

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	7^h June 2016
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Jonathan Lund, Corporate Director for Services and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy	No
	For Information	Framework:	
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

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter (January to March 2016), 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.

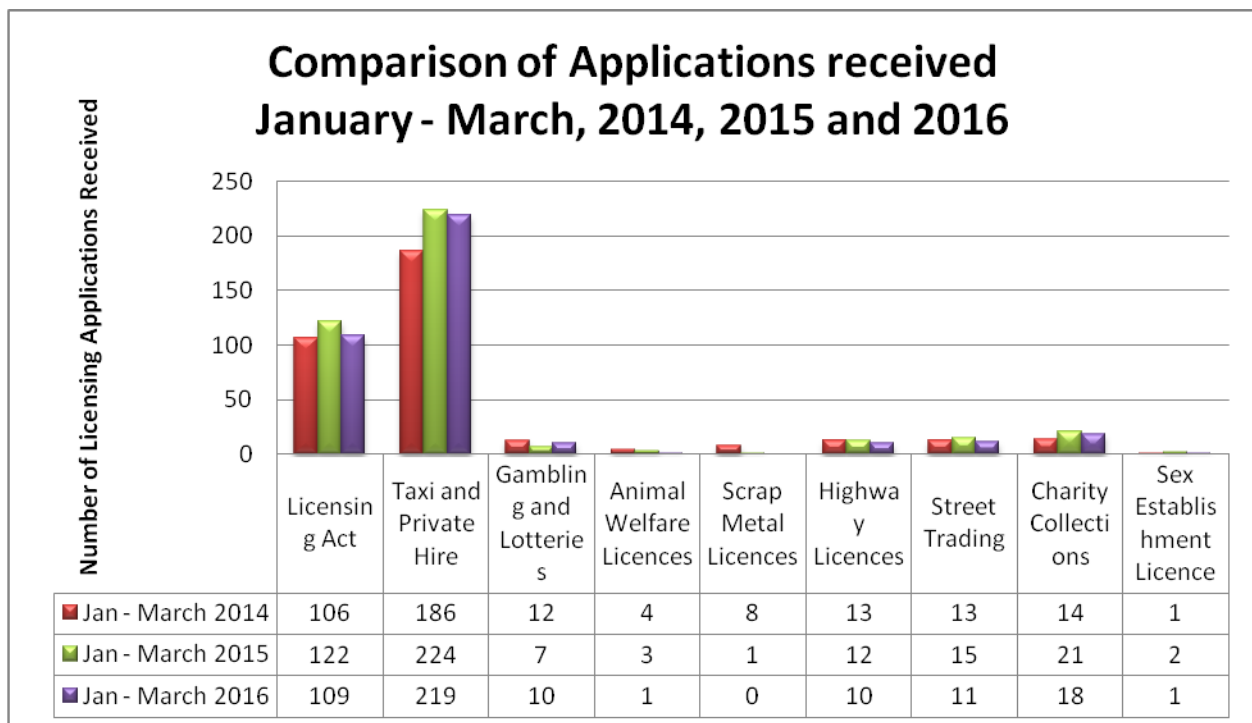
3.0 Updates on Licensing Activities in the last Quarter

- 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, a Senior Licensing and Markets Officer and a Food

and Licensing Service Manager who covers both Licensing, Food Safety and Market functions.

