair questioned whether the timing could be reduced from 2am to 1am.

Councillor Ackroyd asked for clarification that the premises would not be used to its full hours, 7 days a week.

The Club Manager of Gloucester Rugby Ltd responded that this was correct, and that it would not be used as a pub or club and that the proposed hours were simply to provide flexibility for events, such as matchdays.

A local resident asked why the nearby Heritage Bar was mentioned in the application by the applicant.

Counsel representing the applicant replied that they only mentioned the nearby Heritage Bar as it had similar hours and was already licenced to serve alcohol until 12 midnight, for seven days a week.

A local resident asked what time Kingsholm was licenced for when there were concerts.

In response, Counsel representing the applicant stated that they were licenced to sell alcohol at 11pm on weekends and 10pm on weekdays.

A local resident stated that there was already an issue with disruption when concerts finished at 11pm, the resident asked whether the granting of the application could set a precedent and see Kingsholm extend their hours.

Counsel representing the applicant replied that this was not the case, and that they would have to apply for a licence and the Rugby Club was satisfied with the current arrangements in place relating to concerts.

A local resident asked where would users of the site park.

The Rugby Club Manager responded that there was parking at the Stadium and by the warehouse next to the site. He added that the stadium could be accessed via the footbridge to reduce disruption and that there were various locations around the site where users could park.

A local resident asked why the Heritage Bar could have different hours to serve alcohol, as it had been turned down for an extension to their premises licence.

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The Senior Lawyer noted that she was unaware that the Heritage Bar had applied to serve alcohol at a later time and was refused, and, in any case, each application had to be judged on its own merits, so the refusal of one licence on another site could not impact the decision of the Licensing Sub-Committee.

A local resident noted that the applicant had stated that the site would not be used 7 days a week, the resident asked whether they had an idea of many days a week it would open for and until what time.

Counsel representing the applicant replied that the site only applied for seven days a week for flexibility. He said that there would be times, where it may just be booked in the day, and other days where it was booked in the evening. He said that it depended on which organisations booked it and it was difficult to say at this point exactly how many days a week, they would serve alcohol until.

The Rugby Club Manager added that the idea of the application was for it to partly be an extension of the fanzone on matchdays, so that it gave fans an opportunity to drink inside, particularly in the winter months where it was colder. He said that an important purpose of the application was to generate the Rugby Club a bit of additional money when matches were not on. He said that, for example, it may be booked more frequently over the Christmas period for staff events but that it would not be used as a pub and that they would not get the business to do so, even if that was the intention.

Statement of Interested Parties – Local Resident

The local resident stated that he lived close by in Deans Walk, so he had suffered from noise pollution from the site. He said that in the summer, gardens in the area became uninhabitable, owing to the noise emanating from the training centre. He said that there was a constant booming noise from the site. He said that this had quietened down in the past couple of months. He said that noise pollution also came from the local gym (Titan Performance) and that the noise from the area was causing residents to lose sleep. He stated that there were numerous properties within 100 yards of the site, and that it did not need 85db of noise to have an adverse effect on the residents. He said that numerous residents were unaware of the application and were not properly notified about it. He pointed to the planning application for the site and stated that this application was not in keeping with the original planning application.

The Senior Lawyer noted that any planning application was not relevant to the Licensing application before the Sub-Committee.

The local resident questioned whether it was acceptable to have up to 85db of noise, 1 metre from properties and argued that this was too loud.

The resident further stated that the application proposed to have bottle emptying up to 11pm. He argued that this was too late. He stated that the music emanating from the training centre was also too loud already.

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The Senior Lawyer noted that the music from the training centre did not relate to this licensing application and could not be considered. There were other avenues available to the resident in relation to the noise issues he was experiencing and he should contact the Environmental Protection team.

The local resident stated that, regarding disruption, residents experienced a lot of noise pollution and disturbance in Deans Walk on matchdays, which quietened down during the match and then picked up again afterwards followed by another wave of noise around 11pm. He said that the granting of this application would lead to disruption at 2am, 12 times a year.

