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LICENSING & REGULATORY COMMITTEE AGENDA

Date: Friday, 27 November 2020

Time: 10.00 am

Venue: Virtual Meeting on Microsoft Teams

19 November 2020

PART 1

1. Apologies for absence, if any.
2. Minutes of the Meeting of the Licensing and Regulatory Committee held on 06 March 2020 (**Pages 3 - 6**)
3. Urgent items of business, if any.
4. Declarations of interest, if any.
5. COVID-19 Update (**Pages 7 - 18**)
6. Enforcement Activity (**Pages 19 - 22**)
7. Chair/Members' Questions/Issues.
8. Date of Next Meeting - 19 March 2021

MARK TRILLO EXECUTIVE DIRECTOR & MONITORING OFFICER

Membership of Licensing & Regulatory Committee

Councillor L D Lea (Chair)	Councillor I Lawson (Vice-Chair)
Councillor J Aberley	Councillor B Cawley
Councillor E Fallows	Councillor B A Hughes
Councillor B Johnson	Councillor T McNicol
Councillor I Plant	Councillor D Shaw
Councillor L Swindlehurst	Councillor I Whitehouse

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING & REGULATORY COMMITTEE MEETING

Minutes

FRIDAY, 6 MARCH 2020

PRESENT: Councillor L D Lea (Chair)

Councillors J Aberley, E Fallows, B A Hughes, B Johnson,
T McNicol, I Plant, L Swindlehurst and I Whitehouse

IN ATTENDANCE: A Patterson Head of Environmental Health

APOLOGIES: Councillors I Lawson and D Shaw

16 **MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD ON 29 NOVEMBER 2019**

RESOLVED – That the Minutes of the meeting of the Licensing and Regulatory Committee held on 29 November 2019 be **APPROVED** as a correct record and signed by the Chair.

17 **URGENT ITEMS OF BUSINESS, IF ANY.**

There were no urgent items.

18 **DECLARATIONS OF INTEREST, IF ANY.**

There were no declarations made.

19 **INTOXICATED UPDATE**

Alicia Patterson updated members on the situation following the launch of the Intoxicated campaign in Leek. The January meeting of 'Pub Watch' was attended by the Council's Licensing Team and the Police. Feedback was given on the campaign by all participants. The Police reported that the officers on duty over Christmas had noted that all the participating premises had used the promotional materials and that the 'intoxicated' message was highly visible and distinctive.

Police noted that incidents of Anti-Social Behaviour, violence and disorder associated with drunken behaviour were noticeably down on previous years. The campaign message was welcome as an additional tool in managing alcohol-related crime and disorder.

Pub Watch members reported a good response from staff in wearing the promotional material and bar staff were more confident in refusing service or reporting worries to more senior staff.

Most premises had shared or tweeted social media messages from the Police or Council and had posted pictures of staff wearing the T-Shirts behind the bar in support of the campaign message. Pub Watch members were prepared to

Licensing & Regulatory Committee - 6 March 2020

promote the message again when local or national events were likely to result in increased activity in the town.

The Licensing team had been invited to attend a Police Open Day in Stafford in March 2020 where officers Staffordshire-wide would have the opportunity to see the campaign details with a view to extending it across the Force. There were plans to launch the scheme in Biddulph around Easter 2020 and to further extend to Cheadle.

RESOLVED – That the report be **NOTED**.

20 LICENSING ENFORCEMENT UPDATE

The report covered enforcement activity carried out over the period between November 2019 to February 2020.

Details were as follows:-

Frequency	Enforcement Activity
53	Temporary Event Notices Issued with Alcohol
20	Late Temporary Event Notices issued with Alcohol
4	Temporary Event Notices issued without Alcohol
0	Street Trading Permits
9	Licensing officer and Police joint visits
15	House to House Collection Permits Issued
16	Street Collection Permits Issued

A variety of breaches were identified in the course of these activities, but were addressed by a voluntary change of behaviour on the part of the licence holder or via specific action by the Licensing Service and partners. No legal action or criminal sanction was necessary in any instance.

It was noted that there were no breaches or complaints received relating to smoking on licenced premises.

A number of Camels had been imported to a farm in the Kingsley Moor area. These were identified under Category 1 of the Dangerous Wild Animals Act and an Animal Welfare Officer and specialist Vet had been on site to assess the situation. It was established that the animals were imported for promotional activities but with a poor business case to support such activities. It was the responsibility of the Licensing Service to ensure the safety and welfare of the animals.

