

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	15th July 2014
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Gill Ragon, Public Protection Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lisa Jones, Food Safety and Licensing Service Manager		
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Appendices:	1. Details of licensing applications received		
	2. Licensing Forward Plan		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 2.1 To outline to Members, details of key Licensing Activities carried out in the last quarter (January to March 2014), 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 The Licensing Team currently include five Licensing and Enforcement Officers which comprise of 4.54 Full Time Equivalent (FTE), one 0.6 FTE Licensing Business Support Officer and a Food, Licensing and Markets Manager who covers both Licensing, Food Safety and Markets functions.

3.2 Following the City Council's 'Re-aligning the Management Structure'; the number of Licensing and Enforcement Officers only recently increased by one to make 4.54 FTE. A full time Senior Licensing and Markets Officer, who will play a lead role in liaison with the trade and partners and to oversee the Licensing and Markets functions, has also recently been appointed into the team.

3.3 Eastgate Street Taxi Rank Provision and Pedestriansation on Friday and Saturday nights

The Licensing team has continued to regularly monitor Eastgate Street, including the new taxi rank outside GL1 Leisure centre and the activities of private hire vehicles in the adjoining areas. The Experimental Closure Order that Gloucestershire Highways have put in place through the NightSafe ends on 31st July 2014, at which time the Highways authority will consult with the public to make this Order permanent.

The Licensing Team has measured the rank, which will allow for 11 spaces and this will be marked once the Traffic Order is made permanent by Gloucestershire Highways. The team continues to liaise with the Police, to monitor activities by licence holders and have continued to collate feedback from the trade and keep the NightSafe members and Taxi Marshalls up-to-date with any improvements or changes taking place. The NightSafe group will merge with the Evening Economy group in the future to make the CitySafe group.

