

Public Document Pack



LICENSING & REGULATORY COMMITTEE AGENDA

Date: Friday, 30 June 2023

Time: 10.00 am

Venue: The Council Chamber, Moorlands House, Leek

22 June 2023

PART 1

1. Apologies for absence, if any.
2. Minutes of the previous meeting (**Pages 3 - 4**)
3. Urgent items of business, if any.
4. Declarations of interest, if any.
 - Disclosable Pecuniary Interests;
 - Other Interests
5. Terms of Reference and Future Work Items (**Pages 5 - 6**)
6. Enforcement Update (**Pages 7 - 10**)

MARK TRILLO

EXECUTIVE DIRECTOR AND MONITORING OFFICER

Membership of Licensing & Regulatory Committee

Councillor K Hoptroff (Chair)

Councillor P Barks

Councillor E Fallows

Councillor B Hughes

Councillor D Shaw

Councillor L Whitehouse

Councillor M Deaville (Vice-Chair)

Councillor G Bentley

Councillor J Garvey

Councillor I Plant

Councillor L Swindlehurst

Councillor M Worthington

This page is intentionally left blank

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL **LICENSING & REGULATORY COMMITTEE MEETING**

Minutes

FRIDAY, 11 NOVEMBER 2022

PRESENT: Councillor B Johnson (Chair)

Councillors M Bowen, B Cawley, E Fallows, B A Hughes and
L Swindlehurst

APOLOGIES: Councillors G Bentley, P Jackson, L Lea, T McNicol, D Shaw and
N Yates

45 **MINUTES OF THE PREVIOUS MEETING.**

RESOLVED:

That the minutes of the meeting held on 1 April 2022 be approved as a correct record and signed by the Chair.

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

There were no declarations made.

47 **POLLING STATION MINI INTERIM REVIEW**

The Committee considered a review of the suitability of voting arrangements in the District of Staffordshire Moorlands and a report on the findings. Any changes to polling stations as a result of the review would come into force with immediate effect.

RESOLVED:

1. That the proposals setting out changes to voting arrangements, polling places and polling stations as detailed in Appendix A of the report be approved, subject to there being no adverse comments received from the publication of the Returning Officer's recommendations.
2. That the revised arrangements take immediate effect.

48 **TAXI AND PRIVATE HIRE VEHICLE LICENSING POLICY REVIEW -
RESPONSE TO CONSULTATION**

The committee considered the consultation responses received in response to the review of the Council's current Hackney Carriage and Private Hire Policy.

RESOLVED:

1. That the consultation responses received to the proposed changes to the Council's current Hackney Carriage and Private Hire Policy be considered.

Licensing & Regulatory Committee - 11 November 2022

2. That Council be recommended to approve the changes to the current Policy subject to the following amendment with regards to the requirement for licensed vehicles to comply with the emission requirements:
 - At renewal – From 01/04/2024~~2025~~ vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards (Diesel) Euro 4 (Petrol) emissions standards.
3. That a formal Data Protection Impact Assessment be considered at its next meeting regarding the installation of internal CCTV in licensed vehicles.

49 **ENFORCEMENT ACTIVITY UPDATE**

The report updated members on enforcement activity undertaken within the Licensing Section. Members discussed street preaching activity and the role of the Council and other agencies. It was reported that Staffordshire Police regularly attend Licensing sub-committees and meetings of the Community Overview and Scrutiny Panel.

RESOLVED:

That the contents of the report be noted.

The meeting closed at 10.36 am

Article 8 (Extract)

Licensing and Regulatory Committee

8.1

- (a) The Council will appoint the Committees set out in the middle column of the table of Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in the left hand column of that table.
- (b) The functions to be discharged by the Licensing and Regulatory Committee include:-
 - (i) determining and imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of those functions; and
 - (ii) determining any other terms to which any such approval, consent, licence, permission or registration is subject; and
 - (iii) determining whether, and in what manner, to enforce:-
 - (a) any failure to comply with an approval, consent, licence, permission or registration; or
 - (b) any failure to comply with a condition, limitation or term to which such approval, consent, licence, permission or registration is subject; and
 - (c) any other contravention in relation to a matter with regard to which function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Cabinet.
 - (iv) amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject; and
 - (v) to make recommendations to Council on certain election functions and undertake Health and Safety as identified in Table 2.
- (c) The Licensing and Regulatory Committee has delegated power to its Licensing Sub-Committee to decide all issues covered in 8.1(b)(i) to (iv) above.

This page is intentionally left blank

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

30 June 2023

TITLE:	Enforcement Update
PORTFOLIO HOLDER:	Councillor Cawley - Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	ALL

1. Reason for the Report

- 1.1 To update members in relation to the enforcement activity undertaken within the Licensing Section.

2. Recommendation

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

3. Executive Summary

- 3.1 In the period February 2023 to May 2023 the Licensing service 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. We are pleased to report that the Licensing Section has noted a good level of compliance overall.
- 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. The figures shown above include the contacts made with the licensed Taxi Drivers and Operators, all contacts have been in relation to the renewal process. Licences to drive hackney carriages and private hire vehicles need to be renewed annually or three yearly. The Authority sends one reminder out to our drivers 60 days before their licence is due to expire, advising of any additional checks including DBS and Medical assessments, MOT requirements etc.

- The Authority has not issued any penalty points to drivers or operators since the last report.
- Emails have been sent out to interested parties and to those who has previously applied for a House to House collection Permit and Street Collection Permit with regards to consultation on the New Charity Collection Policy.

Area	Applications Received / letters sent out	Issued	Rejected
Charity Collections			
House to House - Home Office Exempt	1		
House to House - Direct Debit Collections	2		
House to House	7	3	4
Street Collections	12	12	0
Pavement Licenses			
New Applications	2	In Consultation	
Renewals	0		
Personal Alcohol Licenses			
New	14		
Renewals / updates	12		
Road Closure Orders	30	27	3
Small Society Lotteries			
New Applications	7		
Small Society Lottery Chase Ups	11		
Small Society Lottery Renewals	15		

Small Society Lottery Renewals Processed	30		
Taxis			
Taxi Drivers Renewal letters	12		
Taxi Hackney Vehicles Renewal Letters	21		
Taxi Operators Renewal Letters	1		
Taxi Private Hire Vehicles Renewal Letters	11		
Driver Licences issued	25	9 New ; 14 renewals ; 1 surrendered	
Operator Licences issued	1	1 surrendered	
Hackney Licences issued	25	21 Renewals ; 1 renewal / transfer ; 3 vehicle changes	
Private Hire licences issued	13	3 New ; 9 Renewals ; 1 surrendered	
TENS			
TENS with Alcohol	62	1 Modification 1 Withdrawn	
TENS with Alcohol LATE	17	1 Modification	
TENS without Alcohol	1		
TENS without Alcohol LATE	2		

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.

Mr Mark Trillo
Executive Director (Governance & Commissioning)

**Web Links and
Background Papers**
All supporting papers

Contact details
Alicia Patterson

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:

- No fixed penalty tickets in relation to offences of witnessed or reported smoking in premises have been issued.