

# STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

## Report to the Licensing and Regulatory Committee

10 March 2017

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

### 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:

<b>Frequency</b>	<b>Enforcement Activity</b>
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**

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