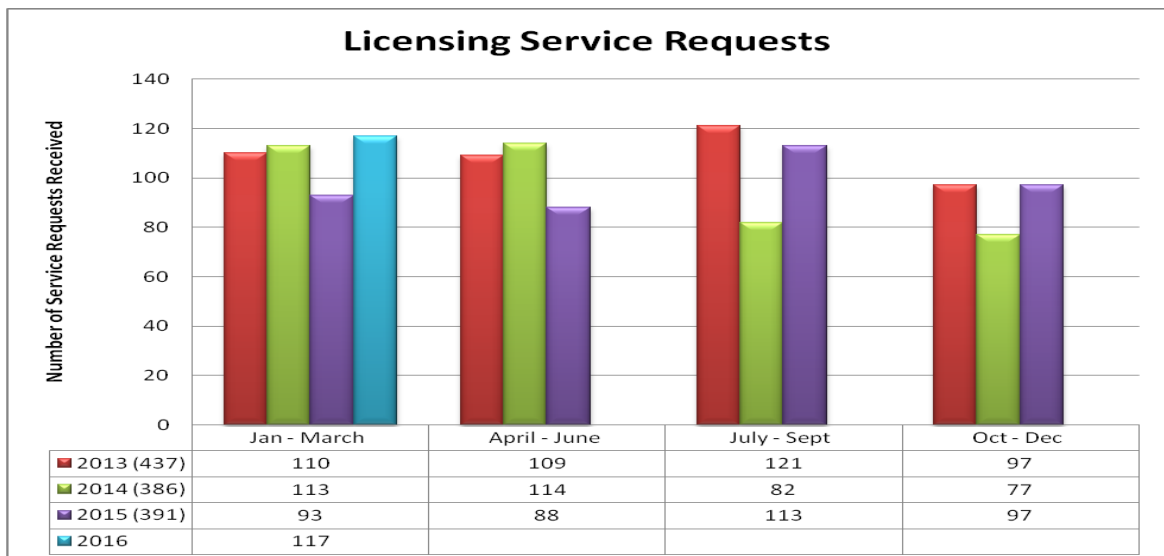
New Licensing Applications

- 3.2 Between 1st January 2016 and 31st March 2016 the Licensing Team received a total of 379 licensing applications, this is 50 less than we received in the previous quarter (October to December 2015) and 28 fewer applications than the number of applications that we received during January to March 2015 (407). In comparison to the last quarter, we received 30 fewer applications under the Gambling Act because we received less lottery applications and 8 fewer applications for pet shops because most are renewed for the 1st January. Five more applications were however received for street trading this quarter, including a renewal of a sex establishment licence. Figures of the number of licensing applications received this quarter can be found in Appendix 1.
- 3.3 A further breakdown of Hackney Carriage and Private Hire applications can also be found in Appendix 1. We have received 27 fewer applications (219) this quarter than during October – December 2015 (246) because less vehicle and drivers licences were due to be renewed. We also received 13 fewer applications than compared to the same period in 2015 (224).
- 3.4 The graph below illustrates the numbers of applications received between January and March 2016 in comparison to 2015 and 2014.

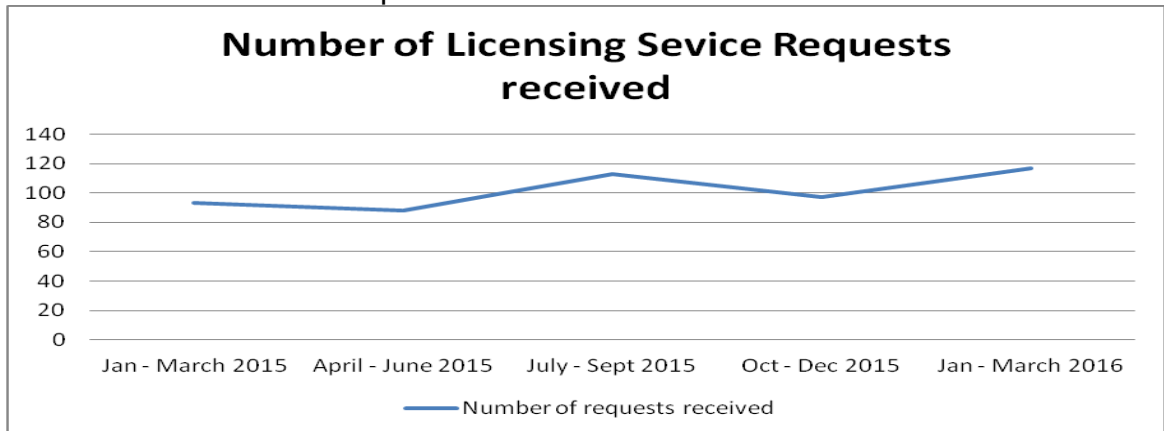


3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence for the Period January to March 2016. It shows that 58% of the applications received during 2015 were relating to Hackney Carriage and Private Hire Licensing with 29% relating to Licensing Act applications, this is very similar proportions to the total applications received during the last quarter.

