

# Gloucester City Council

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| <b>Meeting:</b>         | <b>Licensing and Enforcement Committee</b>                                | <b>Date:</b>                              | <b>8 December 2020</b> |
| <b>Subject:</b>         | <b>Members Update for Licensing and Enforcement Committee</b>             |   |                        |
| <b>Report Of:</b>       | <b>Head of Place</b>  |   |                        |
| <b>Wards Affected:</b>  | <b>All</b>  |   |                        |
| <b>Key Decision:</b>    | <b>No</b>   | <b>Budget/Policy Framework:</b>           | <b>No</b>              |
|                         | <b>For Information</b>  |   |                        |
| <b>Contact Officer:</b> | <b>Darren Mountford, City Centre Improvement Officer (Licensing Lead)</b> |   |                        |
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| <b>Appendices:</b>      | <b>1. 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 from 1 September 2020 to 30 November 2020, 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.

## **Licensing Applications**

- 3.2 Between 1<sup>st</sup> September 2020 and 30<sup>th</sup> November 2020 a total of 273 licensing applications were received,
- 3.3 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.

## **4.0 Enforcement Work**

### **Sub-Committees Held between September 2020 and November 2020**

#### *Taxi and Private Hire Hearing (One Hearing)*

- 4.1 On 9 November 2020 a new Private Hire Vehicle Licence application was referred to the Licensing and Enforcement Sub-Committee. The application was referred to the Sub-Committee as the vehicle was over the age specification and was not of the latest emission standards. The vehicle was previously licensed with Gloucester City Council. The owner of this vehicle was unable to renew their licence due to unforeseen circumstances. Members decided on this occasion to depart from their policy and grant the Private Hire Vehicle Licence for a period of two years. Members gave detailed reasons to why they granted the application.

### **Out of Hours and daytime Enforcement**

#### **4.2 Taxi and Private Hire Enforcement**

Officers have started to carry out enforcement and have issued penalty points to Private Hire Vehicles not displaying door signs, not following the Highway Code and also caught a Tewkesbury plated Private Hire Vehicle unattended on the Oxbode Hackney Carriage rank. The driver has been reported for this offence to Tewkesbury Borough Council to take further action.

#### **4.3 Licensed Premises**

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.

Premises have continued to be monitored where reports have been received of social distancing measures not being adhered to.

Officers have worked with the Police and visited off licences to make sure that they are complying with their licence conditions and that all their paperwork is up to date.

We have also worked with the Police in and around the Kingsholm area where we have had voluntary agreements put in place with the off licences to not sell single cans of high strength beer, lager and cider for a period of 6 months.

## **Community Wellbeing**

### 4.4 Animal Licensing

- The website has been updated with Covid guidelines and a link provided to CFSG which has all the latest government guidelines.
- Officers are currently working on a potential prosecution for an unlicensed puppy farm – no concerns for welfare but unlicensed and evidence of lots of puppy sales. This came off the back of the Police executing a warrant on an unrelated matter.
- Officers are due to inspect our first commercial dog creche on 3 December which will be opening on the Bristol Road.
- An Officer is enrolled on the City & Guilds Level 3 Certificate in Inspecting Licensable Activities Involving Animals in January 2021. This is a requirement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 that inspectors are qualified by Oct 2021, if not then inspections will need to be contracted out.

### Scrap Metal

- The Policy will need to be reviewed when there are any changes to the legislation, Officers are happy at the moment that our policy is fit for purpose.
- Once the pandemic has ended Officers will arrange another multi-agency compliance exercise.

### Gambling Act

- Officers will restart pro-active inspections once the pandemic is over.
- The Policy is due to be reviewed next year for publication from Jan 2022.
- Central Government are carrying out a review of the Gambling Act 2005, this report is due to be published in 2021.

## 5.0 Legislative Updates

National standards announced for Hackney Carriage and Private Hire.

The new Statutory Taxi and Private Hire Vehicle Standards released at the end of July in which local authorities will be expected to implement are designed to improve consistency in the licensing system, reducing the risk of harm posed to children and vulnerable passengers in the process. It follows historic and serious cases of taxi and PHV drivers abusing their position of trust.

Criminal record checks for drivers every 6 months form a key part of the standards, as does safeguarding training to help drivers identify and respond to passengers that may be being abused or exploited. A recommendation for licensing authorities to consider whether the use of CCTV would be beneficial or proportionate in their areas is also included, which sets out that potential privacy issues must be taken into account.

Licensing authorities will be expected to fully implement these measures as soon as possible. The department will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.

See the link below to the document:-

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

We are still working with the rest of the Gloucestershire authorities to try and align our conditions and implement the changes that have been suggested within the standards above. We are looking to have the policies in draft form for the middle of next year.

## 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 12 months. As the year 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