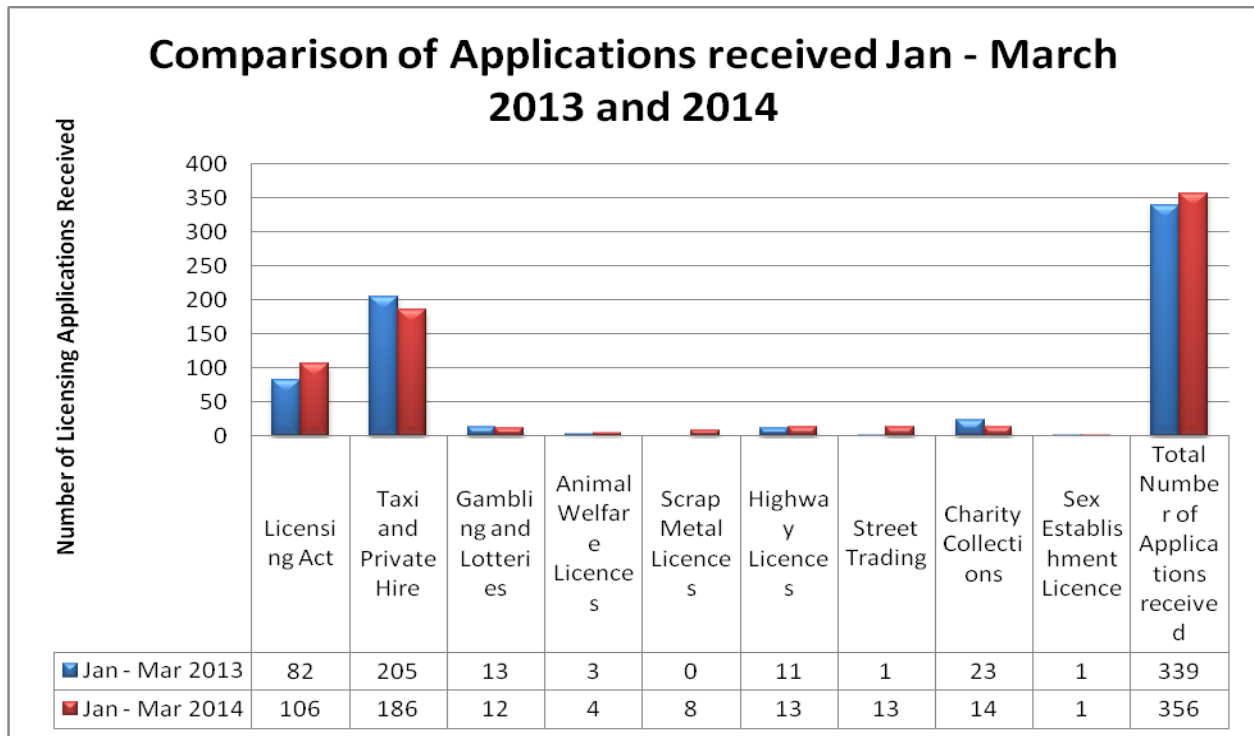
3.4 Organ's Alley Gating Order

On 11th September 2013, Cabinet agreed to make a Gating Order for Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street. The Licensing Team were granted planning permission on 15th May and arrangements have been made with the contractors to install the gates during July 2014.

3.7 New Licensing Applications

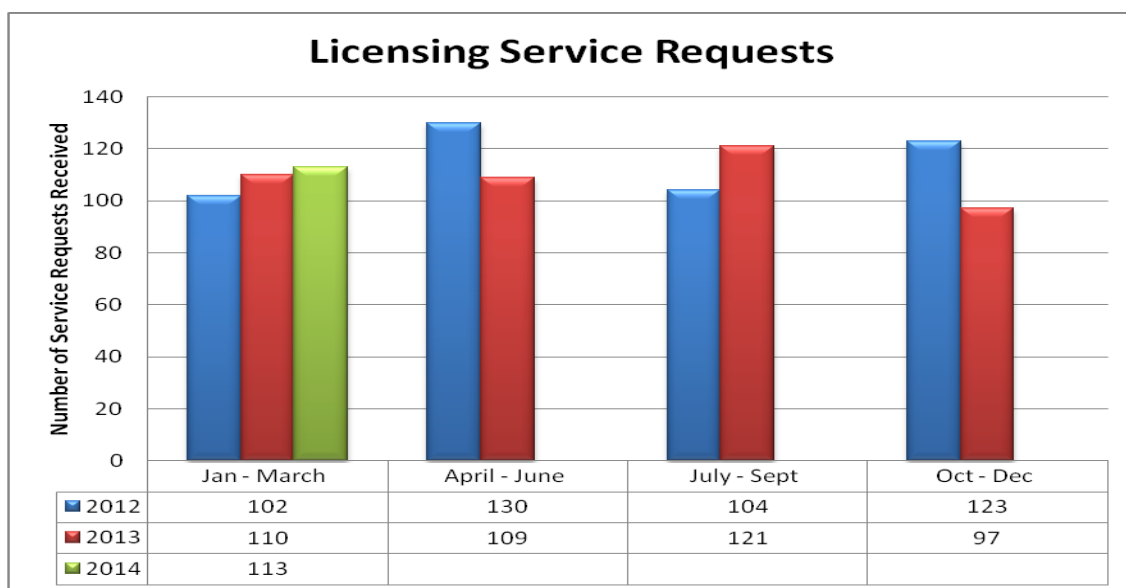
3.7.1 Between 1st January 2014 and 31st March 2014 the Licensing Team have received a total of 356 licensing applications, this is 106 less than we received in the previous quarter (October to December 2013) and is also 17 more applications than we received during this period in 2013. In comparison to 2013, the main difference contributing to this increase includes Street trading applications, scrap metal dealers applications and 24 additional Licensing Act applications. Figures of the number of licensing applications received this quarter and over the last two years can be found in Appendix 1.

3.7.2 The graph below illustrates the numbers of applications received between January and March 2014 in comparison to 2013.

