

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>13<sup>th</sup> September 2016</b>
<b>Subject:</b>	<b>Members Update for Licensing and Enforcement Committee</b>		
<b>Report Of:</b>	<b>Jonathan Lund, Corporate Director for Services and Neighbourhoods</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Lisa Jones, Food, Licensing and Markets Manager</b>		
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<b>Appendices:</b>	<b>1. Details of licensing applications received</b>		
	<b>2. Licensing Forward Plan</b>		

## 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 (April to June 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 1<sup>st</sup> April 2016 and 30<sup>th</sup> June 2016 the Licensing Team received a total of 437 licensing applications, this is 58 more than we received in the previous quarter (January to March 2016) and just 9 fewer applications than the number of applications that we received during April to June 2015 (428). In comparison to the last quarter, we received 31 more applications under the Highways Act because most of our A'Board and Tables and Chairs licences are due to be renewed in May. We also received 29 more applications in total under the Licensing Act, which included 22 more Temporary events for the summer period. 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 just 3 fewer applications (216) this quarter than during January – March 2016 (219), however, there were 29 more applications than compared to the same period in 2015 (187) because there were 25 more private hire vehicle applications and 9 additional Hackney Carriage driver applications.
- 3.4 The graph below illustrates the numbers of applications received between April and June 2016 in comparison to 2015 and 2014.

### 1st October to 31st Dec 2015

applications received

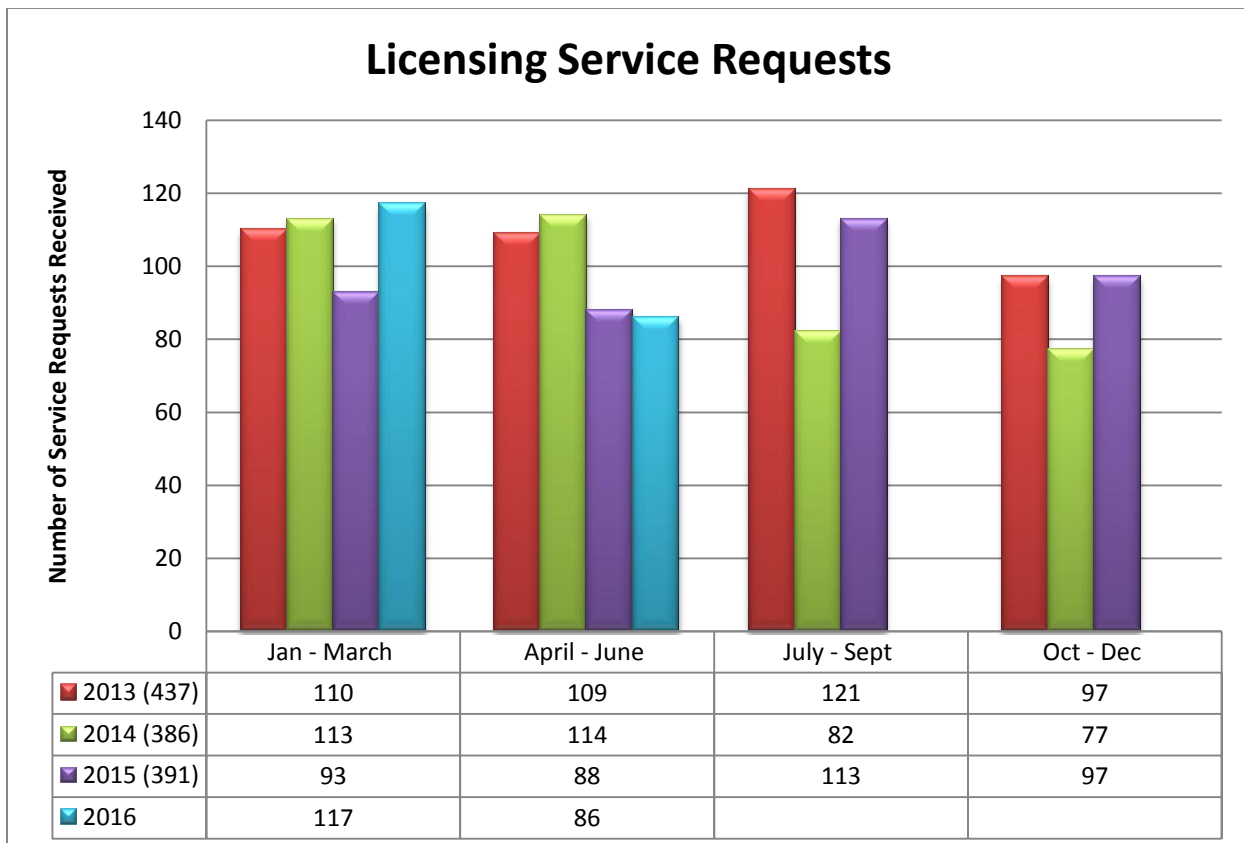
LICNTYPE	REFVAL	OFFICER	ISSUED	RECPTD
ABOARD	1501688ABOARD	RICHDB	10-Dec-15	11-Nov-15
ABOARD	1501850ABOARD	RICHDB		08-Dec-15
CHAIRS	1501454CHAIRS	RICHDB	16-Nov-15	01-Oct-15
CHAIRS	1501563CHAIRS	RICHDB	09-Dec-15	20-Oct-15
CHAIRS	1501565CHAIRS	RICHDB	23-Nov-15	21-Oct-15
CHAIRS	1501689CHAIRS	RICHDB	27-Nov-15	10-Nov-15
CHAIRS	1501921CHAIRS	RICHDB	08-Feb-16	21-Dec-15
DOGKEN	1501801DOGKEN	PHF		30-Nov-15
GAMANT	1501934GAMANT	REBJT	23-Dec-15	22-Dec-15
GAMAPT	1501758GAMAPT	PHF	27-Nov-15	23-Nov-15
GAMBET	1501748GAMBET	PHF	04-Jan-16	20-Nov-15
GAMFEC	1501651GAMFEC	CAM		04-Nov-15
GAMFEC	1501650GAMFEC	RICHDB		04-Nov-15
GLPLC	1501524GLPLC	PHF	02-Nov-15	13-Oct-15
GLPLC	1501535GLPLC	PHF	09-Nov-15	15-Oct-15

