



Licensing and Enforcement Committee

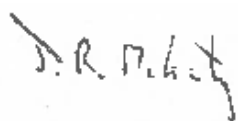
Meeting: Tuesday, 12th December 2023 at 6.30 pm hours in North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Brooker (Chair), Kubaszczyk (Vice-Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, Patel, Radley, Tracey, Trimmell and Williams
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 - 20) To approve as a correct record the minutes of the meetings held on Tuesday 12 September 2023 and Monday 20 November 2023.
4.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: - 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 7 December 2023 or telephone 01452 396203 for support.
5.	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: - 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 7 December 2023.
6.	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES AND CHARGES 2024/2025 (Pages 21 - 26) To receive the report of the Corporate Director. The purpose of the report is to determine the level of Hackney Carriage and Private Hire licences fees for 2024/2025.
7.	QUARTERLY UPDATE (Pages 27 - 32) To outline to Members, details of key Licensing Activities carried out from 1 September 2023 to 30 November 2023, including applications and service requests received, details of any enforcement work, progress updates of the work plan and any changes in Licensing Law.
8.	EXCLUSION OF 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."
9.	LICENSING AND ENFORCEMENT SUB-COMMITTEE MINUTES (Pages 33 - 48) To receive the exempt minutes of the following meetings of the Licensing and Enforcement Sub-Committee, if members decide they wish to discuss them: - 5 th October 2023 (x2) - 22 nd November 2023.
10.	DATE OF NEXT MEETING Tuesday, 12 March at 6.30 p.m.



Jon McGinty
Managing Director

Date of Publication: Monday, 4 December 2023

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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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.

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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 : Monday, 20th November 2023

PRESENT : Cllrs. Kubaszczyk (Vice-Chair), Ackroyd, Bowkett, D. Brown, Evans, Hyman, Patel, Radley, Tracey and Williams

Officers in Attendance

Community Wellbeing Manager
Head of Law (Litigation & Planning)
Principal Officer (Worcestershire Regulatory Services) (WRS)
Trainee Officer (WRS)
Democratic and Electoral Services Officer

Also in attendance

Permali Representatives (x4)
Local Resident
Cllr Chambers-Dubus (As ward member)

APOLOGIES : Cllrs. Brooker, Finnegan and Trimnell

22. DECLARATIONS OF INTEREST

Councillor Ackroyd and Councillor Tracey declared non-prejudicial interests in agenda item 4 (Application for an environmental permit – Permali, Gloucester UK LTD.) owing to being local ward members.

23. MINUTES

The minutes of the previous meeting held on Tuesday 12th September 2023 were confirmed and signed by the Chair as a correct record.

24. APPLICATION FOR AN ENVIRONMENTAL PERMIT - PERMALI GLOUCESTER UK LTD.

A site visit was conducted prior to the Committee meeting to allow for full consideration of the application.

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- 24.1 The Community Wellbeing Manager presented the report which asked the Licensing and Enforcement Committee to consider the granting of an Environmental Permit, to operate a solvent impregnation activity, at Permali Gloucester UK Ltd. 170 Bristol Road, Gloucester GL1 5TT.
- 24.2 The Principal Officer (WRS) noted that Permali's activity would involve the consumption of over 200 tonnes of organic solvents per annum in the manufacture of bespoke laminated products for a range of end uses. This was why they applied for an A2 license instead of a Part B solvent licence. He mentioned that Permali used a Regenerative Thermal Oxidizer (RTO), which was the most effective way of dealing with compounds. The Community Wellbeing Manager also highlighted that Permali had numerous cyclones, as well as a carbon filtration system. Regarding noise, it was noted that WRS had thoroughly examined the application, and in their opinion, Permali had the best available solutions to manage noise.