The local resident questioned whether there would be a similar police presence to that on Eastgate Street if there were 720 persons in the licensed part of the facility, should it receive consent. He said that many people would add to traffic pressures on St Catherine's Street.

He stated that if they showed live televised events, then the establishment could be open until 4am for Lions Games.

He concluded by stating that local residents suffered from noise pollution all year round and the granting of the application would not help this.

Members did not have any questions to the interested party.

Statement of Interested Parties – Councillor Conder

Councillor Conder stated that she was at the meeting to represent the concerns of the residents who lived nearby.

She said that she had concerns about the volume of noise. She says that it was not possible to ascertain how much noise there would be until it was open. She said that she had consulted the National Institute on Deafness and their advice stated that anything above 70db was concerned disturbing and that 60db was considered normal. The sound of a motorcycle was 95db, anything above 65db meant that it was difficult to sleep. She said that 85db was far above the 70db limit for it to be considered disturbing. She said that some residents had moved due to disturbance from the site, that the importance of sleep was now more fully understood and that noise could not be put in a box.

She said that she had concern about the proposed frequency of events, the time in which they could go on until, the impact the crowd spilling out on the street would have and that she feared that this application was the thin end of a wedge that would lead to other premises opening up later on into the night.

Members did not have any questions to the interested party.

Statement of Interested Party – Gloucester Resident

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The local resident stated that she agreed with the concept of having more events to generate revenue for the Rugby Club but disagreed with the proposed timings. She said that there should be no events after 11pm and that these hours would disturb the neighbours. She said that one neighbour had lived in the area for 57 years and did not want noise late into the night. She said that she would concur with the previous objector with the comment that the proposal was not well advertised. She said that the notice was put on a wall above head height. She said that most people in the area were against the application, including students.

Councillor O'Donnell asked how many persons signed the petition objecting to the application.

The petition was circulated to members of the Sub-Committee.

Statement of Interested Party – Gloucester Resident

The local resident stated that her garden backed onto the facility and that her daughter slept in the rear of the property and that this was the only room suitable for her room. She said that the granting of this application would further disrupt her sleep, that she did not believe this was fair and that they would have to consider moving, should the application receive consent.

Members did not have any questions to the interested party.

Applicant Response to the Statement of Interested Parties

Counsel representing the applicant stated that there was not a lack of consultation as argued by two objectors. He stated that the applicant publicised the event as prescribed by law and took an extra step to contact the head of the neighbourhood partnership. He said that the majority of the representations were against the idea of it becoming a bar/nightclub, which was not what the application proposed. He said that, should the applicant wish, they could have received a temporary events notice for late night events and that these would not be bound by the terms of the licence but that the applicant wished to have conditions on events to show that they were a responsible events provider. He said that whilst they had accepted the petition to be considered, minimal weight could be given to it, there was no way of knowing what was said when the petition was signed, nor whether they were legitimate signatures. He said in response to references raised to drugs, littering and anti-social behaviour, that the applicant could not take responsibility for this and this was recognised in the Councils Statement of Licensing Policy. He said that the Statement of Licensing Policy also stipulated that the authority wanted well run premises.

He said that the applicant had demonstrated that they were responsible operators, that they had reduced their hours after consulting with Gloucestershire Constabulary and with the other conditions imposed, the application would not adversely impact local residents. He said that there had been no representations against the application from responsible authorities. He said that in relation to comments made about emptying bottle bins, the applicant would be happy to

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reduce this to 10pm. He said that policing was not an issue, otherwise Gloucestershire Constabulary would have raised objections. He said that the noise limit of 85db was a standard one across premises, that the applicant was happy with the noise assessment and noted that the Environmental Health Officer had not raised concerns. He said that whilst he understood the reservations about the fear that the granting of the application would be the 'thin end' of a wedge. This was not relevant in licensing terms and that members of the Sub-Committee could only judge the application that was before them.

