

5 February 2020

Committee	Licensing
Date	Thursday, 13 February 2020
Time of Meeting	2:30 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES	1 - 12
	To approve the Minutes of the Licensing Committee meeting held on 17 October 2019 and the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 12 November 2019.	
5.	REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY	13 - 15
	To consider progress of the Hackney Carriage (Taxi) and Private Hire Policy review and the proposed timetable for completion.	
6.	LICENSING AUDIT ACTION PLAN	16 - 19
	To consider the progress made against the two outstanding actions within the Licensing Audit Action Plan arising from the licensing audit.	

DATE OF NEXT MEETING
THURSDAY, 18 JUNE 2020

COUNCILLORS CONSTITUTING COMMITTEE

Councillors: G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, J K Smith, R J G Smith, C Softley, M G Sztymiak, M J Williams and R J Stanley

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 17 October 2019 commencing
at 2:30 pm**

Present:

Vice Chair, in the chair

Councillor E J MacTiernan

and Councillors:

G F Blackwell, C L J Carter, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid,
J K Smith, R J G Smith, C Softley, R J Stanley and M G Sztymiak

LIC.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4.1 Apologies for absence were received from Councillor G J Bocking (Chair). There were no substitutes for the meeting.

LIC.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations made on this occasion.

LIC.6 MINUTES

6.1 The Minutes of the Licensing Committee meetings held on 21 March and 28 May 2019, the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 15 July and 16 September 2019, and the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 5 August 2019, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.7 LICENSING GENERAL UPDATE

- 7.1 Attention was drawn to the report of the Head of Community Services, circulated at Pages No. 16-32, which provided a general update on licensing. Members were asked to note the responses made in relation to the public consultation on the revised Hackney Carriage (Taxi) and Private Hire Policy; to note that a countywide Taxi Licensing Task Group had been established to consider opportunities to align standards and policies; to note progress in relation to the implementation of the revised definition of Houses in Multiple Occupation (HMOs) and the new Animal Welfare Regulations; and to approve that no change be made to the Hackney Carriage Tariff.
- 7.2 The Senior Licensing Officer advised that a revised Hackney Carriage (Taxi) and Private Hire Policy had been approved for public consultation at the Licensing Committee meeting on 21 March 2019 following review by a Licensing Working Group. The consultation had taken place between 3 June and 26 August 2019 and the Council had received responses from one local resident, five operators/drivers and one other licensing authority, Cheltenham Borough Council; a summary of the responses was attached at Appendix 1 to the report. One operator had requested a further meeting to discuss the proposals which was currently being arranged. Following that meeting, consideration would be given to the responses received and the policy amended as necessary with a view to bringing a revised version to the Licensing Committee in February 2020 for approval.
- 7.3 A Member queried what issues had been raised in the responses to date. The Senior Licensing Officer firstly explained that there were currently no national standards for the licensing of taxi and private hire drivers and each Council adopted its own policies; however, the government planned to introduce new statutory guidance following consultation earlier in the year, therefore, most licensing authorities were reluctant to rubber stamp any new policies until that had been introduced as they would be legally obliged to have regard to such guidance. In terms of the response from Cheltenham Borough Council, Members were advised that age of vehicles was a contentious issue – Cheltenham Borough Council currently required new taxi and private hire vehicles to be under five years and, once licenced, the upper limit was 14 years. Tewkesbury Borough Council's policy did not currently set an age limit but this issue had been considered by the Hackney Carriage (Taxi) and Private Hire Policy Review Working Group and the revised policy introduced an age limit of 10 years. Cheltenham Borough Council had raised an objection to the proposal because of the amount of private hire vehicles licensed by Tewkesbury Borough Council but working within Cheltenham Borough; this was a bone of contention as Cheltenham Borough Council was trying to promote cleaner air quality. The Member indicated that Tewkesbury Borough Council had recently passed a motion declaring a climate change emergency so he felt this was something which needed to be reflected upon. The Senior Licensing Officer explained that a lot of the comments from the licensed trade had also been in relation to the age limit - one operator which carried out school contracts on behalf of Gloucestershire County Council had indicated that the age limit proposed would force them to replace the majority of their vehicle fleet, the implication being that they would go out of business, and another operator who dealt solely in executive vehicles had stated that it would put them out of business. Notwithstanding this, he agreed that vehicle emissions was a very important issue and the majority of other Councils were bringing in policies to reflect that. A Member indicated that she had sat on the Working Group and confirmed that the age limit of vehicles had been considered extensively; representatives from the licensed trade had attended one of the meetings with the biggest concerns being raised by a company who provided a school service for the County Council and the operator of an executive car company. In terms of the school contractor, their vehicles had to be equipped with lifting platforms etc. and they received no funding for such adaptations. As a lot of