For use in Quarterly re

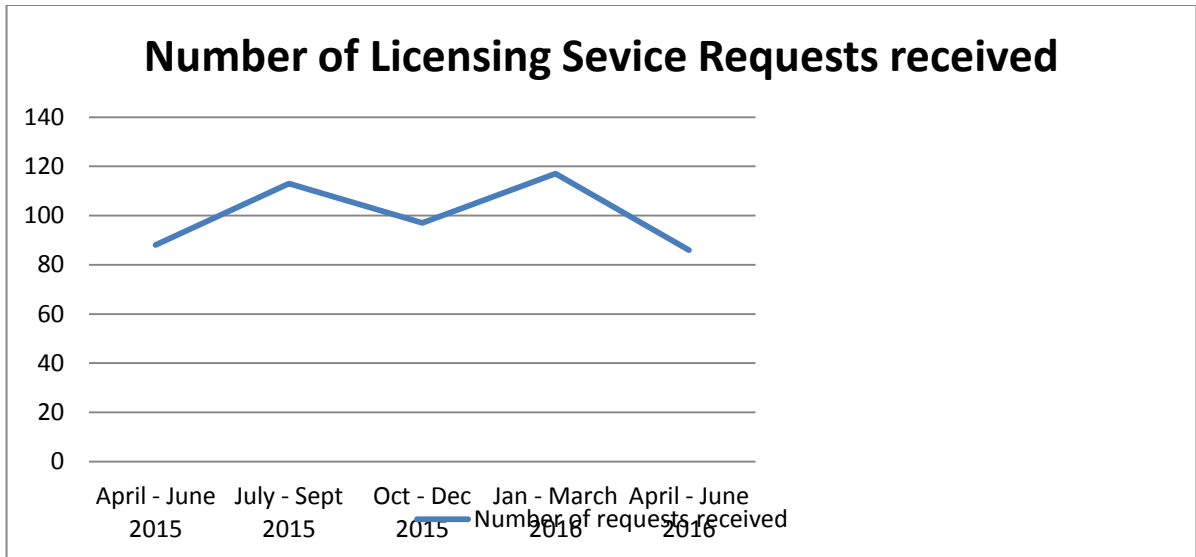
	issued
ABOARD	1
CHAIRS	
GLPLC	
GLPLG	
GLPRMG	
GLPRMM	
GLPRMV	
GLTEN	
GLTENL	
GLPLT	
GLCPV	
HCD	
HCV	
PHD	
PHO	