Officer Sum up

The Licensing Officer outlined the options to the Sub-Committee outlined in paragraph 2.1 of the officer report.

A local resident asked that, in the event that the granting of the application did lead to a marked increase of anti-social behaviour and other issues, whether there was a review process. The Senior Lawyer responded that there was a review process.

Sum up by the Applicant

Counsel representing the applicant stated that the Rugby Club was an asset to the City of Gloucester. That the Club needed to increase revenue which the application would do. He said that licensing a part of the training centre would help the club financially as well as benefitting the City as a whole. He said that it would drive revenue for other businesses, provide employment opportunities, that the Club enjoyed a good reputation with other responsible authorities, and that he urged the Sub-Committee to grant the licence as amended with the conditions outlined in the report.

The Decision

Decision Notice for Gloucester Rugby Limited

At the hearing the Sub-Committee heard from the objectors, the applicant who was represented by a licensing consultant and the Licensing Officer. 7 representations were received against the application being granted and all objectors were present to give oral evidence at the hearing.

No representations were received from the Responsible Authorities. All conditions were previously agreed by the police and environmental health.

All relevant written submissions had been considered.

Legal Matters

The Sub-Committee had due regard to:-

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
2. The obligation to promote the four licensing objectives.

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3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Sub-Committee cannot take into account representations which do not relate to one or more of those licensing objectives, and acknowledges that any representations which are received must be relevant and evidenced-based.

Other Persons' Objections

In making oral representations to the Sub-Committee, the Other Persons highlighted a number of concerns, including:-

1. The fears of a detrimental impact on the neighbours if the application was to be granted.
2. The potential impact of noise and disorder in connection with business.
3. The potential adverse impacts on local residents from late night opening of the premises.
4. The potential anti-social behaviour of attendees near the homes of the residents because of the close proximity of the training ground.

This list is not exhaustive, but highlights some of the concerns expressed in the written and verbal submissions.

Applicant's Submissions

The Applicant's representative assured the Sub-Committee that the venue was not going to become a pub, nightclub or late-night venue and that the hours applied were merely for flexibility.

He expressed that the 02:00 finishing time was for a maximum of 12 events a year and that it was better to be under the conditions imposed on the premises licence rather than under a temporary events notice which they had the option of using.

The Applicant's representative stated that following the oral submissions of the residents his client was prepared to modify the timings from 23:00 to 22:00 in relation to the bottle emptying timings.

It was pointed out that the relevant parties had been consulted. Furthermore, the Sub-Committee were reminded that certain issues raised in the representations such as planning, anti-social behaviour and parking did not fall under the remit of the Licensing Authority and therefore had to be disregarded.

The Sub-Committee were urged to grant the application with the additional offered condition.

Consideration

The Sub-Committee considered all relevant verbal and written submissions from Other Persons and the applicant before making its decision on the application. They also had due regard to the council's Statement of Licensing Policy and Statutory Guidance.

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In deciding the application, they considered the fact that the Responsible Authorities consulted no longer have any concerns following consultation with the applicant. They also considered the steps put forward by the applicant to promote the licensing objectives, both in the application and in the compromise with the Police about the hours.

The Sub-Committee recognised the concerns expressed by objectors and offer its sympathies to them but a large number of issues raised did not fall within the remit of the licensing authority and therefore not open to the Sub-Committee for consideration.

Furthermore, the Applicant offered up the amendment to the condition in relation to emptying bottles to try and mitigate the concern raised by the objector and promote the licensing objectives.

To that end the Sub-Committee are minded to grant the application subject to the amendment to the condition in relation to bottle emptying along with the mandatory conditions.

Conditions

The following condition to be amended to read:-

1. Bottle emptying will not take place between the hours of 22:00 and 07:00;

The Applicant is to provide a telephone number to the licensing department that residents can call on the night of an event if there is an issue. The licensing department to pass the number on to the residents.

Appeal

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

Review

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted.