Members' Questions

- 24.3 Councillor Hyman pointed to paragraph 5.2 of the report, which stated that there would be 'regular site visits to assess compliance with the permit conditions' if the application were approved. He asked how frequently these visits would occur. In response, the Community Wellbeing Manager stated that it would depend on the risks associated with the site. He mentioned that the inspectors had indicated they would conduct a high level of visits. The Principal Officer added that it could be once, twice, three times, or more times a year. He also confirmed that Permali would be legally required to submit a significant amount of information about their operations. Therefore, the visits would not be the only method of enforcement. He said that if Permali did not provide the pertinent information, then they would inspect the site.
- 24.4 Councillor Ackroyd noted that the ward of Moreland would also be affected by the application, a point not reflected in the Officer report. She enquired whether the proposed sound barriers would prevent noise pollution on the Moreland side of the application. In response, the Community Wellbeing Manager advised that the building itself on the Bristol Road side of the application acted as a sound barrier.
- 24.5 Councillor Tracey asked what height the proposed sound barrier would be. In response, the Principal Officer responded that it would be 6 metres.
- 24.6 Councillor Tracey asked what raw materials would be used on site. In response, the Principal Officer said that a number of impregnated products would be used on site. He said that a mix of inorganic fibres and organic solvents would be used and that these were processed into laminated sheets.

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- 24.7 Councillor Tracey asked what happened to the solvent during the industrial process. The Community Wellbeing Manager responded that the solvent would be stored on site and that Permali would measure the total amount of solvent used correct.
- 24.8 In response to a question about air quality, the Community Wellbeing Manager stated that the purpose of monitoring Permali was to ensure that they did not breach the maximum limit concentrations of emissions to air. He also added that the maximum emissions allowable was set by national government and that the emissions would be no more harmful than solvents found in household items.
- 24.9 Councillor Ackroyd highlighted paragraph 3.6 of the Officer report which stated that 'Permali Gloucester Ltd. should have therefore made an application for their existing solvent activity when solvent consumption was expected to exceed the 5 Tonne per annum threshold'. She asked why they had not done so sooner. In response, the Community Wellbeing Manager advised that when Permali went beyond the 5 tonne threshold, an application for a permit had been made to the Council.
- 24.10 Councillor D.Brown asked whether there was a plan for an emergency and whether there needed to be one in the application. The Community Wellbeing Manager responded that he had not seen an emergency plan however it would be the responsibility of the business to have a plan in place to deal with any emergencies.
- 24.11 Councillor D.Brown asked whether the comments from residents could be summarised. In response, the Community Wellbeing Manager stated that the majority of comments raised concerns about solvent emissions, the impact on health and wellbeing and complaints about the likely impact of noise from the site.
- 24.12 In response to a question from Councillor Ackroyd as to how in-depth the consultation process was, the Community Wellbeing Manager stated that they had received feedback, that they had contacted a myriad of properties and had a list of these addresses they had consulted.
- 24.13 Councillor Patel asked how poisonous the emissions would be if there was an unexpected leak such as a plume of toxic fumes. In response, the Community Wellbeing Manager stated that the solvents did not fall into the major toxicity category . If they did, it would fall under a different category of legislation and would be the remit of the Health and Safety Executive.
- 24.14 Councillor Patel highlighted page 12 (paragraph 4.1) of the Council report which stated that granting the permit 'would enable the City Council to deal with any nuisance complaints more effectively than the Statutory Nuisance provisions of the Environmental Protection Act 1990' he asked for further detail on this. In response, the Community Wellbeing Manager stated that the Council currently had a statutory duty to deal with noise complaints, which was outlined in the Environmental Protection Act 1990 (EPA). He further confirmed that WRS would regulate the site if a Permit was granted.

