

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing & Regulatory Committee

27 November 2020

TITLE:	Enforcement Activity
PORTFOLIO HOLDER:	Councillor Bowen- Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

1. Reason for the Report

- 1.1 To update members on the enforcement activity carried out by the Licensing Section.

2. Recommendation

- 2.1 That the members note the contents of the report.

3. Executive Summary

- 3.1 In the period March 2020 to October 2020 the Licensing service has remained operational throughout the COVID-19 pandemic and 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.
- 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

Frequency	Enforcement Activity																																																																		
	Letters/Emails to Taxi Drivers reminder letters to renew. Hackney, Private Hire, Operators																																																																		
	<table border="1"> <thead> <tr> <th>Posted out</th> <th>Driver Renewals</th> <th>Operators</th> <th>Hackney</th> <th>Private Hire</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>SMDC</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>09.03.2020</td> <td>2</td> <td>0</td> <td>4</td> <td>3</td> <td>9</td> </tr> <tr> <td>02.04.2020</td> <td>1</td> <td>0</td> <td>4</td> <td>0</td> <td>5</td> </tr> <tr> <td>04.05.2020</td> <td>7</td> <td>0</td> <td>2</td> <td>1</td> <td>10</td> </tr> <tr> <td>02.06.2020</td> <td>5</td> <td>1</td> <td>4</td> <td>1</td> <td>11</td> </tr> <tr> <td>06.07.2020</td> <td>2</td> <td>0</td> <td>0</td> <td>3</td> <td>5</td> </tr> <tr> <td>05.08.2020</td> <td>5</td> <td>0</td> <td>7</td> <td>2</td> <td>14</td> </tr> <tr> <td>07.09.2020</td> <td>0</td> <td>0</td> <td>2</td> <td>2</td> <td>4</td> </tr> <tr> <td>06.10.2020</td> <td>1</td> <td>0</td> <td>8</td> <td>1</td> <td>10</td> </tr> <tr> <td></td> <td>23</td> <td>1</td> <td>31</td> <td>13</td> <td>68</td> </tr> </tbody> </table>	Posted out	Driver Renewals	Operators	Hackney	Private Hire	Total	SMDC						09.03.2020	2	0	4	3	9	02.04.2020	1	0	4	0	5	04.05.2020	7	0	2	1	10	02.06.2020	5	1	4	1	11	06.07.2020	2	0	0	3	5	05.08.2020	5	0	7	2	14	07.09.2020	0	0	2	2	4	06.10.2020	1	0	8	1	10		23	1	31	13	68
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20	Reports via Police of premises not adhering to Covid-19 Regulations																																																																		
8 With Alcohol	Temporary Event Notices Issued																																																																		
29 8	Personal alcohol licences Pavement Licences																																																																		
5 3 5	Applications for the Grant of a Premises Licence Minor Variation Applications Application for a Variation of a Premises Licence																																																																		
10	Notice checks for new premises applications and applications to Vary licenses including revisits																																																																		
1	Enforcement Evening visit to Whiston Hall regarding Music Event																																																																		
No Physical Meetings due to Covid-19	Attendance at Pub watch Meeting in Cheadle (Biddulph & Leek)																																																																		

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

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Contact details

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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:

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