The Safety Advisory Group was now up and running, receiving positive feedback. It was important to ensure adequate marshalling was in place whenever there was a Road Closure in force.

RESOLVED – That the report be **NOTED**.

21 CHAIR/MEMBERS' QUESTIONS/ISSUES.

Questions were Raised as follows (*responses in brackets*):-

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- Taxis - Climate Change Concerns regarding Taxis leaving engines running, particularly outside schools. Also, given the Corona Virus outbreak, could hand sanitizer gel be recommended for installation in Taxis? There was only 1 designated Taxi space on the larger public car parks in the area. *Could this be increased? (There was a Staffordshire-wide anti-idling campaign running which would be rolled out through the area. A report was presented at the last meeting of this Committee regarding emissions from Taxis and this was gathering pace. The Licencing Service would look at the installation of hand sanitizer gel in Taxis. Advice was being received on a daily basis regarding the Corona Virus and information would be published on the Council's website and local press where appropriate. The Council would need to survey car parks to establish whether there was a need for more Taxi spaces on car parks and the County Council would need to be involved. If there was a problem with Taxis taking up spaces preventing public use, enforcement action could be taken.)*
- Licences – Could we recommend that no single-use plastic be used? *(Food Inspections involved the use of a pro-forma with the intention of gathering information regarding the type of packaging used.)*
- Puppy-breeding – Was there an update on new legislation regarding breeding and boarding? *(New legislation was introduced in late 2019 and the Licensing Service were working with all parties concerned. Breeders / Boarders would be rated on a star system scored out of 5. Breeders / Boarders now had to quote their licence number on any advertisements that they placed. As a separate requirement, animals had to be tagged. This had resulted in a big increase in applications for licences which put a huge demand on the licencing service. The intention of the legislation was to stop / slow the illegal sales of animals.)*

22 **DATE OF NEXT MEETING - TO BE CONFIRMED (2020/21)**

The meeting closed at 10.25 am

_____Chairman _____Date

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

27 November 2020

TITLE:	COVID-19 Update
PORTFOLIO HOLDER:	Councillor Bowen - Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

Appendix 1 – LA Covid 19 Checklist (Tier 1)

1. Reason for the Report

- 1.1 The report provides members of the Committee with an update regarding the relevant Coronavirus legislation and the changing nature of this since the outbreak of the pandemic.

2. Recommendation

- 2.1 That the Committee notes the contents of the report.

3. Executive Summary

- 3.1 The COVID-19 pandemic, also known as the coronavirus pandemic, is an ongoing pandemic of coronavirus disease 2019 (COVID-19) caused by the transmission of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). It was first identified in December 2019 in Wuhan, China. The outbreak was declared a Public Health Emergency of International Concern in January 2020 and a pandemic in March 2020.
- 3.2 As of 27 October 2020, more than 43.5 million cases have been confirmed, with more than 1.15 million deaths attributed to COVID-19.
- 3.3 COVID-19 spreads most often when people are physically close and it spreads very easily and sustainably through the air, primarily via small droplets or aerosols, as an infected person breathes, coughs, sneezes, sings, or speaks.