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- 24.15 Councillor Radley noted that the proposed sound barrier would be built close to a large body of water and asked whether it was certain that this barrier would be stable. In response, the Community Wellbeing Manager stated that the sound barrier would be built to withstand any weather conditions and had to be built to a high standard. He said that the business had a duty to its employees and would be breaching their duty of care if they did not build it to the requisite standard.
- 24.16 Councillor Radley asked whether all information required to be provided to WRS in the event that the permit was granted would be logged. In response, the Principal Officer stated that all information came through the WRS inbox, which would be logged and placed in the relevant file with a specific case reference number. He added that his team had meticulously looked through all relevant representations from members of the public and Permali. He further added that WRS would not filter the information provided.
- 24.17 Councillor Radley asked whether Gloucester City Council possessed the resources to make a prosecution if it was ever needed. In response, the Head of Law said that any case would have the normal considerations, including an evidential base and whether the case would be in the public interest. She added that often in legal cases of that kind, it was common for the party to make an application to recover costs in the event of a successful prosecution. The Community Wellbeing Manager added that the hope would be that any concerns could be mitigated without requiring a legal action.
- 24.18 Councillor D.Brown asked whether the permitting of the application would mean that there would need to be an emergency plan adopted. In response, the Community Wellbeing Manager stated that this was not the case and that the Emergency Services would deal with any issue in a similar way to other emergencies.
- 24.19 Councillor Bowkett asked what the maximum size of the site for Permali would be. In response the Principal Officer stated that the limits on Permali specifically related to emissions, the size of the property was not part of the application before the Committee.
- 24.20 Councillor Bowkett asked if Permali were granted the permit, whether they could operate on another site with it. In response the Principal Officer stated that Permali would need to get a different permit for a different site, the application before them specifically related to the site on Bristol Road.
- 24.21 Councillor Patel asked for clarification on how harmful the emissions would be if there was a leak. In response, the Community Wellbeing Manager stated that it was an important question. He noted that in such a case, it would be solvents that were sealed in steel drums and not poisonous gases that would be leaked. In an emergency, in all likelihood, the advice would be for residents to stay inside.

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24.22 In response to a question by Councillor Tracey in regard to how waste was regulated and disposed, the Community Wellbeing manager noted that an approved specialist had to remove waste and a waste transfer note had to be provided.

Statement of the Applicant

24.23 A representative of Permali highlighted that they had hosted a site visit a week ago for Members so that they could see how professional Permali's operation was. He stated that at the site visit, they presented their case and provided detailed information on investments made on-site since the application was submitted. He stated that Permali would address emissions using the best available technology. He stated that Permali had invested £15 million on-site, with specific allocations for environmental controls which underscored their commitment to taking their responsibilities for safety seriously. They also confirmed that Permali would continue to actively consult with neighbours.

24.24 A representative stated that it was important to note the discernible shift in the level of conversation over the last six months and noted that the improvements made during this period had culminated in getting to the point where the application was in a place to be granted and where it would be beneficial for Gloucester and residents, with more visible and effective regulation. He stated that Permali were fully committed to running their operations in a 360-degree manner and that they took their responsibilities, particularly in relation to health processes, very seriously. He stated that they were open to transparently reporting everything that occurs on-site.

24.25 A representative stated that Permali viewed Gloucester as a great place to do business, that the submission contained a substantial amount of technical data, and that their team had consulted properly with relevant bodies.

24.26 Councillor Ackroyd asked if local residents had had their concerns addressed to their satisfaction. In response, a representative of Permali stated that they were in direct communication with individuals residing near the site. He confirmed that Permali documented every complaint and that they had promptly addressed concerns regarding night-time noise. Additionally, he emphasised that the installation of a sound barrier would significantly alleviate noise levels from the site.

24.27 Councillor Ackroyd asked whether the site operated on a 24/7 basis. In response, a Permali representative clarified that they generally ran on a 24/5 basis but also conducted some work on weekends whilst they caught up with demand. He added that after consultation with neighbours, it had been decided to run some machinery later on Saturdays and that since the thermal oxidiser had gone live, there had been a significant decrease in noise.

