

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	13th June 2017
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 (January to March 2017), 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.

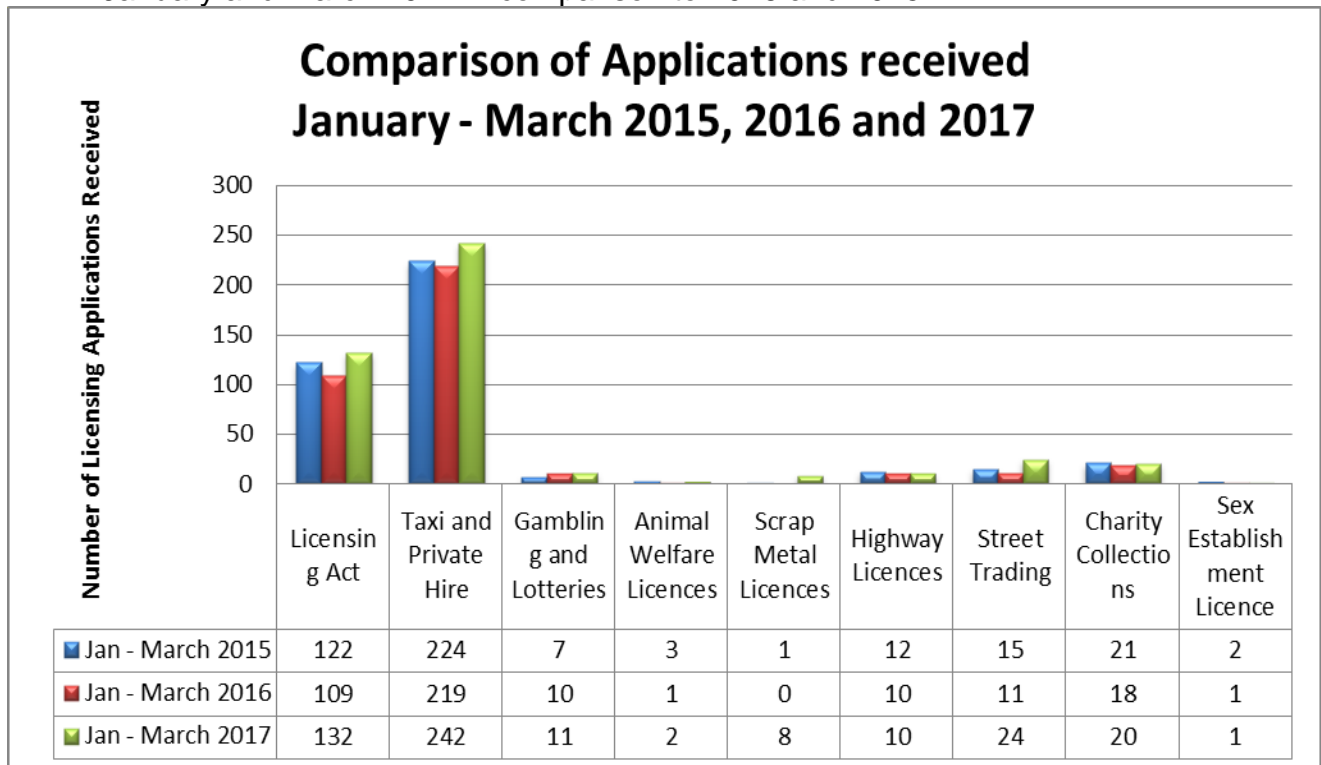
3.0 Updates on Licensing Activities in the last Quarter

- 3.1 During this quarter, the Licensing Team included five Licensing and Enforcement Officers which comprised 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 Licensing, Food Safety and Market functions.

Following a recent organisational restructure within the City Council, the licensing functions will now be carried out by both the City Improvement and Community Wellbeing Teams from 1st June 2017.

