

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	12th June 2018
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Head of Place		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
Contact Officer:	Darren Mountford, City Centre Improvement Officer (Licensing Lead)		
	Email:	darren.mountford@gloucester.gov.uk	Tel: 396240
Appendices:	1. 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 2018), 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

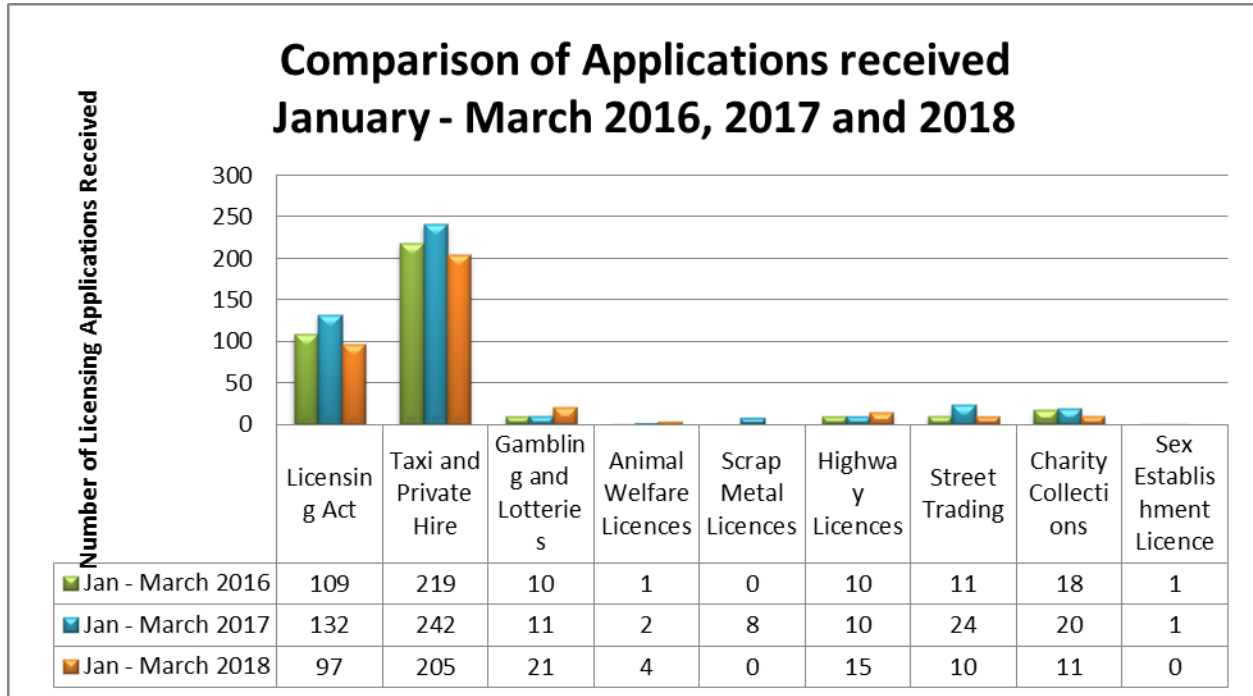
- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

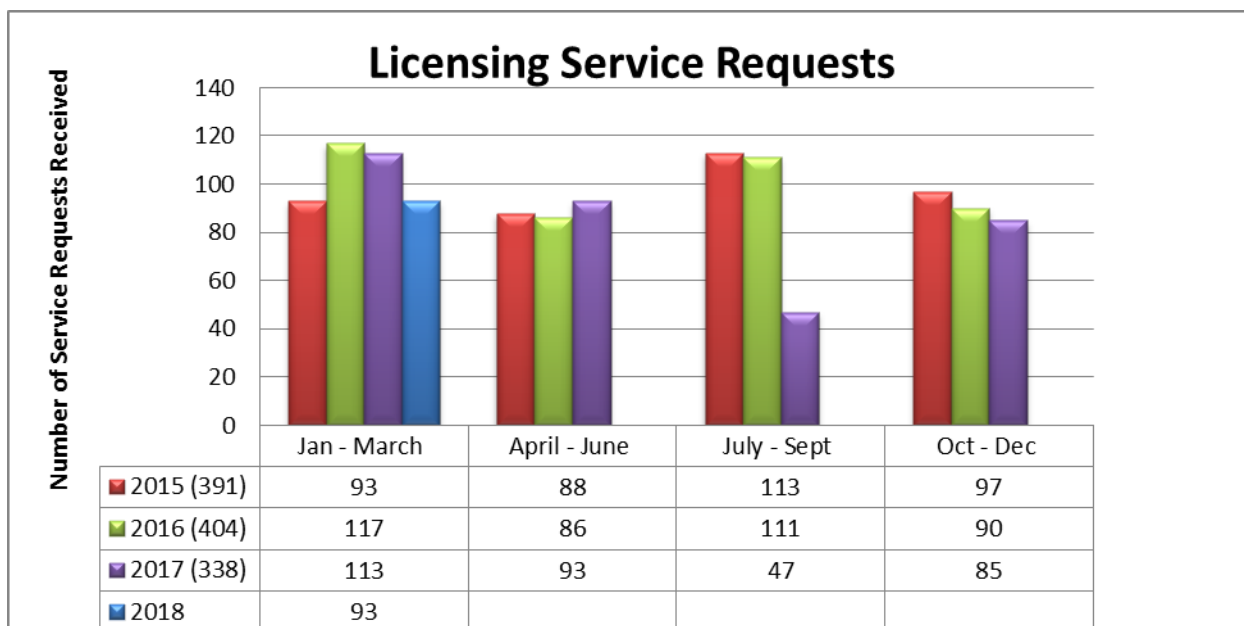
- 3.1 During this quarter, the licensing functions were carried out by the City Centre Improvement and Community Wellbeing Teams.

