

HIGH PEAK BOROUGH COUNCIL

Report to Licensing Committee

11 July 2019

TITLE:	Licensing Enforcement Activity
EXECUTIVE COUNCILLOR:	Councillor Sloman - Executive Councillor for Housing and Licensing
CONTACT OFFICER:	Alicia Patterson – Head of Environmental Health
WARDS INVOLVED:	All Wards

1 Recommendations

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

2 Executive Summary

- 2.1 In the period February 2019 to June 2019 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.
- 2.2 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.
- 2.3 If officers find evidence 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 warning and without recourse to alternative sanctions. Officers will have due regard to the relevant enforcement policies when determining the most appropriate course of action.

Details of the enforcement action carried out by officers during the relevant period is provided below:

Frequency	Enforcement Activity
12	Letters/e-mails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
1	Attendance at VAL meeting in Buxton.
5	Operator visits to establish compliance with the Hackney Carriage and Private Hire Policy 2016 regarding the day to day operator's base and associated records of journeys.
1	Letters to Taxi Operators requesting information relating to their Operator Bases to establish compliance with the Current Hackney Carriage and Private Hire Policy 2016.
2	Operator Licences surrendered – Executive Hire.
8	Premises Licences.
12	Joint Licensing/Derbyshire Police visits to licensed premises to check compliance/action plans etc.
2	Licensing compliance visits to premises.
2	Driver suspensions.
115	Temporary Event Notices (Tens).
35	Late Tens.
8	Tens No Alcohol.
1	Late No Alcohol.
1	Application for a Club Premises Licence.
7	Applications for Grants of Premises Licence.

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 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.

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.

2.6 During this 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 have been factored into previous budget calculations.

4.5 Legal

The requirements of the various licensing legislation places a duty on license 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.

4.7 Internal and External Consultation

As detailed in the report.

4.8 Risk Assessment

None arising from the report.

Mr Mark Trillo
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Web Links and
Background Papers

Location

Contact details

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