3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence for the Period April to June 2016. It shows that 50% of the applications received were relating to Hackney Carriage and Private Hire Licensing with 32% relating to Licensing Act applications and 9% relating to Highways licences, 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. The total number of service requests received this quarter is very similar to that received during the same quarter in 2015, although the team has already received 22 more service requests this year compared to last.



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 June 2016 and July 2016

#### Taxi and Private Hire Hearing (Four Hearings)

- 4.1 On the 8<sup>th</sup> June 2016 a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed following a conviction successfully brought by the Licensing Team. Towards the end of August 2015 the driver was witnessed using a Private Hire vehicle with an expired vehicle licence plate. On Monday 7<sup>th</sup> 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 Sub-Committee considered the applicant's explanation and decided to suspend his private hire driver's licence pending successful completion of the Driving Standards Agency enhanced driving assessment and has satisfied Council Officers with his knowledge of the Council's Private Hire Driver and Vehicle Rule Book.
- 4.2 On the 8<sup>th</sup> June 2016, a Private Hire Operator was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed a fit and proper person to hold a Private Hire Operator's Licence after the accumulation of twelve penalty points within a twelve month period, under the Council's internal penalty points system. There had been multiple incidents of touting within a three month period of which the Sub-Committee deemed the breaches and criminal offences, as very serious. The Licensing and Enforcement Sub-Committee considered the applicant's explanation and decided to remove the entitlement to operate an in-house booking system from his Private Hire Operator's Licence with immediate effect. The Sub-Committee also recommended to Officers that

any application for an in-house booking system should not be considered before September 2017.

- 4.3 On the 28th June 2016, a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider whether he remained a fit and proper person to hold a Hackney Carriage Driver's Licence after the accumulation of fourteen penalty points within a twelve month period, under the Council's internal penalty points system. The sub-committee decided to take no further disciplinary action but to remind the driver of the importance of complying with the Council's Hackney Carriage and Regulatory Guidelines and the Hackney Carriage Rule Book. The driver was reminded that any further infringement before the expiry of the points he has already accrued will result in a further appearance before the Sub-Committee.
- 4.4 On the 13th July 2016, a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider whether he remained a fit and proper person to hold a Private Hire Driver's Licence following the accumulation of fifteen penalty points within a twelve month period, under the Council's penalty point scheme. The Sub-committee considered the drivers explanation and decided to authorise the Food, Licensing and Markets Manager to grant his renewal application as he was considered to be a fit and proper person to hold a Private Hire Driver's Licence subject to satisfying all of the requirements for renewal including:-
1. A satisfactory DBS report; and
  2. To demonstrate a satisfactory level of knowledge of the Council's Private Hire Driver and Vehicle Rule Book.

Licensing Act Sub-Committee Hearings (Three Hearings)

- 4.5 On the 4<sup>th</sup> July 2016 the Licensing Sub-Committee considered an application for a new Premises Licence for Greek on the Docks, Unit A, Merchants Quay, The Docks, Gloucester, GL1 2ES for the retail sale of alcohol and for recorded music from 11.00 to 23.00 Monday to Sunday. The applicant only intended to use music as background music for the restaurant. The Sub-committee decided to grant the application as applied for, subject to the addition of the conditions requested by the Police and Environmental Protection and those agreed by the applicant.
- 4.6 On the 7<sup>th</sup> July 2016 the Licensing Sub-Committee considered an application for a new Premises Licence for Cater Cater, Unit 2, The Barge Arm, The Docks, Gloucester GL1 2DN for the sale of alcohol only until 11pm. The Sub-Committee took into account the residents views and a security report present which showed an increase in anti-social behaviour in the Docks between January and May 2016. The Sub-Committee decided to grant the premises licence as applied for with an added condition to the licence stating *"That the consumption of alcohol in the outside areas should only be permitted between 10:00 – 22:00hrs daily, to prevent public nuisance."*

- 4.7 On the 12<sup>th</sup> July 2016, the Licensing Sub-Committee considered an application to vary an existing Premises Licence for Butlers Venue Bar, 99-101 Eastgate Street, Gloucester, GL1 1PY, to increase the hours of the sale of alcohol until 3am. The Sub-Committee noted that the premises are located within an area identified as suffering from high levels of crime and disorder and labelled as a Cumulative Impact Zone. Having considered all the facts the Sub-Committee determined that the application did amount to a substantial variation and that the rebuttable presumption would apply in this case, the applicant was therefore required to establish that the application would not add to or increase issues already experienced in the area.