their vehicles were older, it would be incredibly expensive to replace the fleet and adapt new vehicles. The Working Group had felt that a 10 year age limit for newly licensed vehicles was appropriate as vehicles of that age were more environmentally friendly than older vehicles, furthermore, if a vehicle failed an emissions test it would not be licensed. A Member queried whether exemptions could be made for the type of vehicles mentioned and the Senior Licensing Officer confirmed that this could be done as a matter of policy, i.e. the policy could state that vehicles of that type would be exempt, or, as with all licensing stipulations, each case was considered on its own merits so it was possible to licence a vehicle outside of policy. The Member went on to ask which method would be preferable and if there were any unforeseen consequences of including an exemption of that nature. The Senior Licensing Officer explained that he would personally prefer the exemption to be written into the policy as it would otherwise mean that a lot of decisions would either be delegated to Officers - which although not a problem in itself, could mean that Officers would be making decisions which conflicted with the Council's policy – or there could be a lot of applications requiring a Committee determination.

- 7.4 A Member questioned whether it would be necessary to carry out further consultation if Members decided to adopt a different standard and the Senior Licensing Officer advised that consultation had already taken place in respect of an age limit for vehicles and if the Committee wished to alter the age limit proposed - for instance, from 10 years to five years in line with Cheltenham Borough Council - this decision could be made without the need for further consultation. Another Member questioned whether the policy would need to be re-considered and amended further in light of the Council's declaration of a climate change emergency and asked what approach was being taken to reviewing other Council policies in that regard. The Chair reminded Members that this would be considered by the Flood Risk Management Group which had been tasked with producing an action plan for making Tewkesbury Borough Council offices carbon neutral by 2030; that Group was due to meet the following week to commence that work. In response to a query, the Senior Licensing Officer confirmed that approximately 450 private hire vehicles were currently licensed by Tewkesbury Borough Council and only one hackney carriage vehicle. A Member questioned how many of those had disabled access and the Senior Licensing Officer advised that he did not have that figure to hand but there was at least one operator which specialised in wheelchair assisted vehicles.
- 7.5 The Senior Licensing Officer went on to explain that a countywide Taxi Licensing Task Group had been established as a result of an action arising from the Gloucestershire Economic Growth Joint Committee and aimed to find ways for licensing authorities across the county to work together to make improvements. The initial meeting had been for Members only and a further meeting had taken place on 7 October which had been attended by the Senior Licensing Officer along with the Chair of the Licensing Committee. It had been a very interesting meeting which had highlighted how closely the district licensing authorities already worked together, for instance, through the Gloucestershire Licensing Officer Group which shared best practice etc. Some of the issues discussed included Cheltenham Borough and Gloucester City Councils signing up to the national register of refusals and revocations which had been introduced by the Local Government Association in 2018 in order to keep a record of drivers whose licenses had been refused or revoked – prior to that licensing authorities had to rely on a signed declaration from new applicants as there had been no way to check – and the other licensing authorities in the county had committed to doing the same; the possibility of introducing county-level training for Members which would be discussed further at the next meeting; and a lengthy debate regarding electric vehicles and the infrastructure needed, both in the local area and beyond e.g. sufficient charging points across the country for taxi and private hire vehicles doing airport runs etc. – it

was noted that, at a recent meeting of Gloucester City Council, a motion had been put forward to propose that all of Gloucester's hackney carriage and private hire vehicles should be carbon neutral by 2030. In addition, the Task Group wanted to speak to vulnerable users to understand what could be done to help the licensed trade. The point had been made that each district was very different and, whilst there was no shortage of trade in big urban areas such as Cheltenham and Gloucester, it was already quite difficult for the public to get a taxi in Tewkesbury Borough and the more restrictions and requirements that were introduced, the worse that would be. The Senior Licensing Officer confirmed that himself and the Chair would be attending the next meeting of the Task Group.