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21.11.22**

**Time of commencement: 6.00 pm hours
Time of conclusion: 7.28 pm hours**

Chair



Meeting:	Licensing and Enforcement Committee	Date:	13 December 2022
Subject:	Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage Tariff increase		
Report Of:	Director of Communities		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email:	darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:	Appendix 1 – Tariff Comparison Appendix 2 – Proposed Hackney Carriage Tariff		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To outline to members a proposal submitted by Gloucester Hackney Carriage Association (GHCA) for an increase to the current Hackney Carriage tariff.

2.0 Recommendations

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

The proposed increase to the Hackney Carriage tariff is advertised as a public notice in accordance with the requirements of Section 65, Local Government (Miscellaneous Provisions) Act 1976.

2.2 If no objections are received from the public within 14 days of publication of the notice that the proposed tariff will come into effect from 1st February 2023 (this is at the request of GHCA).

2.3 If objections are received within the 14 days, then the matter will need to be considered further at the March meeting of the Licensing and Enforcement Committee.

3.0 Background and Key Issues

3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits the council to set the maximum fares for Hackney Carriage vehicles licensed by it. The last tariff increase was in August 2021.

3.2 Hackney Carriage fares are made up of an initial hiring charge and a mileage rate, both of which are expressed in terms of distance and or time. This is because when

a hired Hackney Carriage is stationary or moving slowly in traffic the meter continues charging by time instead of distance.

- 3.3 GHCA on behalf of its members have submitted a proposal requesting an increase of 9% to the current Hackney Carriage fare tariff.
- 3.4 The primary reason for the trade's request for the increase is that all other costs have increased for example replacement of parts for the vehicles, insurance premiums, high inflation and fuel costs.
- 3.5 GHCA in consultation with its members has asked that the current fare Tariff be amended in line with the following proposals:-

Rate one

Decrease the 1st drop in yards from 446 to 409.

Each subsequent drop in yards from 167 to 153.

Waiting time in seconds from 34 to 31.

Rate two

Decrease the 1st drop in yards from 584 to 536.

Each subsequent drop in yards from 130 to 119.

Waiting time in seconds from 25 to 23.

Rate three

Decrease the 1st drop in yards from 853 to 783.

Each subsequent drop in yards from 112 to 103.

Waiting time in seconds from 23 to 21.

Everything else remains the same including the initial flag and with the above changes in terms of a decrease in yards will equate to around a 9% increase to the current tariff.

- 3.6 For members ease the table below compares the current tariff (as from August 2021) against the new proposed tariff. The figures have been rounded up to the nearest 20 pence and it does not take into account waiting time or any extras that maybe charged.

JOURNEY	TARIFF 1		TARIFF 2		TARIFF 3	
	Current	PROPOSED	Current	PROPOSED	Current	PROPOSED
1 mile	£4.60	£4.80	£6.00	£6.20	£6.80	£7.00
2 miles	£6.80	£7.20	£8.60	£9.20	£9.80	£10.40
3 miles	£8.80	£9.40	£11.40	£12.00	£13.00	£13.80
5 miles	£13.20	£14.00	£16.80	£18.00	£19.20	£20.60

10 miles	£23.60	£25.60	£30.20	£32.80	£35.00	£37.80
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3.7 As most Local Authorities use differing distance measurements for the initial flag fare and on-going distance charges, the best way to compare taxi tariffs is on the running mile and mile figures. With a 9% increase we are the lowest within the local area on the running mile, fourth highest on a one mile journey and fifth highest on two mile journeys. The comparison can be seen in the table below:-

Area	Rate 1 Running Mile	1 mile	2 mile
Forest of Dean	£3.50	£4.63	£8.13
Cotswold District Council	£2.51	£4.50	£7.01
Stroud	£2.51	£5.41	£7.93
Tewkesbury	£2.40	£5.00	£7.40
Cheltenham	£2.38	£5.18	£7.56
Gloucester (current)	£2.10	£4.55	£6.62
Gloucester (Proposed 9%)	£2.30	£4.77	£7.07

3.8 A comparisons tariff with the other local areas plus Worcester and Bristol, for a 1 and 2 mile journey on rates 1, 2 and 3 (this includes the proposed changes) can be seen in Appendix 1.