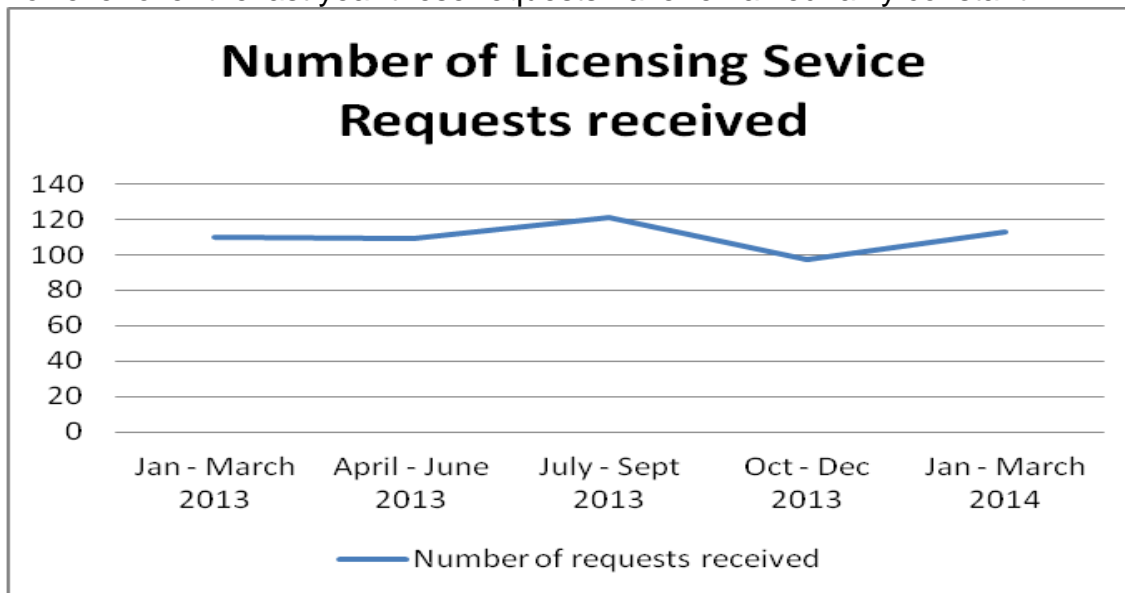


3.7.3 At appendix 1 there is a pie chart that shows the % of licence applications received by type.

3.7.4 In addition to the administration of Licensing applications, the Licensing Team also deal with a number of service requests. These can consist of complaints and enquiries about various Licensing matters. We received a similar amount in 2012 and 2013. The graph below compares the numbers received per quarter during 2012 and 2013:



3.7.5 The line graph below illustrates the trend in the number of licensing service requests received over the last year. There was a reduction in the winter months, however over the last year these requests have remained fairly constant.



4.0 Court cases and other Enforcement Work

4.1 A Private Hire Driver was prosecuted on 21st October at Cheltenham Magistrates Court for Plying for Hire in December 2012. The driver was fined £300, £30 victim surcharge and the Council was awarded £600 costs. He was also prosecuted by Gloucestershire Constabulary for driving with no insurance and received 6 penalty points on his DVLA driver's licence. This driver was referred to the Licensing and Enforcement Committee in January 2014 to consider his suitability to hold a licence and Members decided to revoke his licence. This decision was further appealed at Stroud Magistrates Court on 12th May 2014, but Officers successfully defended the decision of the Council and the appeal was upheld.

Taxi and Private Hire Enforcement:

4.2 Licensing and Enforcement Officers have monitored activities of licensed drivers and their vehicles. A number of drivers have been issued suspension notices requiring works to be made to their vehicles where defects have been found or door panels/plates are missing and further points have been issued to drivers who have parked their licensed vehicle on double yellow lines. The Licence team have also worked with Gloucestershire Constabulary to help pull over vehicles on the roadside.