- 7.6 Members were advised that, as set out at Page No. 18, Paragraph 3.1 of the report, following the change to the definition of a House in Multiple Occupation (HMO) in October 2018, the Council had initially received enquiries from an additional nine landlords; of those, six had either withdrawn or did not qualify as a HMO and the remaining three would be licensed subject to this status being signed-off by the tenants which was expected to be completed within the next few weeks. Once the HMOs were licensed, they would be added to a register on the Council's website. The Chair drew attention to Paragraph 3.3. of the report which set out that an unlicensed HMO had been identified following a complaint regarding the condition of a property and, as the landlord had failed to take up the opportunity to licence the property, a prosecution file had been presented to court. She was pleased to report that, following further discussions, the landlord had emailed the Licensing team that morning to confirm they would be applying to register as a HMO.
- 7.7 A Member indicated that he had recently read a report about the links between HMOs / Air B&B's and human trafficking and prostitution and he questioned whether this was something which had been encountered in Tewkesbury Borough. The Senior Licensing Officer advised that it was not something he was aware of. A Member raised concern that there must be more than three additional properties within the borough which met the new definition of HMOs and he questioned whether literature could be sent out to owners of these buildings advising them of the change. The Chair indicated that it was very difficult to establish which properties were HMOs as landlords were generally unwilling to come forward themselves so Officers were somewhat reliant on reports from the public. A brief debate ensued as to how to raise public awareness and it was agreed that the best approach was to include an article in the Tewkesbury Borough News. In response to a query, confirmation was provided that the Licensing team was able to link with other departments, such as Council Tax and Benefits, to try to identify potential HMOs. A Member sought clarification as to how long a licence was valid for and was advised that, once issued, a licence lasted for five years.
- 7.8 The Senior Licensing Officer went on to advise that new animal welfare regulations had been introduced at the end of 2018 and this had become a large area of work for the Licensing and Environmental Health teams. Page No. 18, Paragraph 4.1 of the report set out that a total of 61 applications had been received relating to animal activities and, of those, 47 had been approved and issued, 10 were in progress and four had been refused or a refusal had been recommended. The new regulations covered licensing of riding establishments, pet shops, dog breeders and catteries and all premises had to be inspected very extensively by a qualified officer – as the Council currently only had two qualified Officers, he was pleased with the progress made to date. He explained that of the four applications that had been refused, or a refusal was recommended, three were ongoing as Officers had inspected them and recommended refusal but the issue related to the change in standards, for example, record keeping requirements, and the animals were not in danger. In those instances, Officers talked to the business about how they could achieve the required standard, they could then be re-inspected and, if appropriate, issued with a licence at the lowest level i.e. a one star rating for a one year period. He stressed that only one application had been categorically refused and, in that case, Officers had

offered to work with the applicant but that offer had been declined and the applicant had chosen to appeal the decision through a tribunal which had since been withdrawn.