3.9 The proposed Hackney Carriage fares can be seen in Appendix 2.

3.10 For members information the local area authorities last agreed their fares on:-

Area	Fare agreed (year)
Stroud	2022
Cotswold	2022
Tewkesbury	2022
Forest	2022
Cheltenham	2022

4.0 Social Value Considerations

There is a legal process that we must follow when changing/amending Hackney Carriage tariffs. This must be done through a consultation exercise. This gives communities as much information about the changes/amendments that are being proposed.

5.0 Environmental Implications

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

6.0 Alternative Options Considered

- 6.1 Members having considered the request from GHCA may consider that the requested fare increase is either too high or too low and could decide to reduce or increase the amounts highlighted at 3.5 of this report.
- 6.2 Members may decide that a fare increase is not justifiable or appropriate at this present time.

7.0 Reasons for Recommendations

- 7.1 With the proposed 9% increase it brings Gloucester City closer to the local area in terms of the running mile.

8.0 Future Work and Conclusions

- 8.1 If members agree in principle to the 9% increase to the Hackney Carriage tariff, then the legislation prescribes that the Council must consult if it proposes to set or vary Hackney Carriage fares.
- 8.2 It must do so by publishing a notice in a local newspaper setting out the variation and specifying a period and means of objecting. The specified period cannot be less than 14 days.
- 8.3 All licensed drivers will be sent a text message during the consultation period making them aware of this proposal.
- 8.4 If no objections are made or any made are withdrawn, the proposed fares will take effect on the specified date in this case 1st February 2022. However, if objections are made and not withdrawn, the council must set a further date to take into consideration the objections.

9.0 Financial Implications

- 9.1 Should an increase be agreed by Committee members, there will be a cost to advertise the new table of fares.

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to fix the rates or fares within and all other charges in connection with the hire of hackney carriage vehicles in their area.
- 10.2 Any variation of the fare must be advertised and a period specified (being not less than 14 days from the publication of the advertisement) within which objections

could be made. If any objections are made and not withdrawn a further meeting of the Licensing and Enforcement Committee is required to consider the objections.

10.3 Section 65 of the Act of 1976 states that if any objections are unresolved after the initial 14 day consultation period, a date for a Licensing Committee hearing will be set, not more than two months after the first specified date on which the table of fares to consider the objections and make a final decision.

10.4 In reaching a decision Members are exercising discretion and must act in a judicial and reasoned way.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 The key risks arising from this relate to decisions taken by the Licensing and Enforcement Committee. Any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

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. A further assessment will be conducted to consider any feedback from the consultation.

13.0 Other Corporate Implications

Community Safety

13.1 The basis of the condition is to provide a standard for licensed Private Hire and Hackney Carriage drivers to work to.

Sustainability

13.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

Staffing & Trade Union

13.3 None

Background Documents:

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976

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Authority	Rate	Drop / £	Distance / yards	1st mile	2 miles	Running mile	Waiting Time				Distance	Price	Distance / metres	Price per Yd / pence	
							Time / s	Increment	Time / min	Time / hr					
Gloucester	1	3.00	409	£4.77	£7.07	£2.30	31.00	0.20	0.39	£23.23	1	£4.77	0.73		
		0.20	153										0.13		
	2	4.00	536	£6.06	£9.02	£2.96	23.00	0.20	0.52	£31.30	1	£6.06	0.75		
		0.20	119										0.17		
	3	5.00	783	£6.90	£10.31	£3.42	21.00	0.20	0.57	£34.29	1	£6.90	0.64		
		0.20	103										0.19		
Stroud	1	3.20	210	£5.41	£7.93	£2.51	40.00	0.30	0.45	£27.00	1	£5.41	1.52		
		0.30	210										0.14		
	2	3.60	180	£6.23	£9.17	£2.93	30.00	0.30	0.60	£36.00	1	£6.23	2.00		
		0.30	180										0.17		
	3	4.30	165	£7.20	£10.40	£3.20	25.00	0.30	0.72	£43.20	1	£7.20	2.61		
		0.30	165										0.18		
Cheltenham	1	3.00	148	£5.18	£7.56	£2.38	31.00	0.20	0.39	£23.23	1	£5.18	2.03		
		0.20	148										0.14		
	2	3.60	148	£6.32	£9.30	£2.97	26.00	0.25	0.58	£34.62	1	£6.32	2.43		
		0.25	148										0.17		
	3	5.00	148	£8.81	£12.97	£4.16	33.00	0.35	0.64	£38.18	1	£8.81	3.38		
		0.35	148										0.24		
Tewkesbury	1	3.50	660	£5.00	£7.40	£2.40	60.00	0.35	0.35	£21.00	1	£5.00	0.53		
		0.30	220										0.14		
	2	3.60	660	£5.40	£8.28	£2.88	60.00	0.35	0.35	£21.00	1	£5.40	0.55		
		0.36	220										0.16		
	Worcester (metric, so use column N) On each tariff, 1st increment applies after flag up to 1610m (1 mile) then 2nd increment applies	1	3.60	1321.085	£4.00	£5.70	£1.60	30.00	0.10	0.20	£12.00			1208	0.27
			0.10	109.9081										100.5	0.09
2		4.60	1321.085	£5.16	£7.46	£2.25	20.00	0.10	0.30	£18.00			1208	0.35	
		0.10	78.19333										71.5	0.13	
3		0.10	76.55291											70	0.13
Forest of Dean	1	2.88	880	£4.63	£8.13	£3.50	60.00	0.37	0.37	£22.20	1	£4.63	0.33		
		0.35	176										0.20		
	2	3.64	880	£5.49	£9.19	£3.70	60.00	0.37	0.37	£22.20	1	£5.49	0.41		
		0.37	176										0.21		
	Cotswold	1	4.00	1410	£4.50	£7.01	£2.51	60.00	0.30	0.30	£18.00	1	£4.50	0.28	
			0.10	70										0.14	
2		4.50	1410	£5.38	£9.78	£4.40	60.00	0.30	0.30	£18.00	1	£5.38	0.32		
		0.15	60										0.25		
3		8.00	1410	£9.00	£14.03	£5.03	60.00	0.30	0.30	£18.00	1	£9.00	0.57		
		0.20	70										0.29		
Bristol	1	2.80	160	£4.80	£7.00	£2.20	36.00	0.20	0.33	£20.00	1	£4.80	1.75		
		0.20	160										0.13		
	2	3.40	140.8	£5.71	£8.23	£2.51	31.00	0.20	0.39	£23.23	1	£5.71	2.41		
		0.20	140										0.14		
	3	3.40	160	£5.40	£7.60	£2.20	31.00	0.20	0.39	£23.23	1	£5.40	2.13		
		0.20	160										0.13		
	4	3.40	135.38	£5.80	£8.40	£2.60	28.70	0.20	0.42	£25.09	1	£5.80	2.51		
		0.20	135.38										0.15		
	5	3.40	160	£6.40	£9.70	£3.30	43.00	0.30	0.42	£25.12	1	£6.40	2.13		
		0.30	160										0.19		
	6	4.40	160	£7.40	£10.70	£3.30	43.00	0.30	0.42	£25.12	1	£7.40	2.75		
		0.30	160										0.19		