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- 24.28 Councillor Ackroyd asked what the main complaints from local residents had been in relation to the proposals. A Permali representative responded that the main issue had been with noise emanating from the site, however, with the oxidiser and the proposed sound barrier, this would decrease significantly. He added that they had employed specialist, independent experts to identify noise and come up with the best possible solutions.
- 24.29 In response to a question about whether workers were safe in an enclosed environment, a representative of Permali advised that they had to abide by COSHH regulations, that employees had health screenings, that there were internal controls, air monitoring and that regardless of how many employees they had, they had a duty of care to each one.
- 24.30 In response to a question from Councillor Radley as to whether Permali would continue to monitor noise even if they did not receive complaints, a representative of Permali noted that they would continue to monitor noise in any case. He added that when the noise barrier was erected, there would be a recording device which would alert Permali to any spikes in noise.
- 24.31 Councillor Tracey asked whether Permali staff worked on Sundays. A representative of Permali noted that following the relocation from Manchester to Gloucester there was a lot of work to be caught up on, hence why it had been a requirement to work additional hours on weekends. He said that the organisation typically ran on a 24/5 schedule and used the weekends to catch up with any work that needed to be completed.
- 24.32 In response to a question from Councillor Tracey regarding noise mitigation, a representative of Permali stated that he was unaware of any banging noise emanating from the side, however staff had been reminded to have the doors closed when operating to greatly reduce any noise pollution.
- 24.33 In response to a question about noise in the application by Councillor Patel, a Permali representative responded that all detail about noise was included in the application and that they met British standards.
- 24.34 Councillor Patel noted that Permali representatives had stated that they had moved from Manchester. He asked whether the Gloucester site was their only site. In response, a Permali representative stated they were part of a larger group called Diamorph and that they were a recognised multinational outfit.
- 24.35 In response to a question from Councillor D.Brown about who owned the land between the canal and the site, the representatives of Permali advised

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that the land he was referring to was owned by the Canal and River Trust and that all calculations had been provided to them.

Statement of Interested Parties – Local Resident

- 24.36 The local resident stated that there were two main inaccuracies with the Officer report. He said that paragraph 3.21 had noted that the ‘Council consider that Permali have robust site management structures’. He said that the Council were inaccurate in this assertion, as Permali had frequently failed to improve and take on feedback by residents. He said that an example of this was that they kept operating with doors open and that they did not comply with the hours they purported to operate within. He stated that he wanted the Council to confirm that they would use all powers available to them to prosecute, if Permali breached the conditions of the permit, should it be granted.
- 24.37 Councillor Patel highlighted that the local resident had noted that Permali had operated with the doors open. He asked whether this had been a seasonal action, for example, doors open in the summer, or whether it was more persistent. In response, the local resident stated that it had been an issue for the previous three years. He mentioned that Permali had large shutter doors that were open all year round. He sympathised with the workforce of Permali, acknowledging that it must get warm inside the factory, but he also pointed out that this still caused noise pollution for residents. Additionally, he noted that the doors were open on the day of the meeting.
- 24.38 Councillor Radley noted that the local resident had highlighted that in 2017, there was not a significant issue with noise, but that it had worsened in the past few years. She asked for the experience the resident had had with noise in her recent past. In response, the local resident stated that the noise had worsened since they expanded in the past couple of years. He noted that things had recently improved but that noise was still a large concern, and their temporary measures had not significantly mitigated noise.

Statement of Interested Parties – Cllr Chambers-Dubus

- 24.39 Councillor Chambers-Dubus noted that she and Councillor Pullen were initially informed about the application by someone on the Westgate side of the canal and that no communication had reached residents on the Bristol Road side. She stated that this raised concerns about the transparency of the consultation process, noting that after she had raised the issue, the Council dispatched letters. Councillor Chambers-Dubus stated that as the Councillor representing Moreland and affected residents, she herself had experienced instances where she couldn't utilise her garden due to a noise emanating from the site. She added that whilst she eventually received a letter as a Councillor about the application, affected residents were still awaiting theirs. She expressed her view that there was a lack of confidence in the system and she still had concerns about the adequacy of the monitoring, however following a tour of Permali, it became evident that their

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operations were commendable. However, she noted that there was still an issue with smell and noise.

- 24.40 Cllr Radley asked Chambers-Dubus whether there had been any changes to her experience as a local resident in the past few months. In response Councillor Chambers-Dubus stated that the smell had improved but the whirring noise was still persistent.