4.3 The licence team continue to issue totting up penalty points against drivers proprietors or operators through our internal enforcement procedures where breaches are found in contravention of the rule books. Where 12 or more points are issued, the Licence holder will be referred to the Licensing and Enforcement

Sub-Committee for a disciplinary hearing. Some infringements can incur 12 points at one time, e.g. plying for hire.

5.0 Legislative Updates

5.1 The Law Commission has published a report recommending reforms to taxi and private hire licensing law.

The Commission's report makes 84 recommendations in total, and if taken forward, the recommendations would result in a single legislative framework to regulate both taxi and private hire services.

Summary of changes include:

- Introduction of national standards for all taxi's and private hire vehicles, drivers and operators set by the secretary of state.
- Nationally set standards will completely replace locally set standards for private hires.
- Local Authorities continue to administer licences but on national standards, LA's will have no discretion to vary private hire vehicles and drivers.
- Local standards could only relate to taxi's with peripheral matters such as vehicle type and colour.
- Maintain the two-tier system, albeit with important changes to the way in which the distinction between the two types of service is drawn.
- Clear definition of 'plying for hire'
- Creation of an offence of using a vehicle on the road to carry passengers, where both the vehicle and the driver have been hired for that purpose, without appropriate licences. A further offence to differentiate between the different types of service by prohibiting anyone other than a licensed taxi driver to take a there and then fare.
- Operators are to be called 'dispatchers'.
- Free-up cross border working for private hire services, allowing operators to use licensed drivers and vehicles licensed by other Local Authorities.
- Taxi's would still only be permitted to rank in the area they are licensed, but would be subject to the enforcement jurisdiction of enforcement officers anywhere.
- Clear guide on whether pedicabs, limousines and novelty vehicles should be regulated as taxi's or private hires.
- Change to enable taxi's and private hire to carry up to 16 passengers.
- Streamline set of offences abolishing a number of out of date offences.
- Taxi licence fees to be set on cost recovery basis but uniformed licence fee for private hire services set nationally.
- Recommend allowing LA's to limit taxi numbers based on the public interest and not 'unmet demand' criteria, to be reviewed every 3 years.

- All licensed drivers are recommended to receive disability awareness training and must stop when hailed.
- Introduce more powers for licensing officers, to allow them to stop vehicles on the road without Police and issue fixed penalties for breaching national standards.

5.2 Below Cost Selling Order

The Licensing Act 2003 (Mandatory Conditions) Order 2014 banning the sale of alcohol below the cost of VAT and duty took effect from 28 May 2014. The Licensing Team have written to all licensees advising them of the new condition and how they need to check their prices comply with the minimum 'permitted price', and calculations are available from the Home Office to implement this. Promotions and discounts will also be monitored by Licensing Enforcement Officers to ensure they also comply.

5.3 Scrap Metal Dealers Act Guidance amended

The Home Office issued a further amendment to the current Guidance under the Scrap Metal Dealers Act on 20th May on determining suitability to hold a scrap metal dealers licence. It clarifies whose suitability should be assessed and relevant reasons for refusal.

5.4 Super Strength Alcohol Schemes ' Not Unlawful'

The British Beer & Pub Association, the National Association of Cider Makers and the Wine and Spirit Trade Association have written to Licensing Authorities urging them to reconsider introducing bans on 'super strength' alcohol, and instead focus on enforcement, treatment and local partnerships such as 'Purple Flag' Schemes to tackle alcohol related harm.

The Competition and Markets Authority have said the bans, which have sprung up across nearly 100 local authorities, do not constitute a breach of competition law provided they are based on local licensing rules or individual agreements between authorities and retailers. The CMA will continue to monitor the situation but made it clear it did not intend to veto existing schemes despite calls from the British Beer & Pub Association, the National Association of Cider Makers and the Wine and Spirit Trade Association.

6.0 Future Work

6.1 The forward plan is detailed in Appendix 2.

7.0 Forward work plan and Conclusions

7.1 The table in appendix 2 outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 3 years. As the years 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.

(Legal Services 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