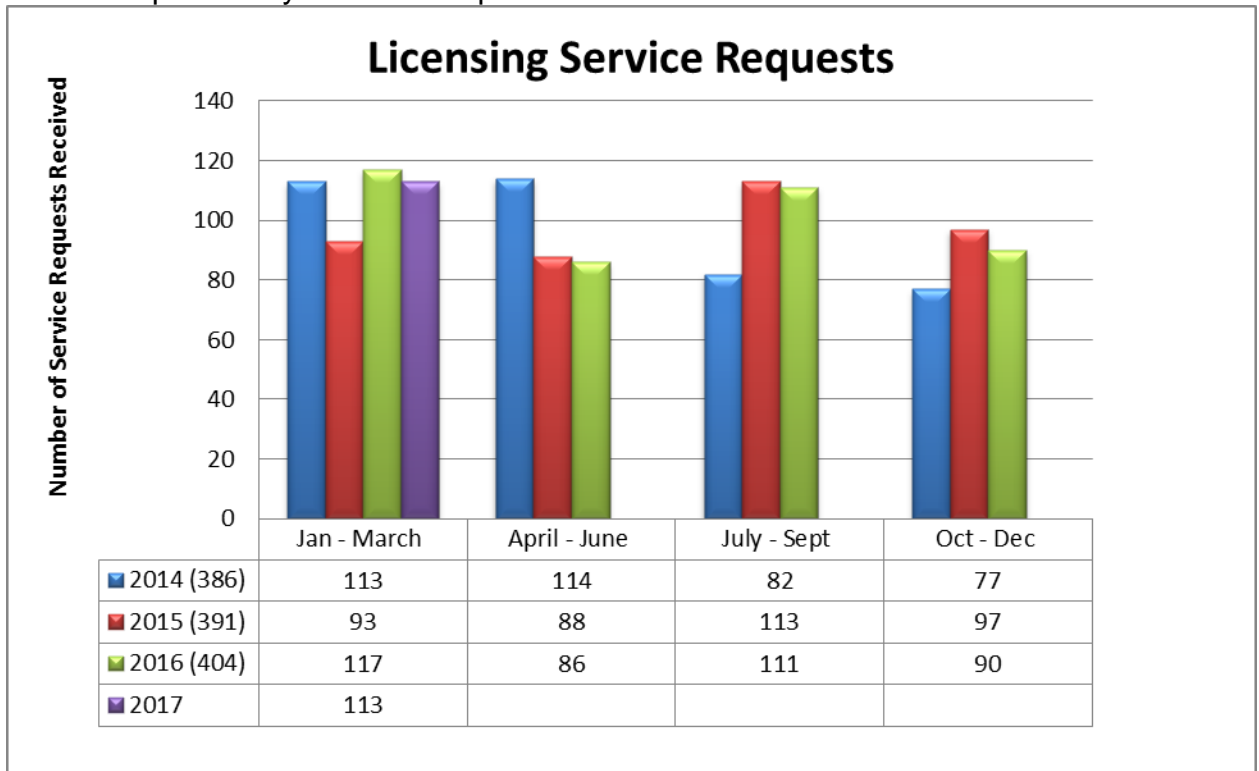
New Licensing Applications

- 3.2 Between 1st January 2017 and 31st March 2017 the Licensing Team received a total of 450 licensing applications, this is 33 more than we received in the previous quarter (October to December 2016) and 71 more than the number of applications that we received during January to March 2016 (379). In comparison to the last quarter, we received only 10 more applications for the Licensing Act and 8 more applications for scrap metal collections, which was expected as it has been three years since the Scrap Metal Dealers Act took effect and these licences last three years. We also received 24 applications for street trading, with only 7 received in the previous quarter, this included a number of applications for a street trading badge which all traders were requested to obtain from 1st April 2017. Figures of the number of licensing applications received this quarter and over the last three 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 23 fewer applications during January to March 2016 (219) as compared to this period in 2017 (242).
- 3.4 The graph below illustrates the numbers of applications received between January and March 2017 in comparison to 2016 and 2015.