Members' Debate

- 24.41 Councillor Williams commented on the site visit, and stated that she believed it was excellent. She noted that during the visit, many questions were addressed, and there was no noticeable smell outside. She said that the housekeeping was impeccable, and that she did not witness any health and safety hazards. She noted that when the fence outside was upgraded to a proper barrier, as expected, it would be a positive difference.
- 24.42 Councillor Tracey noted that as the local ward member, she did receive numerous complaints about the site. She noted that the conditions in the report were excellent and should help to mitigate smell and noise pollution. Councillor Tracey further noted that she had sympathy for the local residents but that she believed going against it would mean that they would lose the conditions to regulate the site. She questioned what would happen in the event of an appeal, if the permit were refused.
- 24.43 The Head of Law noted that in the event of a refusal, the application would go to an appeal and that the Council would put submit evidence as to why the application for a permit was refused, and this would be considered by the relevant Secretary of State. The Members were advised that they should determine the applications on the basis of representations, the Officer report and all relevant submissions and not whether, on refusal, there could be an appeal.
- 24.44 The Community Wellbeing Manager noted that in regard to how often the site would be visited, it would be based on assessing the risk on the site and that there were a myriad of factors that went into considering how often a site would be visited.
- 24.45 Councillor Hyman noted that he had visited the site and was impressed by the way it operated. He said that he believed that the long-lasting measures Permali were going to take in relation to noise and sound would mitigate issues. He stated that Permali was an internationally recognised company with an excellent reputation and that he believed granting the permit would help any issues with noise or smell in the area as they would be properly regulated by WRS.
- 24.46 Councillor Patel stated that he agreed with Councillor Hyman. He said that, as a City Councillor he wanted residents and businesses to work in tandem with one another.

Officer Sum Up

- 24.47 The Community Wellbeing Manager outlined to Members the recommendations made in paragraph 2.1 of the officer report.

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Applicant Sum Up

24.48 A representative of Permali stated that as a business, Permali could only reiterate their commitment to ongoing improvement. He stated that they generally wished to see the permit granted so that they could be properly regulated. He stated that they were committed to providing good jobs to people in Gloucester. He stated that the feedback from residents would be acted upon and that they would be even more proactive in consulting them.

The Decision

24.49 The Council's solicitor read out the decision of the Licensing and Enforcement Committee.

In coming to its decision, the Licensing and Enforcement Committee considered the content of the report and the appendices to the report.

The Committee heard from Officers of the Council and Worcestershire Regulatory Services and the Interested Parties including representatives from Permali, a local resident and Councillor Chambers-Dubus (on behalf of the local residents).

The Committee had due regard for to the Environmental Permitting (England & Wales) Regulations 2016 and the statutory guidance that accompanies the Regulations.

The Committee also considered the representations received from the residents and other parties that were submitted as part of the consultation.

The Committee noted the matters and concerns raised the representations from the residents and believed that some of the concerns of the residents may have been addressed and mitigated by the steps that have already been taken or that will be taken by Permali (such as the noise barrier).

As part of its discussions the Committee took onboard the concerns of the resident and concluded that there is a need for regulation of the Site and this could be achieved via a Permit, with detailed conditions, being granted. The Committee therefore resolved to grant the permit subject to the conditions set out in Appendix K of Report.

The Committee concluded that in their view the position in terms of the regulation of the Site would be stronger if a permit was in place. The Permit and its conditions would provide on-going regulation and data from the Site.

The Committee also welcomed the reassurances from the Permali regarding the levels of investment into the Site and the measures that have been put in place and will continue to be implemented.

The Committee would also expect that the consultation and communication between Permali, the council and residents would continue and that any problems would be addressed.

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The Committee explained to residents that should any problems arise, that action could be considered and that this could include a review and revocation of the Permit.

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25. DATE OF NEXT MEETING

Tuesday 12 December, 2023.

Time of commencement: 6.30 pm hours

Time of conclusion: 9.04 pm hours

Chair

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LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 12th September 2023

PRESENT : Cllrs. Brooker (Chair), Kubaszczyk (Vice-Chair), Ackroyd, Bowkett, Chambers-Dubus, Hyman, Radley, Tracey and Trimnell

Officers in Attendance

Licensing Team Leader

Senior Lawyer, One Legal

Democratic and Electoral Services Officer

APOLOGIES : Cllrs. Finnegan, Patel and Williams

11. APPOINTMENT OF CHAIR AND VICE-CHAIR

Councillor Brooker and Kubaszczyk were confirmed as Chair and Vice-Chair of the Committee respectively.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

RESOLVED – that the minutes of the meeting held on the 13th of June, 2023 were confirmed and signed as a correct record by the Chair.

14. MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – that the minutes of the Licensing Sub-Committee held on Wednesday 2nd August 2023 were noted.

15. PUBLIC QUESTION TIME (15 MINUTES)

15.1 A question was submitted by the CEO of Stamp Out Spiking, to the Licensing Team Leader. The question was read aloud by the Democratic and Electoral Services Officer. The question read:

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“What measures are currently in place to safeguard against spiking within your current licensed venues?”

15.2 In response, the Licensing Team Leader noted that he would liaise with Gloucestershire Constabulary to provide a formal written answer. The Licensing and Enforcement Committee would receive a copy of the answer.

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

There were no petitions nor deputations.

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

17.1 The Licensing Team Leader presented the report of the Director of Communities. The purpose of the report was to present the results of the consultation feedback on the revised draft Policy Conditions for Hackney Carriage and Private Hire Licensing. Additionally, it aimed to consider the consultation feedback and reach an agreement on the final version of the Hackney Carriage and Private Hire Policy for adoption by the Licensing and Enforcement Committee.

17.2 The Chair noted her support for the recommendations outlined in the report and moved to accept them. With no dissent, the recommendations were accepted.

RESOLVED – that the revised Policy and conditions for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee to take immediate effect.

18. QUARTERLY UPDATE

The Licensing Team Leader asked members if they had read and understood the content of the quarterly report. Members indicated that they had read the report and understood its content.

RESOLVED – that Licensing and Enforcement Committee noted the content of the report.

19. EXCLUSION OF PRESS AND PUBLIC

There was no requirement to exclude the press and public as no member indicated that they wished to discuss agenda item 11.

20. LICENSING AND ENFORCEMENT SUB-COMMITTEE MINUTES

**LICENSING AND ENFORCEMENT COMMITTEE
12.09.23**

RESOLVED – that the minutes of the meeting of the Licensing and Enforcement Sub-Committee held on Wednesday, 28th June 2023 were noted.

21. DATE OF NEXT MEETING

Tuesday, 12 December 2023 at 6.30 p.m.

Time of commencement: 6.30 pm hours

Time of conclusion: 6.35 pm hours

Chair

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Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	12 December 2023
Subject:	Hackney Carriage and Private Hire Licensing Fees and Charges 2024/2025		
Report Of:	Corporate Director		
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 – Proposed fees		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To determine the level of Hackney Carriage and Private Hire licences fees for 2024/2025.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** to:-
- 2.2 Approve the proposed hackney carriage and private hire licence fees shown in Appendix 1 for a 28-day public consultation as required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 If no objections are received within 28 days of publication of the notice that the proposed increase to the fees and charges for hackney carriage and private hire licences will come into effect from 1 April 2024.
- 2.4 If objections are received within the 28 days, then the objections will need to be considered at the March 2024 meeting of the Licensing and Enforcement Committee.

3.0 Background and Key Issues

- 3.1 The Hackney Carriage and Private Hire licensing fees are set locally by the Council.
- 3.2 Legislation permits the Council to set vehicle and operator licence fees to cover the whole or part of:-

- the cost of carrying out inspections of hackney carriages and private hire vehicles to determine whether any such licence should be granted or renewed.
- the reasonable cost of providing hackney carriage stands;
- any reasonable administrative or other costs in connection with the supervision of hackney carriages and private hire vehicles.

3.3 Where the fee exceeds £25, then a 28-day public notice of the proposed fee must be advertised within which time any person may object to the variations.

3.4 Where objections are received, the Council must then consider the objections before determining the fee level and setting a further date, not later than two months after the first specified date.

3.5 The effect of the legislation is that the service must not generate a “profit” to the Council. The fees for Hackney Carriage and Private Hire Licensing were last changed in 2016 when they were increased by 3%.