- 7.9 A Member queried whether the star rating system would be similar to that used for food hygiene and the Senior Licensing Officer confirmed that was the case and, ultimately, that information would be available on the Council's website. He reiterated that any premises which did not receive a five star rating would be advised what they needed to do to improve and they could pay to be re-inspected at any time. He stressed it was very much about working with businesses and all authorities in Gloucestershire were approaching it in much the same way i.e. trying to raise standards rather than close premises. In response to a query, the Senior Licensing Officer explained that it might be possible to introduce a bye-law for dog walkers, who were exempt from the new animal welfare licensing regime, but there would be resource implications of doing so. Tewkesbury Borough Council could look to introduce a registration scheme, as had been done at Stroud District Council, whereby anyone that chose to sign-up had to follow certain rules in order to appear on the authority's website as an approved dog walker. A Member sought clarification as to whether the new regulations applied to businesses and premises only and was advised that it covered anyone acting as a business, for example, an individual who bred dogs to show competitively and decided to sell some of the surplus puppies for a certain amount of money would be caught in the regime and would need to be licensed.
- 7.10 Members were advised that there were two actions outstanding on the Licensing Audit Action Plan. The first related to the changes to the animal welfare regulations and the introduction of a charging scheme. Whilst the Council should not be making a profit, it should be cost-neutral which was not currently the case. The service was in the process of being reviewed to establish its cost in order to ensure the fees were appropriate and this would be introduced in January 2020. The second action related to a programme of inspections for licensed premises. It was noted that there was currently no risk rating for licensed premises with inspections being carried out only in response to complaints. It was intended to introduce a simple rating system, e.g. a village shop selling alcohol would be low risk so would need to be inspected infrequently, or when a problem occurred, whereas a public house might need to be inspected more often. This project had been delayed due to resources but the Senior Licensing Officer intended to put the inspection programme in place by April 2020, as opposed to April 2019 as incorrectly stated in Appendix 2 to the report, and an update would be provided at the next meeting.
- 7.11 The final item for discussion was the Hackney Carriage tariff. Members were advised that Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allowed a district council to fix and vary maximum tariffs for hackney carriages in the area. The current tariff had last been approved by the Licensing Committee in 2018 and was attached at Appendix 3 to the report. As there was only one licensed hackney carriage within Tewkesbury Borough, the driver had been consulted and had confirmed they were happy with the current tariff. There had been no other representations from the trade or members of the public, therefore it was recommended that the tariff remain unchanged for the forthcoming year. It was subsequently

- RESOLVED**
1. That the responses made in relation to the public consultation on the revised Hackney Carriage (Taxi) and Private Hire Policy be **NOTED**.
 2. That establishment of the countywide Taxi Licensing Task Group be **NOTED**.
 3. That progress made in relation to the implementation of the revised definition of Houses in Multiple Occupation (HMOs) and the new Animal Welfare Regulations be **NOTED**.
 4. That renewal of the current Hackney Carriage tariff be **APPROVED** until 31 October 2020.

LIC.8 SEPARATE BUSINESS

8.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.9 SEPARATE MINUTES

9.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 15 July and 16 September 2019, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 3:20 pm

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 12 November 2019 commencing at 10:30 am

Present:

Chair

Councillor E J MacTiernan

and Councillors:

P W Ockelton and M J Williams

LSB/A.5 ELECTION OF CHAIR

5.1 It was proposed, seconded and

RESOLVED That Councillor E J MacTiernan be appointed as Chair for the meeting.

LSB/A.6 ANNOUNCEMENTS

6.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

7.2 There were no declarations made on this occasion.

LSB/A.8 APPLICATION FOR A PREMISES LICENCE - 9 CHURCH ROAD, BISHOP'S CLEEVE

8.1 The report of the Senior Licensing Officer, circulated at Pages No. 1-71, outlined an application for the variation of a premises licence in respect of 9 Church Road, Bishop's Cleeve, Cheltenham, Gloucestershire, GL52 8LR. The Licensing Sub-Committee was asked to determine the application by either granting the application; modifying the conditions on the licence; or refusing the application.

8.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. The Senior Licensing Officer advised that an application had been received under the Licensing Act 2003 relating to a new premises licence at 9 Church Road, Bishop's Cleeve. The application sought authorisation for the sale of alcohol between the hours of 1000 and 2300 every day. As part of the application process, the applicant had provided an operating schedule which set out the steps he intended to take to promote the four licencing objectives as set out at Page No. 3, Paragraph 2.3 of the report. The licensing objectives were: the prevention of crime and disorder; the prevention of public nuisance; the protection of children from harm; and, public safety. Whilst no

representations had been made by any responsible authorities during the consultation period, five representations were received from other people in relation to the application and they were set out at Appendix C to the report. The applicant had provided a response to some of the comments made which was circulated around the table. As a consequence of the representations the application had been referred to the Licensing Sub-Committee for determination. The Sub-Committee was asked to determine the application either by granting the application as requested; modifying the conditions of the licence; or rejecting all, or part, of the application.

