

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	13 December 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, Licensing and Markets 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 (July to September 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

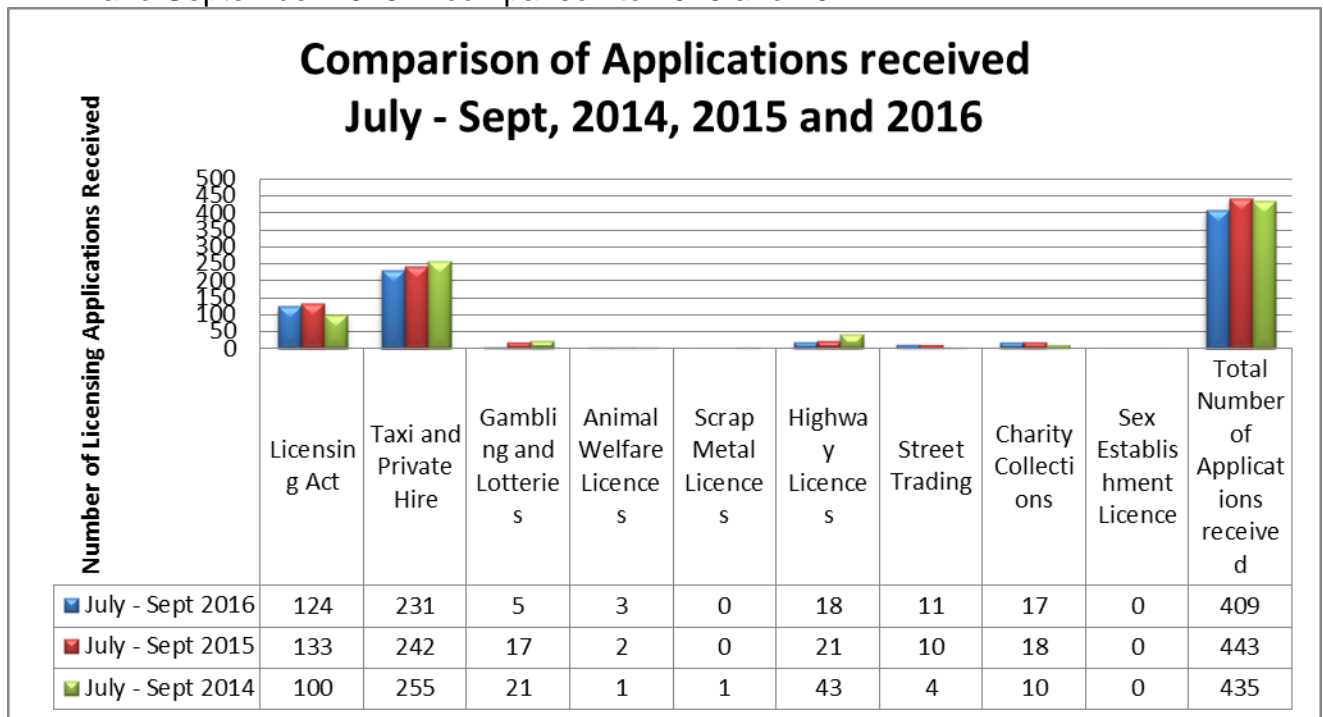
- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

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.