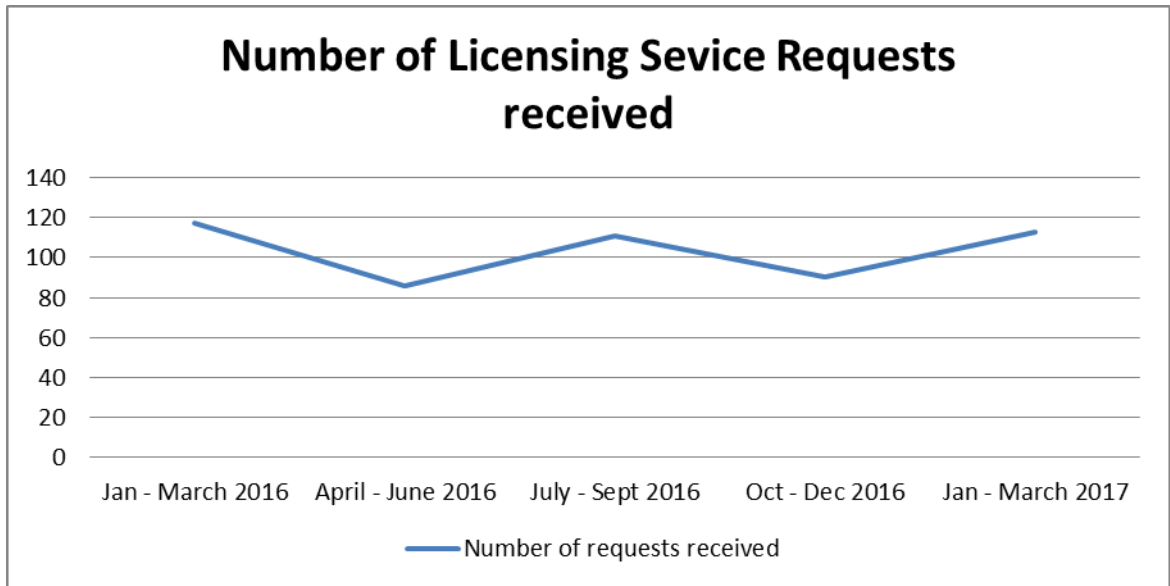


3.5 At appendix 1 there is a pie chart that shows the % of licence applications received by type of licence during January to March 2017. It shows that 54% of the applications received were relating to Hackney Carriage and Private Hire Licensing with 29% relating to Licensing Act applications, this is similar proportions to the total applications received during the last quarter and the full year of 2016.

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 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 January and March 2017 with previous years for that period.



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



4.0 Enforcement Work

Sub-Committees Held between February 2017 and April 2017

Taxi and Private Hire Hearing (Five Hearings)

- 4.1 On the 1st February 2017 a Private Hire Driver was referred to the Licensing and Enforcement Committee to consider its suitability to be licensed because he declared that he had received a conviction for fraud. The Committee took into account the circumstances and decided that the application should be granted because he was considered to be a fit and proper person to hold a Private Hire Drivers Licence.
- 4.2 On the 13th April 2017 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 six DVLA penalty points on his licence. 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.
- 4.3 On the 13th April 2017 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 six DVLA penalty points on his licence 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.
- 4.4 On the 25th April 2017 a new application for a Private Hire Driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to be licensed following the revocation of his previous Private Hire Drivers Licence. 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.

- 4.5 On the 25th April 2017 a Private Hire driver was referred to the Licensing and Enforcement Sub-Committee to consider his suitability to continue to be licensed following the suspension of his Private Hire Drivers licence with immediate effect pending a medical report. 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 continue to hold a Private Hire Drivers Licence.
- 4.6 On the 26th April 2017 a Private Hire Operator was referred to the Licensing and Enforcement Sub-Committee to consider their suitability to continue to be licenced following the accumulation of penalty points within a twelve month period. The Sub-Committee considered the applicant's explanation and decided to issue a written warning.