New Licensing Applications

- 3.2 Between 1st January and 31st March 2018 a total of 363 licensing applications were received, this is 39 less than we received in the previous quarter (October to December 2017)
- 3.3 The graph below illustrates the number of applications received between January and March 2018 in comparison to 2016 and 2015.



- 3.4 In addition to the administration of licensing applications a number of service requests are also received. These can consist of complaints and enquiries about various Licensing matters. The graph below compares the numbers received per quarter during 2015, 2016 and 2017.



4.0 Enforcement Work

Sub-Committees Held between March and May 2018

Taxi and Private Hire Hearing (three Hearings)

- 4.1 On the 21st March 2018 an application for a Hackney Carriage Vehicle Licence was referred to the Licensing and Enforcement Sub-Committee. The Vehicle was referred to the Sub-Committee on the grounds that the vehicle did not meet the specification required in relation to wheelchair accessible vehicles. Members granted the application and allowed the applicant to licence a saloon vehicle and continue with their grandfather rights.
- 4.2 Also on the 21st March 2018 an application for a new Private Hire Drivers Licence was referred to the Licensing and Enforcement Sub-Committee. The applicant was referred to the Sub-Committee to consider whether they were a fit and proper person. Members decided that the applicant was fit and proper and granted a Private Hire Drivers Licence subject to a condition that if they are awarded six or more internal penalty points in a rolling twelve month period, then they would be referred back to the Sub-Committee.
- 4.3 On the 16th May 2018 an existing driver was referred to the Licensing and Enforcement Committee to question whether they continued to be a fit and proper person to hold a Private Hire Drivers Licence. This driver had a total of 38 Council internal penalty points within a 12 month period. Members revoked the Private Hire Drivers Licence with immediate effect as they considered that the driver was no longer considered to be a fit and proper person.

Out of Hours Enforcement

4.4 Taxi and Private Hire Enforcement

City Centre Improvement Officers have continued to monitor activities of drivers and conditions of their Licence. Since the last update in March a further 199 penalty points were issued to drivers 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, approved door panels, Hackney Carriage drivers leaving their vehicle unattended on the Hackney Carriage rank and Private Hire vehicles parking on the Hackney Carriage rank.

In comparison, the total number of penalty points issued during 2017 was 144. 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.

4.5 Licensed Premises

The City Centre Improvement Officers have a close working relationship with the Police and Environmental Protection and regularly share information to ensure compliance at licensed premises.

Officers have identified breaches to Premise Licence conditions and are currently working with the Police in gathering the evidence with a view to prosecuting these premises.

Officers are also working with some of the licensed premises to make sure their conditions are more workable.

4.6 Gambling Premises

The Government has published its response to the review of gaming machines and other responsibility measures. This can be seen at the link below:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707815/Government_response_to_the_consultation_on_proposals_for_changes_to_gaming_machines_and_social_responsibility_measures.pdf

Key changes that maybe of interest:

- The maximum stakes on Fixed Odds Betting Terminals (FOBTs) will be reduced from £100 to £2.
- There is no intention to change the stakes and prizes on any other category of machine.

- Increased player protections on B1 and B3 machines will be introduced.
- The Gambling Commission will work with the industry to explore tracked play options on all Category B machines.
- Public Health England will carry out a review of the evidence relating to the public health harms of gambling.

It is unknown how quickly the changes to the FOBTs will come into force but there would need to be a lead in time to allow operators to make any necessary amendments to their machines.

4.7 Purple Flag

Members may or may not be aware that Gloucester is officially a Purple Flag City. This has taken several years of planning and it is great to see that Gloucester is recognised for all its efforts in partnership working by making its night time economy safe and vibrant.

5.0 **Legislative Updates**

- 5.1 The Animal Welfare (Licensing of Activities involving Animals) Regulations 2018 is still on target to come into force in October 2018.

6.0 **Future Work**

None

7.0 **Forward work plan and Conclusions**

- 7.1 The table in appendix 1 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.

(One Legal 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