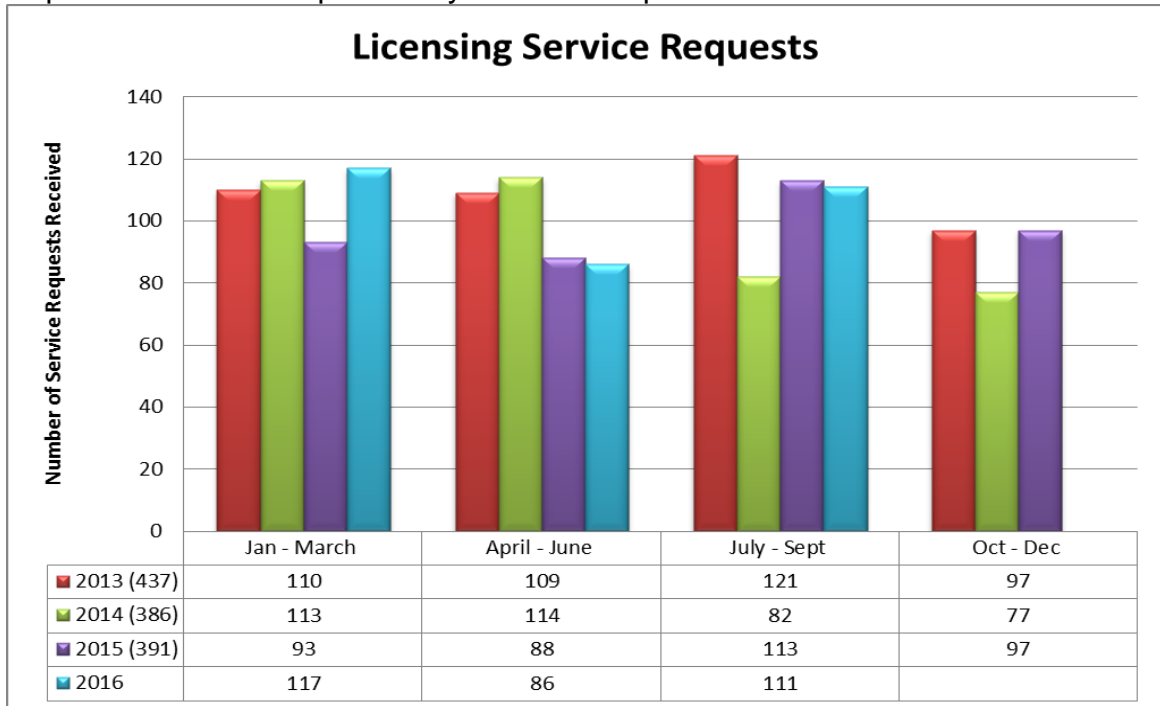
New Licensing Applications

- 3.2 Between 1st July 2016 and 30th September 2016 the Licensing Team received a total of 409 licensing applications, this is 28 less than we received in the previous quarter (April to June 2015) and 34 less than the number of applications that we received during July to September 2015 (443). In comparison to the last quarter, we received 14 fewer applications under the Licensing Act because we received less than half the number of temporary event applications. We also received 23 fewer applications for highways licences because most of these licences were due their renewal in May. Figures of the number of licensing applications received this quarter and over the last two years 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 11 more applications during July – September 2015 (242) than compared to this period in 2016 (231).
- 3.4 The graph below illustrates the numbers of applications received between July and September 2016 in comparison to 2015 and 2014.

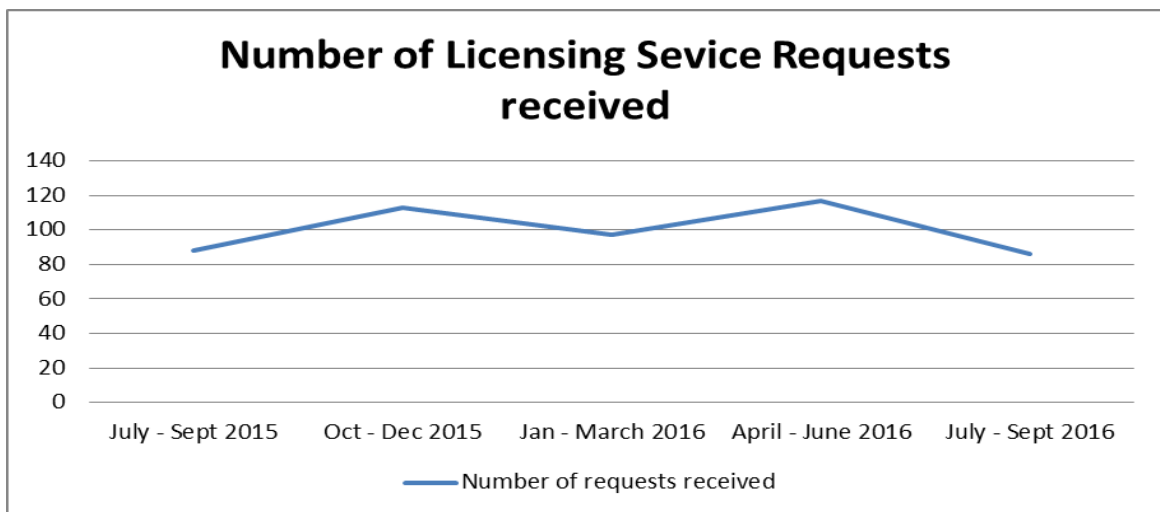


- 3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence during July - September 2016. It shows that 57% of the applications received were relating to Hackney Carriage and Private Hire Licensing with 30% relating to Licensing Act applications, this is similar proportions to the total applications received during the last quarter and the full year of 2015.

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 2013, 2014, 2015 and 2016. Over the last three years the total number of service requests received has reduced. This is clearly seen when comparing the service requests received between July and September 2016 with previous years for that period.



3.7 The line graph below illustrates the trend in the number of licensing service requests received over the last year. There has been small increase in 2016 however the general workflow within the team has remained fairly consistent.



4.0 Enforcement Work

Sub-Committees Held between August and October 2016

Taxi and Private Hire Hearing (Two Hearings)

- 4.1 On the 9th August 2016 a Private Hire Vehicle was referred to the Licensing and Enforcement Committee to consider its suitability to be licensed because it was over 5 years old on its initial application, which falls outside the age specification required by the Council's policy on the age of vehicles. The vehicle failed to meet the Council's age policy by four months and fifteen days. The Committee decided that the application should be granted on the grounds that the vehicle is of a high standard for its age and in this particular case there should be a departure from the Council's Private Hire Vehicle policy.
- 4.2 On the 31st August 2016 a new application for a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed because he had twelve convictions within a six year period which raised doubts about his suitability to be licensed. The Sub-Committee considered the applicant's explanation and decided to grant the licence because he was considered to be a fit and proper person to hold a Private Hire Drivers Licence.

