

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

7 November 2019

TITLE:	Licensing Enforcement Activity (July-November)
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 July 2019 to November 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

Frequency	Enforcement Activity
286	Letters/Emails to Taxi Drivers regarding renewals
129	Safeguarding letters
44	Vehicle Inspection Letters
13 granted 12 rejected	House to House Collection Permits
10 granted 2 rejected	Street Collection Permits Issued
4 granted 1 In progress	Road Closures
6	Street Trading Consents
87	Temporary Event Notices Issued with Alcohol
33	Late Temporary Event Notices Issued with Alcohol
3	Temporary Event Notices issued without Alcohol
1	Late Temporary Event Notice issued without Alcohol
15	Licensing Officer/Police Visit
6	Licensing Officer/Police & Trading Standards visits
6	Licensing Officer/Police, Fire & Trading Standards visits

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

None arise directly from this report.

4.8 Risk Assessment

None arising from the report.

Mr Mark Trillo
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