- 3.4 Airborne transmission from aerosol formation is suspected to be the main mode of transmission. It can spread from an infected person for up to two days before they display symptoms, and from people who are asymptomatic. People remain infectious for seven to twelve days in moderate cases, and up to two weeks in severe cases.
- 3.5 Common symptoms include fever, cough, fatigue, breathing difficulties, and loss of smell and taste. Complications may include pneumonia and acute respiratory distress syndrome. The incubation period is typically around five days but may range from one to 14 days.
- 3.6 Recommended preventive measures include hand washing, covering one's mouth when sneezing or coughing, social distancing, wearing a face mask in public, ventilation and air-filtering, disinfecting surfaces, and monitoring and self-isolation for people exposed or symptomatic.
- 3.7 In March 2020, emergency primary legislation known as the Coronavirus Act 2020 was introduced by the government to help the country cope with the demands caused by the coronavirus outbreak.
- 3.8 On 21st March 2020 the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 came into legal effect at 2pm, enforcing the closure in England of businesses selling food and drink for consumption on the premises, as well as a range of other businesses such as nightclubs and indoor leisure centres where a high risk of infection could be expected.
- 3.9 On 26th March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the 'Lockdown Regulations') came into effect, significantly extending the range of businesses that were required by law to close with immediate effect including all retail businesses not on an approved list. These regulations also include significant restrictions on freedom of movement, including the provision that: "no person may leave the place where they are living without reasonable excuse".
- 3.10 The government announced that some self-employed will be paid 80% of profits, up to £2,500 a month, to help them cope during the economic crisis triggered by COVID-19.
- 3.11 On 11th May 2020, the UK government published a 50-page document setting out further details of the phases for lifting the lockdown restrictions.
- 3.12 On 13th May 2020, the Health Protection (Coronavirus, Restrictions) (England) (Amendment No. 2) Regulations 2020 came into effect, allowing the re-opening of garden centres, sports courts and recycling centres. In addition to outdoor exercise, open-air recreation was also permitted with no more than one member of another household.
- 3.13 On 1st June 2020, the Health Protection (Coronavirus, Restrictions) (England) (Amendment No. 3) Regulations 2020 came into effect, allowing the re-opening of car and caravan showrooms, outdoor sports amenities and outdoor non-food markets. The prohibitions on leaving home were replaced by a

prohibition on staying overnight away from home, with certain specific exceptions. Gatherings of people from more than one household were limited to six people outdoors and were prohibited entirely indoors.

- 3.14 On 15th June 2020, the remainder of the Health Protection (Coronavirus, Restrictions) (England) (Amendment No. 4) Regulations 2020 came into effect, allowing the general re-opening of retail shops and public-facing businesses apart from those that are on a list of specific exclusions such as restaurants, bars, pubs, nightclubs, most cinemas, theatres, museums, hairdressers, indoor sports and leisure facilities. Outdoor animal-related attractions such as farms, zoos and safari parks also re-opened. Places of worship may again be used for private prayer (but not for communal worship). English libraries still had to remain closed.
- 3.15 On 4th July 2020, thousands of pubs, restaurants and hairdressers across England were given practical, clear steps to enable them to reopen safely over the coming weeks.
- 3.16 On 14th October 2020, the new three-tier system of Covid-19 restrictions were introduced, that saw every area of England classed as being on Medium, High or Very High alert. An overview of the Tier 1 restrictions and associated legislation is attached at Appendix 1. Following the Prime Minister's announcement on 31st October 2020 additional nationwide restrictions in England were introduced from 5th November 2020. Further legislation containing detailed provisions for individuals and businesses has been published.

4. **How this report links to Corporate Priorities**

- 4.1 To help create a safer and healthier environment for our communities to live and work.

5. **Alternative Options**

- 5.1 There are no alternative options to consider.

Mark Trillo
Executive Director (People) and Monitoring Officer

Web Links and Background Papers

Contact details

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LA COVID-19 Enforcement Checklist

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020

'The tier 1 area regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
Business /closure: Schedule 1, Part 2, Para 9.	Applies to: Nightclubs, Dance halls, Discotheques and other venues which open at night and has a dance floor and provides music for dancing. Sexual entertainment venues and hostess bars.	These businesses must remain closed. Exemption - A business or service does not fall within this section if it ceases to provide music and dancing.	Prohibition notice Fixed Penalty Notice <i>£1000 for first offence £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i> Prosecution	Are the premises open, if yes then further action required.
Restriction on opening hours: Schedule 1, Part 3, Paragraph 12.	The following businesses must close to the public between 22:00 and 05:00: <ol style="list-style-type: none"> 1. Restaurants. 2. Takeaway to be consumed off the premises. 3. Cafes. 4. Bars, including bars in hotels or members' clubs. 5. Public houses. 6. Social clubs. 7. Casinos. 8. Bowling alleys. 9. Cinemas. 10. Theatres. 11. Amusement arcades or other indoor leisure centres or facilities. 12. Funfairs (indoors or outdoors), theme parks and adventure parks and activities. 13. Bingo halls. 14. Concert halls. 	Exemptions: Does not prevent food and drink being delivered or collected in response to orders received through a website or any on-line communication, phone, text message. A person can collect pre-ordered takeaway from the premises as long as that person/purchaser does not enter the premises. Or delivered to a vehicle including drive-thru service of takeaway food or drink. Motorway services. Supermarkets; convenience stores, corner shops and newsagents; pharmacists and chemists; petrol stations. Cinemas, Theatres, Concert Halls can remain open past 22:00 if the performance starts before 22:00. Does not apply to: Cafes or canteens at a hospital, care home or school. Services providing food or drink to the homeless. Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.	Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i> Prosecution	Are the premises open to the public after 22:00? if yes then further action required. Employees can remain on site after this time.

