



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 11th March 2014

PRESENT : Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle and Toleman

Officers in Attendance

Lisa Jones, Food, Licensing and Markets Manager

Gill Ragon, Head of Public Protection

Rebecca Tuck, Licensing Enforcement Officer

APOLOGIES : Cllrs. Durrant and Gilson

30. DECLARATIONS OF INTEREST

There were no declarations of interest.

31. MINUTES

The minutes of the meeting held on 10 December 2013 were confirmed as a correct record and signed by the Chair.

32. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

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

Mr Chas Rodgers addressed the Committee. Mr Rodgers stated that private hire drivers continued to be engaged in unlawful procedures and practices and cited examples to support his deputation. Mr Rodgers was concerned that City Council staff did not differentiate between hackney carriage and private hire drivers by referring to both groups as 'taxi drivers' and that this encouraged the private hire drivers to conduct themselves as if they were hackney carriage drivers.

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The Chair thanked Mr Rodgers for his deputation and confirmed that City Council staff were aware of the distinction between the two categories. The Chair further confirmed that the issues raised by Mr Rodgers would be investigated.

Mr Adrian Parsons addressed the Committee. Mr Parsons referred to new taxi rank arrangements which on a busy 'Student night' had resulted in hackney carriages and private hire vehicles queuing up together. Mr Parsons believed he had witnessed customers getting into private hire vehicles which had not been pre-booked.

The Chair thanked Mr Parsons for his deputation and asked the Officers to investigate his submission as a matter of urgency.

34. FEES FOR VEHICLES, OPERATORS AND DRIVERS' LICENCES 2014/15

The Chair announced that this item had been withdrawn from the agenda to allow further financial information to be obtained. The Committee was advised that this matter would be deferred to a special meeting of Licensing and Enforcement Committee to be arranged before the end of the current municipal year.

35. DRAFT STATEMENT OF LICENSING POLICY AND GUIDELINES FOR SCRAP METAL

The Licensing and Enforcement Officer presented the Committee with a draft Statement of Licensing Policy and Guidelines for Scrap Metal. Members were reminded of the discussion at the Licensing and Enforcement Committee on 10 December 2013 when the Committee had been briefed on the provisions of the Scrap Metal Dealers' Act 2013 and the fees and delegation of functions relating to the licensing processes under the Act had been agreed. Members were asked to consider the draft Policy Statement and to approve its submission to the relevant stakeholders for a period of 12 weeks' consultation.

Members discussed the following matters:-

- Safeguards to prevent an operator from obtaining a licence in another area. Officers agreed to review this and report back.
- It was noted that offences caused by vehicles playing announcements for business in the street over a tannoy system would be dealt with under separate legislation to the Act.
- Under the table of offences, clarification was sought on whether separate licences were needed if someone was operating from a site and also acting as a collector.
- Under the table of offences, clarification was sought on the section 'buying scrap metal for cash'.

RESOLVED: That the draft Statement of Licensing Policy and Guidelines for Scrap Metal be approved for a period of 12 weeks' consultation.

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36. REVISED SEX ESTABLISHMENT POLICY STATEMENT

The Food Licensing and Markets Manager presented Members with a report which sought approval for a draft revised Sex Establishment Policy Statement. The Committee was asked for its comments on the draft prior to it being submitted to the relevant stakeholders, following any amendments made by Members, for a period of 8 weeks' consultation. The Committee was briefed on the background to the report and it was explained that there were no significant changes to the existing policy. Members noted that the report recommended that the revised policy, once adopted, should be reviewed every 5 years in line with current legislation. The Food, Licensing and Markets Manager highlighted a correction to 6.4 of the report which listed the next review as 2017 and that this should read 2019 and that this correction also applied to the covering page of the draft revised Policy Statement. Members were advised that the Policy Statement could be brought back at an earlier date should the need arise.

