

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

15th July 2021

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

1. Reason for the Report

- 1.1 To update members in relation to the enforcement activity undertaken within the Licensing Section.

2. Recommendation

- 2.1 That the committee notes the contents of the report.

3. Executive Summary

- 3.1 In the period November 2020 to May 2021 the Licensing service has remained operational throughout the Covid-19 Pandemic and 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. We are pleased to report that the Licensing Section has noted a good level of compliance overall.
- 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.

Charity Collections House to House	19	13 Permits Issued	6 Rejected
Charity Collections Street Collections	18	18 Permits Issued	0 Rejected
Pavement Licenses	7	6 Licenses Issued	1 withdrawn
Personal Alcohol Licenses	31	31 of which 8 were new Licenses and 13 changes to Holders circumstances	
Road Closure Orders	6	6 RCO issued	0 Refused
Small Society Lottery Chase Ups	8		
Small Society Lottery Renewals	40		
Taxi Drivers	137		
Taxi Hackney Vehicles	113		
Taxi Operators	15		
Taxi Private Hire Vehicles	127		
TENS with Alcohol	25	25 of which 10 were LATE Notices	
TENS without Alcohol	0	0	

- The figures shown above include the contacts made with the Taxi Drivers and Operators, all contacts have been in relation to the renewal process. Licences to drive hackney carriages and private hire vehicles need to be renewed annually or three yearly. The Authority sends one reminder out to our drivers 60 days before their licence is due to expire, advising of any additional checks including DBS and Medical assessments, MOT requirements etc.
- The Authority has not issued any penalty points to drivers or operators since the last report.
- Two joint visits with Derbyshire Police, one to an unlicensed Scrap Metal Yard and one to a licensed premises following a number of complaints of ASB, noise, and intimidation.
- In addition to the above the Licensing Section has responded to a number of complaints and request for service in relation to the COVID-19 Pandemic.

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 (Governance & Commissioning)

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 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.