<p>Restrictions on service of food and drink for consumption on the premises:</p> <p>Business that serves alcohol for consumption on the premises (both indoor and outdoor)</p> <p>Schedule 1, Part 3, Para 14 (1)</p> <p>Business that don't serve alcohol for consumption on the premises (both indoor and outdoor)</p> <p>Schedule 1, Part 3, Para 14 (2)</p>	<p>Food and drink may be sold for consumption on the premises only if:</p> <p>-The food and drink is ordered by and served to a customer who is seated on the premises; AND</p> <p>- The business must take all reasonable steps to ensure that the customer remains seated while consuming the food or drink on the premises.</p> <p>-The business must take all reasonable steps to ensure that the customer remains seated while consuming the food or drink on the premises.</p> <p>(This includes for licensed premises that have discontinued the sale of alcohol in order to avoid being subject to these requirements).</p>	<p>Table service must be in place to order and customers must be seat when consuming food and drink.</p> <p>Customers can order at a bar or counter but must return to a seat to consume food and non-alcoholic drink.</p>	<p>Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second,£4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p> <p>Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second,£4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>If alcohol is being served is there table service? if not then further action required.</p> <p>Are customers seated whilst consuming food and drink? If not, then further action required.</p>
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A fixed penalty notice for an offence of contravening, without reasonable excuse, may only be issued to a person responsible for carrying on a business or providing a service and a person responsible for carrying on a business is defined in the Regulations as including the owner, proprietor or manager of the business. A fixed penalty notice for such an offence could not be issued to an employee of a business who does not have control over decision making in determining whether the business should operate, and how it should carry on.

The Health Protection (Coronavirus, Restrictions) (Obligations on Undertakings) (England) (Amendment) Regulations 2020

'The coronavirus obligation regulations'

A fixed penalty notice for an offence of contravening regulation 1A, 2 2A or 2B may only be issued to a person on whom the obligation is imposed such as a person who operates or occupies relevant premises (regulation 1A);- a person responsible for carrying on the business (regulation 2); or- a responsible person (defined as a person responsible for carrying on a business in a relevant area) (regulation 2A and 2B). A fixed penalty notice for such an offence could not be issued to an employee of a business who does not have control over decision making in determining whether the business should operate.

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Rule of 6 and Social Distancing:</p> <p>Requirement in relation to bookings, admission and mingling.</p> <p>Regulation 1A</p>	<p>The person who occupies or operates a restaurant, cafe, pub or other relevant premises i.e. a business that provides food or drink for consumption on its premises or in seating made available adjacent to the premises must take all reasonable measures to ensure that:</p> <p>-no bookings are accepted for a group of more than six persons; AND - no persons are admitted to the premises in a group of more than six; AND -there is no mingling between groups.</p> <p>Relevant premises also include: -Leisure and tourism services, hotels and other guest accommodation, museums, heritage locations, art fairs, cinemas, gyms & other indoor sport and leisure centres, sports clubs (team sporting activities), sports stadia, outdoor pools, betting and bingo halls, casinos, amusement arcades, libraries and music</p>	<p>other than where permitted by the Coronavirus Restrictions Regulations. (Regulation 5)</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>Check booking records, table and premises layout. Is there any evidence that rule of 6 is not being adhered to?</p>

<p>Requirement in relation to table distances.</p> <p>Regulation 2(1)(d)</p>	<p>studios open for hire, etc.</p> <p>-Close physical contact services, including hairdressers, barbers, beauticians (including wellness treatments), tailors, nail bars, piercing services, tattooists, etc.</p> <p>- Services provided for social cultural and recreational purposes at community centres, youth and community centres, and village halls.</p> <p>The person who occupies or operates a restaurant, cafe, pub or other relevant premises i.e. a business that provides food or drink for consumption on its premises or in seating made available adjacent to the premises must take all reasonable measures to ensure that:</p> <p>-an appropriate distance is maintained between tables occupied by persons who are not in the same qualifying group.</p>	<p>Appropriate distance means tables should be at least two metres, or at least one metre, if there are additional measures taken such as:</p> <p>barriers or screens between tables, the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres or other suitable measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables.</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>How are tables laid out, check distances? What measures are in place. Are they sufficient?</p>
<p>Other Social Distancing, Singing, dancing and</p>	<p>The person responsible who occupies or operates a public house, café,</p>			