3.6 In light of the impact of the Pandemic, Members determined not to apply any increase to the fees in recognition of the impact on the trade.

3.7 As the fees and charges had not seen an increase since 2016 it is proposed that a 2% increase would apply to the Hackney Carriage and Private Hire driver, vehicle, and Private Hire operator fees for the financial year 2024/2025. The proposed and current fees can be seen in Appendix 1.

3.8 The only fees that have seen a significant increase is the Hackney Carriage and Private Hire Knowledge tests. The fee for these tests has not increased for over ten years and the proposed fee is needed to reflect the cost to the service for undertaking these tests.

3.9 At the Hackney Carriage and Private Hire trade meeting held on 22nd November 2023, Officers engaged with members of the trade and put forward the proposed 2% increase to the driver, vehicle and operator fees and also the increases to the knowledge tests. The trade members who attended the meeting thought that the proposed increase was reasonable and would only be a small increase to their licence fees.

4.0 Social Value Considerations

4.1 The review has found it necessary to increase the fees for the financial year 2024/2025 due to inflationary pressures, however the council also recognises the economic pressure on licence holders and business, so have attempted to keep the increase to a minimum and below that of current inflationary rises.

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 The fees and charges are reviewed to ensure that they are set at an appropriate level, to support the recovery of the cost associated with providing the service. It is therefore proposed to apply an increase of 2% for 2024/2025.
- 6.2 To propose no changes or reductions to the existing fees.

7.0 Reasons for Recommendations

- 7.1 Reasons for the key changes are provided within paragraphs in 3.7 and 3.8.

8.0 Future Work and Conclusions

- 8.1 If members approve the proposed fees, then a notice will be placed in the local newspaper.
- 8.2 Licensing Officers will consult with members of the wider trade via a text message to all drivers and sending an email to all licensed Private Hire Operators. A copy of the notice will also be placed on Gloucester City Council's website.
- 8.3 If no objections are received within 28 days, then the proposed fees will come into effect on 1 April 2024.
- 8.4 If objections are received then members of the Licensing and Enforcement Committee will consider them at the March 2024 Committee meeting.

9.0 Financial Implications

- 9.1 The fee levels are set to ensure costs of issuing, administering and enforcing licences can be recovered.

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

10.0 Legal Implications

- 10.1 There is no statutory duty on the Council to consult when setting or revising licensing fees, except for those fees relating to hackney carriage, private hire vehicles and operators' licences.
- 10.2 As the proposal being put forward is to increase fees and charges in respect of the hackney carriage, private hire vehicles and operators' licences, the Council is required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to advertise any proposed variation by publishing a notice in a local newspaper. This notice must provide a period of not less than 28 days for people to raise objections to the proposed variations to the fees.

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

11.0 Risk & Opportunity Management Implications

- 11.1 To minimise the risk of challenge to the setting of fees and charges, they are designed to meet but not exceed, the cost the Council reasonably believes will be

incurred in the issuing of licences and the administration of the service.

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 The overall aim of the licensing regime is public protection.