3.6 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. The graph below compares the numbers received per quarter during the last three years. Over the previous last two years the total number of service requests has remained consistent with just 5 more service requests received in 2015 compared to 2014.



3.7 The line graph below illustrates the trend in the number of licensing service requests received over the last year. There has been a slight increase since January 2015 however the general workflow within the team has remained fairly consistent, because a lot more enforcement including out of hours compliance checks and enforcement operations have been conducted.



4.0 Enforcement Work

Sub-Committees Held between March 2016 and April 2016

Taxi and Private Hire Hearing (Two Hearings)

- 4.1 On the 28th April 2016 a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed following a conviction for Plying for Hire without a licence and driving with no insurance. The Court also considered an offence for driving a licensed vehicle whilst being an unlicensed driver but this was withdrawn from the case. The Sub-Committee considered the applicant's explanation and decided to revoke his private hire driver's licence with immediate effect. He was also recommended that any application for a new licence within three years of this date should come before the Sub-Committee.
- 4.2 On the 14th April 2015 a Hackney Carriage Driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed because he had accumulated 14 penalty points under the Council's internal totting-up procedure regarding his behaviour towards Licensing Officers. The Licensing and Enforcement Sub-Committee considered the applicant's appeal against his penalty points and decided to reduce his penalty points to 10. As the total number of points was reduced to ten points the driver's fit and proper status was no longer referred to the Licensing Sub-Committee to consider his suitability to be licensed.

Licensing Act Sub-Committee Hearings (One Hearing)

- 4.3 On the 25th April 2016 the Licensing Sub-Committee considered an application by Avni Duka for a variation of a Premises Licence for the Picturedrome Theatre, 162-166 Barton Street, Gloucester, GL1 4EU to increase hours until 3am. On three separate occasions where the premises were using Temporary Event Notices there were serious incidents of anti-social behaviour and this was evidence to the Sub-Committee that there is a direct correlation between an extension to the hours of the premises and an increase in anti-social behaviour.

This is a built up and densely populated area, outside the special policy Area and therefore the Sub-Committee was mindful of the amenity of local residents. Members therefore decided to refuse the application to increase hours with an exception to changing the premises name.

Full Licensing and Enforcement Committee

- 4.4 On the 4th April 2016 the Licensing and Enforcement Committee held a special meeting to consider a proposal to increase the Hackney Carriage and Private Hire Fees following an adjournment from the Full Committee held on 15th March 2016. A further proposal was made to amend the fee bandings for private hire operators to bring it closer in line with Cheltenham's fee structure and more

proportionate to the number of vehicles in the fleet. The proposed published fees had received objections from members of the trade. Members considered the representations received and decided that the published fees proposing an increase of 2.5% should take effect from 1st June 2016, the revised fee structure should be considered and advertised when the fees are next reviewed.

Out of Hours Enforcement

4.5 **Taxi and Private Hire Enforcement**

In the last quarter Licensing and Enforcement Officers have continued to monitor activities of Hackney Carriage and Private Hire Drivers and their vehicles. Between January and March 2016, 18 drivers were issued a cumulative total of 68 penalty points on our internal totting up system. This is 61 fewer points than we issued in the last quarter for October – December 2015 where we reported 129 against 35 drivers. Similar offences were found such as drivers witnessed making illegal U-turns, parking on double yellow lines, no fire extinguisher, proceeding through a red light, no door panels, no Bus lane stickers, smoking in a licensed vehicle, defective brake lights, rear plates not being displayed and leaving a licensed vehicle unattended.

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. The Licence team have also worked with Gloucestershire Constabulary to help pull over vehicles on the roadside.