<p>music</p> <p>The person responsible is required to take all reasonable measures.</p> <p>Regulation 2 (1A)</p>	<p>restaurant or bar (including a bar in a hotel or members' club) is required to:</p> <ul style="list-style-type: none"> -take all reasonable measures to stop singing on the premises by customers in groups of more than six persons. - take all reasonable measures to stop dancing on the premises by customers. - ensure that no music (other than live music) is played on the premises which exceeds 85db(A) when measured at the source. 	<p>unless in groups permitted under regulation 5 of the Coronavirus Restrictions Regulations.</p> <p>other than newlyweds celebrating their wedding or civil partnership at their reception.</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>Is there any entertainment? How is it controlled/managed?</p>
<p>Face Coverings</p> <p>For the purposes of the Obligations of Undertaking Regulations The person responsible for carrying on the business in a relevant area:</p> <p>Regulation 2A</p> <p><i>Relevant area being defined within the Face Covering Regulations.</i></p>	<p>-Must display a notice in a conspicuous location in the area in which face coverings must be worn advising of the requirements of the Face Coverings Regulations, or take other measures to inform a person entering a relevant area without a face covering of those requirements; And -Must not prevent or seek to prevent any relevant person (defined as a person required to wear a face covering by regulation 3(1) of the Face Coverings Regulations) from wearing a face covering while present in a relevant area.</p>	<p>The Face Coverings Regulations do not impose obligations on businesses but on individuals. This includes obligations on employees to wear face coverings in certain settings. The obligations under the Face Covering Regulations are not enforced by local authorities but the Police.</p>	<p>Fixed Penalty Notice</p>	<p>Are there relevant signs on display?</p>

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

'Collection of Contact Details Regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Collection of Customer Details</p> <p>Requirement for:</p> <p>Restaurants, cafes (including workplace canteens), bars (including bars in hotels and members clubs) and other businesses that provide food or drink for consumption on the premises.</p> <p>Leisure and tourism services, including hotels, museums, leisure centres, gyms and amusement arcades etc.</p> <p>Close physical contact services, including hairdressers, barbers, beauticians, nail bars, piercing services etc.</p>	<p>-Display a QR code (regulation 6).</p> <p>- Request specified details from individuals entering the premises (other than where that person has scanned the QR code provided or where there is an exemption) (regulation 7).</p> <p>- Request specified details from at least one member of a group entering the premises (other than where that person has scanned the QR code provided). One person can provide details for up to 6 people in a group (regulation 8).</p> <p>- In certain circumstances, for example, if the individual entering the premises is likely to come into contact with only one member of staff, record the details of the member of staff who has come into contact with a person entering the premises (regulation 11).</p> <p>- Retain the details provided for 21 days and then destroy them (unless there is a lawful basis for retaining them) (regulation 13).</p> <p>- Take reasonable steps to prevent</p>	<p>There is an exemption for services provided to an individual who is homeless.</p>	<p>Fixed Penalty Notices <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p>	<p>Is the QR code on display?</p> <p>How is track and trace managed at the premises?</p> <p>Are records available to view?</p>

Services provided for social cultural and recreational purposes at youth and community centres and village halls.	entry into certain premises listed in part 1 of the Schedule (in particular where food/drink is provided for consumption on the premises) by an individual or member of a group who has not provided the specified details or scanned the QR Code (regulation 16).			
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The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

'Self-isolation Regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Self-Isolation</p> <p>Requirement on: businesses and other employers, the requirements apply to employers, providers of agency workers, and workers - in all sectors to ensure that:</p> <p>(Part 2)</p>	<p>-The employer of a self-isolating worker (or self-isolating agency worker): where the employer is aware of the requirement to self-isolate they must not, during the isolation period, knowingly allow the worker to attend any place other than the place where they are self-isolating for a purpose related to the worker's employment (regulation 7).</p> <p>- Employers, agents and principals in respect of agency workers: when notified of the agency worker's requirement to self-isolate, they must notify the other parties to the employment (regulation 9).</p>	<p>To support business in meeting these requirements the regulations require a self-isolating worker or agency worker to notify their employer (or, in the case of an agency worker, the agent, the principal or the employer) as soon as reasonably practicable that:</p> <p>-they are required to self-isolate -the start and end dates of the isolation period.</p> <p>The notification must be made before the worker is next due to start work within the isolation period.</p>	<p>Local authorities are responsible for enforcing these requirements on businesses and other employers.</p> <p>Fixed Penalty Notices <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Local authorities are not expected to take enforcement action in relation to individual employees.</p>	<p>How does the business record and manage staff who have informed them they need to isolate? Is there an adequate procedure in place?</p>