- 8.3 As there were no questions for the Senior Licensing Officer, the applicant was invited to present their case. The applicant explained that the premises was previously a café which had closed approximately a year before he had taken over due to the owner retiring as a result of ill health. He felt it was time to bring something to the village to benefit the community and breathe some life back to the High Street. It was a small establishment with a capacity of 50-60 and was intended to be a wine bar/café with background music at a level that would ensure people could still have a conversation. He stressed that he was not looking to compete with the two public houses in the area, one of which was sports focused and the other music oriented, his ethos was very much around supporting local businesses and he intended to stock drinks made by local distilleries, for instance, Cotswold Gin and Brennan and Brown which did not have outlets currently. He confirmed that he did not have the ability to mass stock so he would have small quantities and if someone liked something, he could order it in. The applicant's business partner reiterated that the premises would be a coffee shop during the day and the licence would come into effect in the evening when it would become a place for people to sit and talk over a glass of wine which was an alternative to sitting in an area dominated by sports fans.
- 8.4 A Member queried whether the applicant was applying for the correct licence for the music they wanted to play and was informed that music would be pre-recorded as opposed to live so this did not require a licence. In terms of clientele, whilst it was anticipated that the venue would appeal to those aged 25 and over, Challenge 25 would be operated so that any person who appeared to be under 25 would be required to provide relevant photo identification and that would be prompted by the software system for the tills etc. In addition, the applicant hoped to introduce a Pub Watch type scheme, which was not currently in operation in the area. A Member questioned how many staff would be employed and was advised that there would be five to six in total with one full-time bar manager. He hoped to attract people with a genuine interest in the business who would be able to have a conversation with customers and he confirmed that training would be provided. The applicant indicated that he was working with Bishop's Cleeve Parish Council about the possibility of introducing Cleeve in Bloom to make the area more appealing by bringing in flower beds etc. In response to a query, confirmation was provided that it was intended to use raised flower beds and other businesses would be asked if they would be interested; it was noted that the Indian restaurant next door had been very supportive about sharing a flower bed.
- 8.5 A Member questioned whether there would be a smoking area and was advised there was an area at the side, between the café and the hairdresser next door, that would be used as the main smoking area, or people could sit outside to smoke or vape. Another Member questioned whether ashtrays would be provided and was informed that during the summer something would be available on the tables but in the quieter season there would be something in a fixed position for people to stub out their cigarettes.

- 8.6 In response to a query, the applicant advised that he intended to link up with the café, located a couple of doors away, by providing extra seating at times when it was at full capacity and working in a mutually beneficial way. In terms of the food that would be served, Members were advised that pastries, croissants and doughnuts would be served daily and later in the evening there would be a small tapas-style menu and 'posh' bar snacks rather than heavy meals. The applicant's business partner confirmed that the existing local businesses were all very supportive of the proposal which would offer something different and not impact on anyone else. A Member questioned whether food would be prepared on site and was advised that this had not been finalised with the chef but it was likely it would be prepared off-site and reheated on-site.
- 8.7 A Member noted that an objection had been made to the proposal on the grounds of noise travelling upstairs and they queried whether the applicant was planning any acoustic measures. In response, the applicant's business partner confirmed that this had already been addressed to the appropriate standard when it had been changed to commercial from domestic units, for example, additional insulation had been installed and the ceilings had been lowered. Signs would be displayed outside asking customers to respect the neighbours but he stressed that the emphasis was on creating a relaxed atmosphere and the sound level would be similar to when it was operating purely as a café. A Member pointed out that acrylic glasses, which were proposed to be used at outdoor tables, were quite lightweight and he questioned whether this could cause any issues in terms of them being knocked over by the wind. The applicant provided assurance that he would find the most appropriate glass alternative and staff would be required to visit the outdoor area frequently to ensure it was not too noisy and to collect glasses etc. The Senior Licensing Officer noted that the application stated that acrylic glasses would be used at outdoor tables so this would become a condition of the licence, if granted by the Sub-Committee; however, the applicant had suggested that the precise material was yet to be decided. The applicant confirmed they did not necessarily have to be acrylic, provided that he was compliant in health and safety terms, so he was happy for the wording of the condition to be amended if that was considered to be more appropriate. The Senior Licensing Officer suggested that, if it was intended to manage the situation based on the weather/seasons then it may be more appropriate to have a condition which did not restrict the type of glassware to one particular type so that was something which would be considered by the Sub-Committee in its determination.
- 8.8 The Chair invited the applicant to make any final comments. In summing up, the applicant and his business partner indicated that they both lived in the village and had children who attended the local schools so they wanted to see the area thrive. This was a project they were both very excited and passionate about and it was hoped that the Sub-Committee would feel able to support the application and grant the licence.
- 8.9 The Chair indicated that the Sub-Committee would retire to make its decision.