Licensing Act Sub-Committee Hearings (None)

Out of Hours Enforcement

4.7 Taxi and Private Hire Enforcement

Licensing and Enforcement Officers have continued to monitor activities of drivers and conditions of their vehicles. Since 1st January 2017 a total of 66 penalty points were issued for reasons including failure to notify us of convictions/cautions, failure to declare DVLA penalty points/convictions, failure to display bus lane stickers, insurance stickers and approved door panels.

In comparison, the total number of penalty points issued during 2016 was 244. 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.

A Fixed Penalty Notice was also issued to a PHV driver for smoking in a licensed vehicle. He also received six Council penalty points. This was the driver's second offence any further would result in a prosecution.

4.8 Requirement to complete the Taxi and Private Hire Driving Assessment

25 Hackney Carriage and 40 Private Hire drivers received Suspension Notices because they had not notified the Licensing Team that their successful completion of the Council's approved driving assessment. This is out of a total of around 380 drivers. One driver has appealed this decision to the magistrates court.

4.9 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.

Best Bar None award ceremony was held on 17th January 2017 to announce the winners of the different categories. This year 18 premises received accreditation plaques and the Overall Winner was 'Butlers' for the second year running.

Other Enforcement work

4.10 Operation with Cheltenham Licensing

The Licensing Team took part in an operation with Cheltenham Licensing Officers on 28th January 2017, focussing on illegal plying for hire by private hire vehicles and conducting road safety checks of licensed vehicles. The operation tested Private Hire's by either flag downs or by approaching a parked private hire and asking if they were available for hire in the vicinity of the Quays. All drivers that were tested for illegally plying for hire passed and refused the fares.

4.11 A joint enforcement exercise was conducted in partnership with County Council Officers working with Integrated Transport. This team conducts regular spot checks on all licensed vehicles across the County. Around Seven Gloucester PHV's were checked, minor offences and words of advice were given. Further work of this nature will be planned in the future.

4.12 Licensing Enforcement Officers have worked with Special Constables on a number of shifts. The Specials are part of a pro-active road safety and enforcement team. This looks at speed, seatbelts, mobile phone, standards of driving amongst many other things. These shifts are spent looking at the licensed vehicle fleet.

4.13 Court Cases

There are two court cases pending (both for illegal plying for hire). One is due to be heard on 31st July. The other is due on 12th June 2017, which is the second prosecution for same individual.

5.0 Legislative Updates

5.1 None

6.0 Future Work

6.1 Safeguarding Training

It is proposed to offer safeguarding awareness training to all of the Hackney Carriage and Private Hire drivers. Free training is currently available until 31st December 2017, from Gloucestershire Safeguarding Board in partnership with Gloucestershire Constabulary.

It will generally deal with the signs of child sexual exploitation (CSE), trafficking and other safeguarding issues and how licensed drivers can identify these issues and report them to the appropriate authorities. It is also intended to ensure that licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations being made against them. Drivers would be awarded a certificate of attendance on completion of the training.

6.2 Late Night Levy

The Licensing Team consulted on the Late Night Levy from 7th October to 7th December 2016 and the feedback was planned to be reported to Full Council for a final decision on 23rd March 2017. However, this report has now been deferred to the Council meeting on 24th July 2017.

The Licensing team have received notification that a ballot for a Gloucester Business Improvement District will be held from 1st June 2017 for one month. If the BID is adopted it could take effect on 1st August 2017. As BID's can support similar initiatives as a Late Night Levy through an objective for safer nights, the decision to adopt the Levy has been deferred until after the BID ballot is announced.

6.3 Scrap Metal Policy Review

The Licensing Team had scheduled to review the Council's scrap metal dealers licensing policy after it was adopted three years ago. The Government are currently evaluating the effectiveness of the Act since its introduction; the review will therefore be postponed until the outcome of this evaluation can be considered.

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