The Sub-Committee took into account the Police's representation and supporting evidence and decided to grant the application as applied for, with the addition of the conditions offered by the applicant.

The Sub-Committee was reassured by the evidence given by the premises licence holder including details of negotiation with responsible authorities, the level of experience generally and willingness to engage. In particular the Sub-Committee noted that the Police on their own admissions have stated that the premises is well run and the licence holder is a good licensee. The Premises was the winner of the Best Independent Bar None 2015 and the licensee is heavily involved in delivered a number of improvements to safety and standards to the night time economy.

#### Full Licensing and Enforcement Committee

- 4.8 On the 7<sup>th</sup> June 2016, the Licensing and Enforcement Committee considered a proposal to amend the Street Trading Fees which incorporated a new non-refundable application fee. The future work plan indicated that Members would be requested to review the Council's Street Trading Policy in September 2016. Members therefore suggested that the matter be deferred to that meeting so that a new fee structure is considered as part of the revised Street Trading Policy.

### **Out of Hours Enforcement**

#### 4.9 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 April and June 2016, 17 drivers were issued a cumulative total of 68 penalty points on our internal totting up system. This is the same number points that we issued in the last quarter for January – March 2016 where we reported 18 against 18 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.

#### 4.10 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.

### **Other Enforcement work**

#### 4.11 Road Traffic Operations

The Licensing Team have taken part in regular operations with special Constables monitoring licensed private hire and hackney carriage vehicles in the City. The Operations are carried out at least once a month and allows the special Constables to focus on the safety elements of the vehicles whilst licensing Officers concentrate on specific taxi or private hire council checks. Each operation has found one licensed driver speeding and a number of other minor defaults which are followed up with internal penalty points.

### **Court Cases**

4.10 There have been no court cases held for licensing matters in the last quarter.

## **5.0 Other Updates**

### 5.1 The Best Bar None Scheme

Best Bar None 2016 was launched on 5<sup>th</sup> July 2016 to encourage licensees to sign up for accreditation under the Best Bar None Scheme. Further categories of premises are included this year to expand the scheme and increase the numbers of premises that participate this year. The six categories this year are:

1. Best Chain Pub
2. Best Chain Nightclub
3. Best Independent Pub
4. Best Nightclub/Bar
5. Best Local pub (new category)
6. Best Family friendly pub (new category)

Assessments will be conducted over the next few months and the Award Ceremony will be held in January 2017.

## **6.0 Future Work**

### 6.1 Late Night Levy

The Licensing Team have prepared a draft consultation document to consider a proposal to adopt the Late Night Levy in Gloucester. A report is going to Cabinet on 14<sup>th</sup> September to request approval to start a 12 week consultation on its proposed design. Full Council will make the final decision on whether to introduce a Late Night Levy in Gloucester City.

## 6.2 Taxi Tariff

The Licensing Team have recently reviewed the current Taxi Tariff. Since last year there have been no changes made to the rates in the local County and the national average has also remained unchanged. Petrol and diesel prices have also decreased by 5p and 6p respectively over the last year and decreased by 24p in comparison to 2014. The Council is therefore not proposing to increase the taxi tariff at this point in time. The taxi trade can make a request for changes to be made to the tariff in the future, if they consider it is appropriate. These requests can be made any time of the year.

## 6.3 Hackney Carriage and Private Hire Fees

The Hackney Carriage and private Hire fees will be reviewed over the next month and new fees will be advertised in a local paper in October. The revised fees will include a new fee structure for Private Hire Operators as agreed by Members in April 2016. If objections are received the fees will be brought back to the Licensing and Enforcement Committee in December 2016 for approval.

## 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