RESOLVED:

- (1) That the report be noted.**
- (2) That the Policy Statement be revised every 5 years.**
- (3) That the draft revised Sex Establishment Policy Statement be approved for a period of 8 weeks' consultation subject to the required amendment to the front cover page.**

37. HEALTHY EATING AND HEALTH AT WORK AWARD SCHEME FOR BUSINESSES

The Head of Public Protection presented Members with a proposal for two separate, but linked, pilot award schemes for businesses aimed at promoting healthy workplaces and healthier food choices in catering establishments. Members were briefed on the background to the report and were asked to give approval for the two pilot schemes to go ahead.

Members discussed the following matters:-

- It was pointed out that small businesses could not impose healthy eating choices on their employees. The Head of Public Protection remarked that it would not be mandatory for small businesses to sign up to the scheme.
- Clarification was sought on the term 'nannying'.

RESOLVED: That the pilot schemes for Healthy Workplaces and Healthier Food Choices in Catering Establishments be approved.

38. MEMBERS' UPDATE

The Food Licensing and Markets Manager presented Members with a quarterly update on key licensing activities carried out between October and December 2013, including applications and service requests received, details of any enforcement work, progress updates on the work plan and any changes in licensing law. The

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Committee was asked to note the report and to make any suggestions on improvements to the format and content that were considered appropriate.

The Food Licensing and Markets Manager was able to further update the Committee that 30 scrap metal licence applications had been received. 15 of these had been approved with the remainder awaiting determination.

Members were informed of an impending article in the local press regarding the granting of a pet shop licence for the purpose of selling crocodiles. The Food Licensing and Markets Manager outlined the criteria from the Act which the Council had to consider when evaluating such applications. The Committee noted that Gloucester City Council did not have a policy on animal welfare licensing and applications were assessed using model conditions specified by the Chartered Institute of Environmental Health. It was further noted that there was no provision for public consultation in the legislation governing pet shop licences. It was agreed that a draft policy should be drawn up and considered at a future Licensing and Enforcement Committee.

The Committee discussed the following matters arising from the update report:-

- The recent granting of a Dog Boarding establishment licence to a premises and how the licence criteria was evaluated. It was noted that this was a boarding house and not an animal shelter. Members queried whether covenants on deeds restricting such business activity could be enforced. The Solicitor commented that such covenants were not planning matters and that individuals benefiting from covenants on their property would need to pursue these privately through a solicitor which could mean a considerable expense. Members further noted that cruelty to animals did not come under the remit of the City Council and that this was a matter for the RSPCA.
- It was agreed that Officers would supply statistics for a 12 months' period on taxi and private hire enforcement.
- It was agreed that information on street trading monitoring would be included in future updates.
- Members were asked to email the Food Licensing and Markets Manager with any other information they wished to see in future updates.

RESOLVED: That the update be noted.

39. PROPOSAL TO AMEND NAME OF LICENSING AND ENFORCEMENT COMMITTEE

The Head of Public Protection briefed Members on a discussion paper which asked the Committee to consider whether its current title should be changed to reflect the wide range of work currently covered by the Committee. Members examined the various options put forward and concluded that the current title should remain.

RESOLVED: That there should be no change to the existing title of the Licensing and Enforcement Committee.

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40. REQUEST TO CONSIDER ADOPTING DRIVING STANDARD ASSESSMENT FOR ALL NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Food Licensing and Markets Manager briefed Members on a request received from some of the Hackney Carriage drivers for the City Council to introduce a Driving Standards Agency test for all new Hackney Carriage and Private Hire Driver applicants to ensure that high driving standards were maintained. It was explained that currently drivers only took the test on referral by a Licensing and Enforcement Sub-Committee, potentially to be carried out and passed during a period when their driver's licence had been suspended. The Food Licensing and Markets Manager commented that if Members were minded to look at the introduction of such a measure that a draft report and policy would be brought back to a future Committee. Members welcomed the proposal.

RESOLVED: That a draft report and policy for the adoption of Driving Standard Assessment testing for all new hackney carriage and private hire drivers be presented to a future meeting of the Committee.

41. DATE OF NEXT MEETING

Tuesday 8 April 2014 at 18.00 hours (Special Meeting).

Time of commencement: 18:30 hours

Time of conclusion: 19:50 hours

Chair