Licensing Act Sub-Committee Hearings (One Hearing)

- 4.3 On the 11th October 2016 the Licensing Sub-Committee considered an application to vary a premises licence for Zam Zam Pizza and Fried Chicken, 144 Eastgate Street. The application was to increase the hours of late night refreshment from 00:15hrs to 01:15hrs Monday to Thursday and from 03:15hrs to 05:00hrs on Fridays and Saturdays. Objections had been received from Gloucestershire Constabulary and video evidence was shown demonstrating a violent incident at the takeaway when it was trading beyond its licensable hours.

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. Members decided to refuse the application because the evidence showed a disregard for the licensing regime and the applicant was also not able to provide supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

Street Trading Sub-Committee Hearings (One appeal)

- 4.4 On the 19th October 2016 the Licensing Sub-Committee considered an appeal against an Officer decision to refuse a street trading application to sell kebabs and burgers from a unit in Glevum Way, Abbeydale. Four representations were received in objection to the application. The Sub-Committee considered the application carefully, taking into account the representation made. They decided to refuse the application for the following reasons:-

1. The siting and operation of any trader shall be such that it does not cause any problems of highway safety or obstruction to users of the highway. The application fails to meet this criterion.
2. Issues have been raised that it is likely to cause problems such as an increase in noise, smells, litter and late night disturbance; and
3. Issues have been raised that the range of food offered for sale would not promote the positive health impacts that may be taken into consideration in line with Gloucester City Council's Interim Planning Policy for Mobile Catering Units

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 July and September 2016, 11 drivers were issued a cumulative total of 41 penalty points on our internal totting up system. This included matters such as drivers witnessed making illegal right turns, not displaying a rear licence plate, no door panels, no Bus lane stickers, smoking in a licensed vehicle and failing to notify the Licensing Team of convictions. In comparison to the same period in 2015, we reported 36 drivers receiving a cumulative total of 119 penalty points. We are able to demonstrate that the increase in enforcement checks over the last two years has proven effective to raising compliance within our licensed fleet.

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.

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 Licensing Officers investigated unauthorised licensable activities after witnessing a sale of alcohol to an intoxicated person in First Choice off-licence, Eastgate Street. The licence holder obstructed Officers in conducting their duties and later admitted to this offence under caution. A written warning was issued.

The Gladiator, Tuffley Lane was served with a Closure Notice by Police after working with Licensing Officers, together they witnessed unauthorised sale of alcohol taking place from the premises without a current licence.

Other Enforcement work

4.7 Operation with Gloucestershire Constabulary

The Licensing Team took part in an operation with Police Special Constables on 19th November 2016, focussing on illegal plying for hire by private hire vehicles and conducting road safety checks of licensed vehicles. The operation tested 19 Private Hire's by either flag downs or by approaching a parked private hire and asking if they were available for hire.

All 19 drivers that were tested for illegally plying for hire passed and refused the fares. However, two drivers were caught using their mobile phones whilst driving and 1 driver was caught speeding. Action has been taken in response to these offences.

4.8 Court Cases

The Licensing Team witnessed a private hire driver illegally plying for hire outside GL1 leisure Centre on 11th June 2016, whilst conducting regular out of hours enforcement work. A prosecution is going forward and will be heard in Magistrates Court on 16th January 2017.

5.0 **Legislative Updates**

5.1 The Immigration Act 2016

Changes to the Immigration Act 2016 take effect on 1st December 2016 requiring all Local Authorities to carry out right to licence check/ right to work check on their Hackney Carriage and Private Hire Drivers and Operators. Failure to do so could result in action being taken by the Home Office. Licensing Officers and Customer Services have received further training on verifying original documents. Gloucester City Council already conducts right to work checks on taxi and private hire drivers but will ensure all drivers are re-checked in accordance with the Act. Any driver that holds a temporary right to work will not be issued a Licence exceeding that expiry date.

6.0 **Future Work**

6.1 Taxi and Private Hire Fees

The Licensing Team have reviewed the Taxi and Private Hire fees and the changes were advertised in a public notice in the Citizen on 18th October 2016. The fees for drivers and vehicle remained the same; however the fee structure for private hire operators was changed following agreement by Members at the Licensing and Enforcement Committee in April 2016. No objections were received to the proposed changes, they will take effect on 1st April 2017.

6.2 Street Trading Fees

The street trading fees were also reviewed for 1st April 2017. Revised proposed fees were advertised and consulted upon from 7th October 2016. No objections were received.

6.3 Late Night Levy

The Licensing Team started to consult on the Late Night Levy from 7th October 2016, after Cabinet agreed to consult on the proposal to introduce the levy to the City. The consultation ends on 7th December and the feedback will be reported back to Cabinet for a final decision by Full Council.

6.4 Best Bar None

Best Bar None assessments have now been completed and 21 premises are signed up for accreditation. An adjudication panel will decide on the winners of the categories on 13th December. The final award Ceremony will be held on 17th January 2017.

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