4.6 **Licensed Premises**

The Licensing Team have a close working relationship with the Police and Environmental Protection and regularly share information to ensure compliance at licensed premises. In the last quarter, further monitoring has been conducted on In-house booking systems where a Private Hire Operator takes bookings from another venue such as a nightclub. Penalty points have been issued to the Operator where breaches were found.

Other Enforcement work

4.7 **Cheltenham Race Week**

The Licensing Team took part in an operation monitoring licensed private hire and hackney carriage vehicles in Cheltenham during the race week 15th – 18th March 2016. The Operation focussed on potential illegal plying for hire by private hire or out of area hackney carriage vehicles and conducting road safety checks of licensed vehicles. A large number of licensed drivers in their vehicles were tested; five drivers accepted a fare without being pre-booked. Four were private hire licensed in Tewkesbury and Cheltenham and one was a hackney carriage licensed in Malvern District. Tests were also conducted on Licensed Gloucester

City vehicles too, however all passed by declining fares that were not pre-booked.

Court Cases (2 cases)

- 4.10 In July 2015 a joint operation took place with Gloucestershire Constabulary. Following this operation one driver was prosecuted by the Licensing Team. He was summonsed for three offences which were driving a Private Hire vehicle with an expired Private Hire Drivers licence, Driving with no insurance and plying for hire.

On 15th February 2016 the driver attended Cheltenham Magistrates Court. He initially pleaded not guilty to all three offences. Following the drivers acceptance that his Private Hire Drivers badge had expired which in turn invalidated his insurance policy, he pleaded guilty to these two offences. The driver maintained he did not illegally ply for hire. It was not in the public interest to continue to another trial for plying for hire, therefore the offence was withdrawn by One Legal.

The driver was fined £300.00 for no insurance and issued with 6 DVLA penalty points for no insurance. Costs of £100.00 and victim surcharge of £30.00. On 28th April 2016 the driver was taken before a Licensing and Enforcement Sub-Committee. The Committee's decision was to revoke the driver's Private Hire drivers licence.

- 4.11 A second prosecution was successfully brought by the Licensing Team. Towards the end of August 2015 a Private Hire driver was witnessed using a Private Hire vehicle with an expired vehicle licence plate. Following an interview under caution the driver admitted to knowingly using an unlicensed Private Hire vehicle.

On Monday 7th March 2016, the case was heard at Cheltenham Magistrates Court. The driver did not attend. The Magistrates agreed to hear the case in his absence and found him guilty of the offence. He was fined £250.00 with costs of £575.00 (£425.00 for officer costs and £150.00 legal costs), with a victim surcharge of £25.00. The driver is currently awaiting a date to be brought before a Licensing and Enforcement Sub-Committee to determine his fit and proper status.

5.0 Other Updates

5.1 The Best Bar None Scheme

Best Bar None 2016 is going to be launched on 5th July 2016 in the Guildhall The launch aims to encourage licensees to sign up for accreditation under the Best Bar None Scheme. It is hoped to expand the scheme with further categories of premises and hopefully increase the numbers of premises that participate this

year. Assessments will be conducted over the summer and it is aimed to hold the award Ceremony early 2017.

6.0 Future Work

6.1 Late Night Levy

The Licensing Team are currently liaison with the Police about introducing the Late Night Levy into Gloucester. We are currently in the early stages of considering its application. If the Police are in support of introducing this scheme, it is hoped to bring a draft consultation document to Cabinet to approve for a 12 week consultation. Full Council will make the final decision on whether to introduce a Late Night Levy in Gloucester City.

6.2 Street Trading Policy

The Council's Street trading policy is under review. A revised policy will be brought to the Licensing and Enforcement Committee in September 2016 to approve for consultation.

6.3 Hackney Carriage and Private Hire Rule Books

The rule books for taxi and private hire licensing are currently under review. The rulebooks outline the Council's application criteria and conditions applied to licensed vehicles, drivers and operators. The revised rule books will be brought to the Licensing and Enforcement Committee in September 2016 to approve for public consultation.

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