8.10 When the meeting reconvened, the Chair advised that, having considered the application, all of the evidence presented, the representations made by all parties, the licensing objectives, the national guidance and the Council's own licensing policy, it was

RESOLVED That the premises licence be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 11:08 am

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Tuesday, 12 November 2019

Premises: 9 Church Road, Bishop's Cleeve, Cheltenham, Gloucestershire, GL52 8LR.

Applicant: Peter Trowse

Application for a premises licence under the Licensing Act 2003.

Present: Councillors E J MacTiernan (Chair), P W Ockelton and M J Williams.

Representatives of applicant: Dan Pope – Applicant's business partner.

Other parties addressing the Sub-Committee: None.

SUMMARY OF REPRESENTATIONS

1. No responsible authorities made representations in relation to the application.
2. Five representations were made by other persons, all of whom wished to object to the application.

THE APPLICATION

Relevant licensable activities and hours applied for:

The sale by retail of alcohol Every day 10:00-23:00

The opening hours of the premises Every day 10:00-23:00

Non-standard timings:

On the days of the spring and autumn meetings at Cheltenham racecourse - known as The Showcase (October), the Festival (March) and the November Meeting – the opening hours of the premises will be extended to 08:00 - 23:00. This extension applies only to the opening hours, not the sale of alcohol.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following conditions being added to the licence:

1. All mandatory conditions.
2. Conditions consistent with the operating schedule proposed by the applicant as follows:
 - A staff training scheme will be implemented and records will be updated on a regular basis.
 - CCTV will be maintained in good working order and recordings will be kept for 28 days.
 - The alarm system will be maintained in good working order.
 - Staff will ensure litter generated by the outside seating area is cleared away on a regular basis.
 - Challenge 25 will be operated so that any person who appears to be under 25 will be required to provide a relevant photo ID [to prove that they are over 18].
3. Condition proposed by the applicant and amended by the Sub-Committee as follows:

The management will monitor the situation where the outside tables and chairs are located to decide, on a day-by-day basis, the appropriate glassware/acrylic glassware to be used in that position.

REASON

The Sub-Committee was satisfied that all of the conditions attached to the licence would promote the licensing objectives.

The Sub-Committee had regard to the Human Rights Act 1990 and the European Convention on Human Rights as well as its duty to the Crime and Disorder Act 1998; however, it found that it had heard no evidence that any person's human rights would be infringed by granting the application, nor was it sufficient to convince the Panel that any significant crime and disorder or public nuisance would be caused by granting the application.

All interested parties had a right of appeal to the local Magistrates Court within 21 days of the decision.

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	13 February 2020
Subject:	Review of Hackney Carriage (Taxi) and Private Hire Policy
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

Tewkesbury Borough Council has the responsibility to regulate Hackney Carriage and Private Hire vehicles, drivers and operators under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The Council's Hackney Carriage (Taxi) and Private Hire Policy was last approved in 2016 and a review of the policy was undertaken in 2019. A draft revised policy was put out to public consultation between 3 June and 26 August 2019.

