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Simon W. Baker B.Ed MBA MISPAL
Chief Executive

LICENSING & REGULATORY COMMITTEE AGENDA

Date: Friday, 10 March 2017

Time: 10.00 am

Venue: The Council Chamber, Moorlands House, Leek

2 March 2017

PART 1

1. Apologies for absence, if any.
2. Minutes of the Meeting of the Licensing and Regulatory Committee held on 18th November 2016 (**Pages 3 - 6**)
3. Urgent items of business, if any.
4. Declarations of interest, if any.
5. Amendments to Fees and Charges
6. Licensing Enforcement Activity - July to September 2016 (**Pages 7 - 10**)
7. Licensing Enforcement Activity - October to December 2016 (**Pages 11 - 14**)
8. Chair/Members' Questions/Issues.
9. Date of Next Meeting - to be announced
10. Committee Members Training Session

SIMON BAKER CHIEF EXECUTIVE

Membership of Licensing & Regulatory Committee

Councillor L D Lea (Chair)
Councillor D Grocott
Councillor P Jackson
Councillor G Lockett
Councillor M M Lovatt
Councillor R Plant

Councillor R Done
Councillor B A Hughes
Councillor B Johnson
Councillor M A Lovatt
Councillor I J Lucas
Councillor D Shaw

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing and Regulatory Committee

Minutes

**Friday, 18th November 2016
(10.00 a.m.)**

PRESENT: Councillor L.D. Lea (Chair)

Councillors B.A. Hughes, P. Jackson, B.C. Johnson, M.M. Lovatt,
M.A. Lovatt, I.J. Lucas, and D.J.T. Shaw.

IN ATTENDANCE: Councillor M.T. Bowen – Portfolio Holder for Communities

OFFICERS: Alicia Patterson - Operations Manager – Environmental
Services (Regulatory)
Mandy Pattinson - Senior Elections Officer
Pat Trafford - Member Services Officer

APOLOGIES: Councillor D. Grocott.

10. **MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD ON 29th JULY 2016** (10)

RESOLVED - That the Minutes of the above meeting be approved as a correct record and signed by the Chair.

11. **URGENT ITEMS**

There were none.

12. **DECLARATIONS OF INTEREST**

Councillor David Shaw declared an “other” interest regarding Agenda Item 5 – Review of Polling Station – Windmill Ward as Governor of Werrington Primary School.

13. **REVIEW OF POLLING STATION – WINDMILL WARD**

Mandy Pattinson introduced the report to members, clarifying that the Polling Station had been moved earlier in 2016 from within Werrington Primary School at the request of the Head Teacher to Werrington Methodist Church. Issues had since been experienced with parking at the Church. As a result, enquiries had been made with the new Head Teacher to see if the Polling Station could go back to the School, with no objections having been received.

Licensing and Regulatory Committee - 18th November 2016

13. REVIEW OF POLLING STATION – WINDMILL WARD (CONTINUED) (13)

A 30 day consultation had taken place, with notices posted locally and on the Council's website, together with notification having been sent to the relevant District Councillors, the Parish Council and political group leaders.

RESOLVED – That the Polling Station location for Windmill Ward be moved from Werrington Methodist Church to Werrington Primary School with effect from 1st December 2016.

(Proposed by Councillor Johnson and seconded by Councillor Shaw).

14. PARLIAMENTARY BOUNDARY REVIEW

Members were advised that, as part of the 5 yearly annual review carried out by the Boundary Review Commissions, changes were proposed to the Constituency of the Staffordshire Moorlands.

The broad intention of the changes was to bring the Constituency boundary in line with that of the Staffordshire Moorlands district. This meant that 5 wards in the Kidsgrove area would be transferred FROM the Staffordshire Moorlands Constituency TO the Newcastle-under-Lyme Constituency and 5 wards in the Cheadle area would be transferred FROM the Stone Constituency TO the Staffordshire Moorlands Constituency.

Members felt that this was a logical progression, giving a clearer and more consistent identity to the Staffordshire Moorlands. In particular, It was expected that Cheadle area residents would welcome the move as they generally identified more with Staffordshire Moorlands than with Stone.

Following the current consultation exercise, the Commissions would submit their final report to the Secretary of State, who would then forward the report to Parliament, resulting in enactment in 2018.

RESOLVED – That the contents of the report be **NOTED** and a positive response be submitted on behalf of the Council to the Boundary Commission in respect of the consultation exercise.

15. TAXI & HACKNEY CARRIAGE DRAFT POLICY

Alicia Patterson confirmed to members that, under the Miscellaneous Provisions Act 1976, Licensing Authorities were obliged to regularly review and update policies to reflect changes in legislation, local circumstances and safeguarding issues.

A 6 week consultation exercise had been undertaken during August and September 2016, including 2 drop-in sessions which were well attended and

Licensing and Regulatory Committee - 18th November 2016

15. TAXI & HACKNEY CARRIAGE DRAFT POLICY (CONTINUED) (15)

where many queries were clarified, thus reducing the number of responses to the consultation. A total of 3 responses were actually received – 1 from a Hackney Carriage Driver, 1 from an Operator and 1 from Staffordshire County Council.

The Draft Hackney Carriage and Private Hire Licensing Policy was attached to the report as Appendix A, with the table of consultation comments as Appendix B.