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NEW TARIFF PROPOSAL		
<p>Name : <input type="text" value="TARIFF 1"/></p> <p>Date: <input type="text" value="24/11/11"/></p> <p>Soiling charge: <input type="text" value="£75.00"/></p> <p>Wait: <input type="text" value="31"/> (secs)</p> <p>Flag fall: <input type="text" value="£3.00"/> A</p> <p>Initial yardage: <input type="text" value="409"/> B</p> <p><input type="text" value=""/></p> <p>Unit thereafter: <input type="text" value="153"/> C</p> <p>Price unit : <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs): 83</p>	<p>Name : <input type="text" value="TARIFF 2"/></p> <p>Date: <input type="text" value="24/11/11"/></p> <p>Soiling charge: <input type="text" value="£75.00"/></p> <p>Wait: <input type="text" value="23"/> (secs)</p> <p>Flag fall: <input type="text" value="£4.00"/> A</p> <p>Initial yardage: <input type="text" value="536"/> B</p> <p><input type="text" value=""/></p> <p>Unit thereafter: <input type="text" value="119"/></p> <p>Price unit : <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs): 104</p>	<p>Name : <input type="text" value="TARIFF 3"/></p> <p>Date: <input type="text" value="24/11/11"/></p> <p>Soiling charge: <input type="text" value="£75.00"/></p> <p>Wait: <input type="text" value="21"/> (secs)</p> <p>Flag fall: <input type="text" value="£5.00"/> A</p> <p>Initial yardage: <input type="text" value="783"/> B</p> <p><input type="text" value=""/></p> <p>Unit thereafter: <input type="text" value="103"/> C</p> <p>Price unit : <input type="text" value="0.2"/> D</p> <p>Initial Waiting Time (secs): 160</p>

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	13 December 2022
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Director 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 September 2022 to 30 November 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 September 2022 and 30 November 2022 a total of 297 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 September 2022 and November 2022

Taxi and Private Hire Hearing

- 4.1 On 17 October 2022 a new Private Hire Vehicle Licence application was referred to the Licensing and Enforcement Sub-Committee. The application was referred to the Sub-Committee as the vehicle was over the age specification. Members decided on this occasion to depart from their policy and grant the Private Hire Vehicle Licence. Members gave detailed reasons to why they granted the application.
- 4.2 On 16 November 2022 an existing driver was referred to the Licensing and Enforcement Sub-Committee to question whether they continued to be a fit and proper person to hold a Private Hire Drivers Licence. This was because the driver had received 12 Council internal penalty points within a 12 month period. Members resolved that the Private Hire Drivers licence was suspended and would be reinstated on the passing of a test on the Council's approved rule books.

Licensing Act 2003 Hearing

- 4.3 On 21 November 2022 the Licensing Sub-Committee heard an application for a new Premises Licence at Gloucester Rugby Limited. During the consultation period it resulted in 7 representations from other persons (local residents). Gloucestershire Constabulary had put a set of conditions forward and these conditions were agreed by the applicant. Members resolved to grant the application to include the agreed conditions from Gloucestershire Constabulary and added two further conditions.

Out of Hours and daytime Enforcement

4.4 Taxi and Private Hire Enforcement

Licensing Officers have continued to monitor activities of drivers and conditions of their Licence. Officers have issued Council internal penalty points to drivers for

failing to display their vehicle plates in the right position, failing to notify the council of speeding offences and also for parking a private hire vehicle on a designated hackney carriage rank.

4.5 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. Licensing Officers have worked with the Police to undertake ID checks on licensed premises.

4.6 Scrap Metal

Community Wellbeing Officers carried out a half-day multi-agency operation on 12 Oct working in partnership with Gloucestershire Constabulary, HMRC, DVSA and Gloucester City Council's Enviro-Crime Team. On the day of the Operation 14 vehicles were stopped over two locations. Community Wellbeing Officers and the other partner authorities are looking at undertaking further ones in 2023.

5.0 **Legislative Updates**

None

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
March 2023	<ul style="list-style-type: none"> • Quarterly Licensing Update for Members • Street Trading Policy • Table and Chairs Policy and A-Board review • Taxi Tariff increase proposal (if there are any representations)
June 2023	<ul style="list-style-type: none"> • Quarterly Licensing Update for members • Street Trading Policy (following consultation) • Table and Chairs Policy and A-Board review (following consultation)
September 2023	<ul style="list-style-type: none"> • Quarterly Licensing Update for members • CCTV in licensed vehicles update

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