A report was brought before the Licensing Committee at the last meeting in October 2019 to consider the draft policy and to note the consultees' responses. This report is to provide an update on the progress of the review.

Recommendation:

To CONSIDER the progress of the Hackney Carriage (Taxi) and Private Hire Policy review and the proposed timetable for completion.

Reasons for Recommendation:

To keep Members of the Licensing Committee apprised about the progress of the review of the policy.

Resource Implications:

There are no significant resource implications arising from this report.

Legal Implications:

There are no legal implications in relation to this report.

Risk Management Implications:

None.

Performance Management Follow-up:

The comments received during the consultation will be considered, together with the outcomes of the Countywide working group and government guidance, and the Hackney Carriage (Taxi) and Private Hire Policy will be amended accordingly. The amended Policy will be brought back to the next Licensing Committee for approval.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 Tewkesbury Borough Council has the responsibility to regulate the hackney carriage and private hire vehicles, drivers and operators under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

2.0 REVIEW OF TEWKESBURY BOROUGH POLICY

2.1 The Council commenced a review of its licensing policy in 2019, carrying out a public consultation between June and August 2019.

2.2 Seven responses were received: one from a local resident, five from licensed operators / drivers and one from a neighbouring licensing authority. These were brought before the Licensing Committee in October 2019 to note the responses.

2.3 At the same time, a Countywide Taxi Licensing Task Group was established by Gloucestershire County Council following an action arising from a meeting of the Economic Growth Joint Committee. The Group includes Elected Members from the Licensing Committees of all of Gloucestershire's licensing authorities and its intention is to agree a consistent approach to taxi and private hire licensing in the county. At the last Licensing Committee meeting, Officers advised that, if the Committee deemed it appropriate, the Council could incorporate any such recommendations from the Working Group into this policy review.

2.4 At the beginning of January, the Countywide Taxi Licensing Task Group carried out a public consultation among taxi and private hire users in Gloucestershire to establish what people's priorities and concerns are in relation to taxis and private hire vehicles. The Working Group is due to meet again on 20 February 2020 to consider the results of the survey and to finalise any recommendations the Group will make to the County's Licensing Committees. Those recommendations may be incorporated into the current policy review, if appropriate, and a report will be brought before Tewkesbury Borough Council's Licensing Committee for consideration at its next meeting.

2.5 Also in 2019, the Department for Transport carried out a consultation on statutory guidance for licensing authorities: *Taxi and Private Hire Vehicle Licensing: Protecting Users*. Officers will consider the recommendations therein and will incorporate them into the report to be considered by the Committee.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 A draft revised policy was consulted upon between June 2019 and August 2019 and the responses received have been circulated to the Licensing Committee.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Hackney Carriage (Taxi) and Private Hire Licensing Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Taxi and Private Hire vehicle licensing: best practice guidance (Department for Transport)

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: Hackney Carriage (Taxi) and Private Hire Policy

Contact Officer: Senior Licensing Officer
01684 272271 phil.cooper@teWKesbury.gov.uk

Appendices: None

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	13 February 2020
Subject:	Licensing Audit Action Plan
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	1

Executive Summary:

There are two ongoing items on the Licensing Audit Action Plan, those being:

- a review of the fees [for licensing under The Animal Welfare Regulations 2018] to ensure full cost of the service including home visits; and
- a programme of inspections for licensed premises [under the Licensing Act 2003 – alcohol, regulated entertainment and late night refreshment] will be carried out in the 2018 calendar year. Based on the inspections, a risk assessment will then be performed and entered into the Uniform system.

Recommendation:

To CONSIDER the progress made against the two outstanding actions within the Licensing Audit Action Plan arising from the licensing audit.

Reasons for Recommendation:

To keep Members apprised of progress relating to two outstanding items on the Licensing Audit Action Plan.

Resource Implications:

There are no significant resource implications arising from this report.