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

27 November 2020

TITLE:	Enforcement Activity
PORTFOLIO HOLDER:	Councillor Bowen- Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

1. Reason for the Report

- 1.1 To update members on the enforcement activity carried out by the Licensing Section.

2. Recommendation

- 2.1 That the members note the contents of the report.

3. Executive Summary

- 3.1 In the period March 2020 to October 2020 the Licensing service has remained operational throughout the COVID-19 pandemic and has engaged in a number of enforcement actions. These activities have involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks.
- 3.2 Officers seek to encourage licence holders to conduct their activity in a safe manner, maintain good standards and to comply with the law. Officers have to exercise considerable discretion when approaching individual licence holders. Licensees are often anxious to comply with the law and for such cases the officer's role will be to provide guidance and advice. However, in carrying out their functions officers are authorised with a wide range of powers and may, for example, require entry at all reasonable times or require the production of certain documents.
- 3.3 If, on enquiry, officers find evidence that the law is being broken and enforcement is required, they can respond in various ways. They may instruct or warn by letter; revoke or suspend a licence; and, where the

circumstances warrant it, they may formally caution or prosecute without prior warnings and without recourse to alternative sanctions. Officers will have due regard to the relevant Enforcement Policies when determining the most appropriate course of action.

3.4 Below is a summary of enforcement activity carried out during this period

Frequency	Enforcement Activity					
	Letters/Emails to Taxi Drivers reminder letters to renew. Hackney, Private Hire, Operators					
	Posted out	Driver Renewals	Operators	Hackney	Private Hire	Total
	SMDC					
	09.03.2020	2	0	4	3	9
	02.04.2020	1	0	4	0	5
	04.05.2020	7	0	2	1	10
	02.06.2020	5	1	4	1	11
	06.07.2020	2	0	0	3	5
	05.08.2020	5	0	7	2	14
	07.09.2020	0	0	2	2	4
	06.10.2020	1	0	8	1	10
		23	1	31	13	68
20	Reports via Police of premises not adhering to Covid-19 Regulations					
8 With Alcohol	Temporary Event Notices Issued					
29	Personal alcohol licences					
8	Pavement Licences					
5	Applications for the Grant of a Premises Licence					
3	Minor Variation Applications					
5	Application for a Variation of a Premises Licence					
10	Notice checks for new premises applications and applications to Vary licenses including revisits					
1	Enforcement Evening visit to Whiston Hall regarding Music Event					
No Physical Meetings due to Covid-19	Attendance at Pub watch Meeting in Cheadle (Biddulph & Leek)					

4. How this report links to Corporate Priorities

4.1 The appropriate enforcement of licensing legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

5. Alternative Options

5.1 There are no alternative options to consider

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Contact details

Alicia Patterson
Head of Environmental Health
alicia.patterson@staffsmoorlands.gov.uk

6. Detail

6.1 The primary focus of enforcement work to date has been on ensuring that the law in relation to all relevant licensing legislation and guidance is properly observed. In considering the focus of this activity the Licensing Service has had reference to:

- Those premises/vehicles against which complaints have been received.
- Those premises which do not hold a licence but where intelligence suggests licensable activity is taking place.

6.2 A variety of breaches were identified in the course of these activities, but were addressed by a voluntary change of behaviour on the part of the licence holder or via specific action by the Licensing Service and partners. In none of the cases was further legal action or the application of criminal sanction necessary.

6.3 During this period no complaints have been received relating to smoking on licensed premises, specifically:

- As part of the Health Act 2006 and associated Regulations, premises have to comply with signage requirements. All premises visited are compliant with displaying the required signage.
- No fixed penalty tickets in relation to offences of witnessed or reported smoking in premises have been issued.

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