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

The Local Government (Miscellaneous Provisions) Act 1976

FEES AND CHARGES 2024/2025

HACKNEY CARRIAGE & PRIVATE HIRE LICENCES

All apply as from 1st April 2024

	Current	Proposed
<u>OPERATORS</u>		
PRIVATE HIRE OPERATOR'S LICENCE 1 YEAR		
Micro Operator (Up to 3 vehicles)	£300.00	£306.00
Small Operator (4-10 vehicles)	£620.00	£632.00
Medium Operator (11-30 vehicles)	£1000.00	£1020.00
Large Operator (31 + vehicles)	£1500.00	£1530.00
PRIVATE HIRE OPERATOR'S LICENCE 5 YEAR		
Micro Operator (Up to 3 vehicles)	£1200.00	£1224.00
Small Operator (4-10 vehicles)	£2480.00	£2530.00
Medium Operator (11-30 vehicles)	£4000.00	£4080.00
Large Operator (31 + vehicles)	£6000.00	£6120.00
<p>Operators who are not Licensed PH/HC Drivers must also apply for a basic CRB check at https://www.gov.uk/government/publications/basic-checks.</p>		
<u>DRIVERS</u>		
Hackney Carriage and Private Hire Driver's Licence (NEW)		
1 Year	£113.00	£115.00
3 Year	£246.00	£251.00
Hackney Carriage and Private Hire Driver's Licence (RENEWAL)		
1 Year	£79.00	£81.00
3 Year	£206.00	£210.00
Hackney Carriage Knowledge Test	£110.00	£130.00
Hackney Carriage Knowledge Test Re-take fee	£110.00	£130.00
Private Hire Knowledge Test	£31.00	£58.00
Replacement of Driver's Badge	£ 10.00	£10.00
Safeguarding Training	£ 40.00	£40.00
English Proficiency test	£ 45.00	£45.00
<u>VEHICLES</u>		
Hackney Carriage and Private Hire Vehicle Licence (Annually)	£189.00	£193.00
Transfer of Ownership of Vehicle Licence	£50.00	£51.00

Change of Vehicle (including new plates)	£67.00	£68.00
Licensing Officer Vehicle Inspection Check	£20.00	£20.00
Replacement of Rear Exterior Plate	£20.00	£20.00
Replacement of Interior Plate / Front Exterior Plate	£15.00	£15.00
Copy/Replacement of Licence Certificate	£10.50	£10.50
Application to notify change of address	£10.50	£10.50
Private Hire Sticker Pack - Bus Lane, Insurance (3) No Smoking (3)	£10.00	£10.50
Hackney Carriage Sticker Pack – No Smoking (3)	£5.00	£10.50

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	12 December 2023
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Corporate Director		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email:		Tel: 396240
	darren.mountford@gloucester.gov.uk		
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 2023 to 30 November 2023, 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 2023 and 30 November 2023 a total of 322 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 2023 and November 2023

Taxi and Private Hire Hearing

- 4.1 On 5 October 2023 a new Private Hire Drivers Licence application was referred to the Licensing and Enforcement Sub-Committee. The application was referred to the Sub-Committee to determine whether the applicant was a fit and proper person. Members resolved that the applicant was a fit and proper person and granted the application for a new Private Hire Drivers Licence.

On 5 October 2023 a new Hackney Carriage 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 Hackney Carriage Vehicle Licence. Members gave detailed reasons to why they granted the application.

On 22 November 2023 an application to extend a Private Hire Vehicle Licence was referred to the Licensing and Enforcement Committee. The application was referred to the Sub-Committee as the applicant wanted to extend their Private Hire Vehicle Licence past 31 December 2023. Members decided on this occasion to depart from their policy and extend the Private Hire Vehicle Licence for a further 11 months. Members gave detailed reasons to why they extended the licence.

Licensing Act 2003 Hearing

- 4.2 None

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. 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 not displaying their door panels and for using a hand held device whilst driving.

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. Officers have visited a number of premises over the last few months undertaking risk assessments and making sure they are adhering to the conditions of licence.

Officers have also been working with the Sundry Debtors Team to discuss unpaid invoices of annual fees and where appropriate have visited the premises to cover any debt owed.

5.0 **Legislative Updates**

On 17 November 2023 the government updated the best practice guidance. For more information, please click on the link below: -

<https://www.gov.uk/government/news/government-calls-on-councils-to-make-taxis-and-private-hire-vehicles-more-accessible>

As part of this guidance, it mentions that Council's look to make Hackney Carriage and Private Hire Vehicles more accessible.

Members will be aware that they approved a new wheelchair assessable vehicle (WAV's) policy at the Licensing and Enforcement Committee in September.

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
December 2023	<ul style="list-style-type: none"> • Quarterly Licensing Update for members • Hackney Carriage and Private Hire Licensing Fees
March 2024	<ul style="list-style-type: none"> • Quarterly Licensing Update for members • Table and Chairs Policy and A-Board review • Street Trading Policy review • Hackney Carriage and Private Hire Licensing Fees (if objections are received)

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