Legal Implications:

None

Risk Management Implications:

None

Performance Management Follow-up:

Officers will continue to progress the two outstanding items to completion.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

- 1.1** There are two ongoing items on the Licensing Audit Action Plan, those being
- A review of the fees [for licensing under The Animal Welfare Regulations 2018] to ensure full cost of the service including home visits; and
 - A programme of inspections for licensed premises [under the Licensing Act 2003 – alcohol, regulated entertainment and late night refreshment] will be carried out in the 2018 calendar year. Based on the inspections, a risk assessment will then be performed and entered into the uniform system.

2.0 UPDATE ON OUTSTANDING ITEMS ON THE LICENSING AUDIT ACTION PLAN

- 2.1** Due to ongoing personnel changes, these two items have not yet been completed; however a Business Transformation Team is currently being recruited by the Council whose initial priority will be the streamlining of the Licensing service and the adoption of new technological solutions for the service, thus releasing officer time to be able to carry out other activities such as inspections, compliance, enforcement and reviewing fee structures.

2.2 Animal Licensing Fees

- 2.2.1** Work is underway to determine the cost of providing the animal licensing service under new Regulations introduced at the end of 2018. Officers are recording the time expended on this activity and, once sufficient data has been gathered in relation to the cost of providing the service, the existing fees will be revised accordingly to ensure that the Council is recovering its costs. This work is expected to be completed by October 2020.

2.3 Risk Rating of Licensed Premises under the Licensing Act 2003

- 2.3.1** A template has been developed for determining the risk posed by licensed premises to the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm, and public safety) based on the activities provided by the premises and the opening hours, among other factors. A desktop exercise will be undertaken whereby all of Tewkesbury's licensed premises will be given a rating, and officers will then commence inspections – with other Council officers, Police or other partners as appropriate – based on the risk score given to each premises. The frequency of inspections has yet to be determined. It is anticipated that this programme will be in place by October 2020.
- 2.3.2** A copy of the draft template for assessing the risk to the Licensing Objectives is attached at **Appendix A**.

3.0 OTHER OPTIONS CONSIDERED

- 3.1** None

4.0 CONSULTATION

4.1 None

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Licensing Act 2003 - Statement of Licensing Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The Licensing Act 2003

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The Licensing Act 2003

Tewkesbury Borough Council Licensing Act 2003 Statement of Licensing Policy

Contact Officer: Senior Licensing Officer
phil.cooper@tewkesbury.gov.uk 01684 272271

Appendices: Appendix A – Premises licences: draft template for assessing the risk to the Licensing Objectives.

TEWKESBURY BOROUGH COUNCIL – FOR OFFICIAL USE ONLY**Licensing Act 2003 Premises Licences – Risk Rating Breakdown**

Licensing Profiles			
<u>Venue type (choose the most appropriate)</u>		<u>Latest permitted opening hours</u>	
Late bar / nightclub – 5 points		Later than 2am – 5 points	
Pub / bar – 4 points		Midnight to 2am – 4 points	
Off-licence or late takeaway – 3 points		9pm to midnight – 3 points	
Supermarket / restaurant / hotel – 2 points		6pm to 9pm – 2 points	
School / community premises – 1 point		Earlier than 6pm – 1 points	
Hotel open to residents only – 0 points		Not open to the public – 0 points	
Score		Score	
<u>Complaints history</u>		<u>Confidence level from previous inspections</u>	
Persistent complaints – 4 points		No confidence – 4 points	
Regular complaints – 3 points		Low confidence – 3 points	
Isolated complaints (>2) – 2 points		Reasonable confidence – 2 points	
Isolated complaints (<2) – 1 point		High confidence – 1 point	
None – 0 points		Total confidence or N/A – 0 points	
Score		Score	
		Total score	

Total Points	Risk Rating	Inspection Frequency*
16-20	High risk	
11-15	Medium risk	
6-10	Low risk	
1-5	Very low risk	

*Inspection frequency should be shortened on a case-by-case basis if there is a serious risk to public safety, public nuisance, crime and disorder or the wellbeing of children.