Alicia outlined each aspect of the consultation responses, confirming where changes to the Draft Policy were proposed or resisted as a result, with reasons given in each instance. One amendment which was proposed after the production of the report was the 'minimum mileage for a new vehicle to be first registered'. Members agreed that this mileage be reduced from 100,000 to 75,000.

RESOLVED – That the comments and amendments as detailed in Appendix B to the report be **APPROVED**.

FURTHER RESOLVED – That it be **RECOMMENDED TO FULL COUNCIL** to give delegated authority to the Head of Regulatory Services to make minor modifications to the policy to reflect any change in legislation or case law or to promote efficient administration of the licensing function without consultation if appropriate.

FURTHER RESOLVED – That the Hackney Carriage and Private Hire Licensing Policy together with changes recommended by this Committee be presented to Full Council for **ADOPTION BY THE COUNCIL**.

(Proposed by Councillor Johnson and seconded by Councillor Hughes).

16. CHAIR/MEMBERS QUESTIONS/ISSUES

There were no questions or issues raised.

17. DATE OF NEXT MEETING.

Friday 27th January 2017.

The meeting closed at 10:30 a.m.

_____ Chair _____ Date

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to the Licensing and Regulatory Committee

10 March 2017

TITLE:	Licensing Enforcement Activity, July to September 2016
PORTFOLIO:	Cllr Michael Bowen – Portfolio Holder for Communities
OFFICER:	Alicia Patterson - Operations Manager (Environmental Services)
WARDS:	Non-Specific

Appendices Attached: - None

1 Recommendations

1.1 That the Committee notes the content of the report.

2 Executive Summary

2.1 At its meeting of 4 March 2005 the Committee agreed to receive reports on enforcement activity on a quarterly basis with the first of these reports being presented in September 2005.

2.2 In the period July to September 2016 the Licensing Service engaged in 26 enforcement actions. These activities involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks.

2.3 Officers will 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 in our experience 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.

If 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 will 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.

The details of the enforcement activity carried out in this quarter are as follows:

Frequency	Enforcement Activity
5	Licensed premises. Letters associated with complaints e.g. unlicensed activities, noise, breach of conditions, underage concerns.
4	Licensed premises. Notice checks for new premises applications and Applications to Vary Licences including revisits.
3	Joint Multi Agency enforcement visits to alcohol licensed premises with the Police, Trading Standards and/or Environmental Health to deal with general compliance, reported breaches of licensing conditions and excessive noise.
1	Letters to unlicensed premises following complaints re: carrying on licensable activities.
2	Letter to Taxi Operators – 1x re: conduct of driver and 1x re: renewal of vehicle.
1	Letter to Taxi Drivers – 1x re: conduct of driver.
1	Magistrates Court – appeal against premises licence revocation.
3	Taxi driver licences suspended or revoked. 1x revocation and 2x suspension.
5	Attendance at Pubwatch meetings in Leek and Biddulph.
1	Letters re: suspending premises licences for non-payment of annual fees.

- 2.4 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 have 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.

2.5 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. The Magistrates' Court appearance was following a decision by the Licensing Sub-Committee to revoke the premises licence at Downtown Pizza, Cheadle. The licence holder appealed the decision but then never attended court. The Magistrates' Court dismissed the appeal in September 2016.

2.6 During this three month period no complaints have been received relating to smoking on licensed premises.

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

3 Options

There are no options to consider.

4 Implications

4.1 Community Safety - (Crime and Disorder Act 1998)

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

4.2 Workforce

None arise directly from this report.

4.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

4.4 Financial Considerations

The discharge of inspection and enforcement functions has been factored into previous budget calculations.

4.5 Legal

The requirements of the various licensing legislation places a duty on licence holders under the criminal law. In enforcing the conditions relating to this legislation the Licensing Service has powers to undertake prosecutions relevant to the offences identified.

4.6 Sustainability

None arise directly from this report.

Mark Trillo
Executive Director (People) and Monitoring Officer

Background Papers	Location	Contact
Licensing Enforcement protocol, Licensing and Regulatory Committee, 4 March 2005.	Licensing Office, Moorlands House	Alicia Patterson – Operations Manager Tel: 01538 395400 ext 4408

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

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10 March 2017

TITLE:	Licensing Enforcement Activity, October to December 2016
PORTFOLIO:	Cllr Michael Bowen – Portfolio Holder for Communities
OFFICER:	Alicia Patterson - Operations Manager (Environmental Services)
WARDS:	Non-Specific

Appendices Attached: None

1 Recommendations

- 1.1 That the Committee notes the content of the report.

2 Executive Summary

- 2.1 At its meeting of 4 March 2005 the Committee agreed to receive reports on enforcement activity on a quarterly basis with the first of these reports being presented in September 2005.
- 2.2 In the period October to December 2016 the Licensing Service engaged in 22 enforcement actions. These activities involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks.
- 2.3 Officers will 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 in our experience 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.

If officers find evidence that the law is being broken and enforcement is required, they can respond in various ways.

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The details of the enforcement activity carried out in this quarter are as follows:

Frequency	Enforcement Activity
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10	Licensed premises. Notice checks for new premises applications and Applications to Vary Licences including revisits.
3	Joint Multi Agency enforcement visits to alcohol licensed premises with the Police, Trading Standards and/or Environmental Health to deal with general compliance, reported breaches of licensing conditions and excessive noise.
2	Letter to Taxi Drivers – 2x re: conduct of driver.
3	Attendance at Pubwatch meetings in Leek and Biddulph.

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