

HIGH PEAK BOROUGH COUNCIL

Licensing Committee

11 July 2023

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

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 February 2023 to May 2023 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. 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 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. The figures shown below 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.
- Consultation is in progress and emails have been sent to all interested parties including previous applicants for a House to House collection Permits and Street Collection Permits with regards to consultation on the New Charity Collection Policy.
- Emails/Letters to all HPBC licensed drivers & operators with regards to the increase in Tariff charges

Area	Applications Received / letters sent out	Processed	Rejected
Charity Collections			
House to House - Home Office Exempt	5		
House to House - Direct Debit Collections	8		
House to House	1	1	
Street Collections	33	33	0
Pavement Licenses			
New Applications	3	3 still in consultation period	
Renewals	3	3	
Personal Alcohol Licenses			
New	24	24	
Renewals / updates	17	17	
Road Closure Orders	34	32	2
Small Society Lotteries			
New Applications	13	10	3
Small Society Lottery Chase Ups	6		
Small Society Lottery Renewals	12		
Small Society Lottery Renewals Processed		13	
Small Society Lottery cancellations	1	1	
Taxis			
Taxi Drivers Renewal letters	68		
Taxi Hackney Vehicles Renewal Letters	96		
Taxi Operators Renewal Letters	5		
Taxi Private Hire Vehicles Renewal Letters	93		
Driver Licences issued	77	28 Renewals; 9 New ; 38 Updates; 2 surrenders	
Operator Licences issued	6	4 Renewals ; 1 Transfer ; 1 Cancelled	
Hackney Licences issued	87	78 renewals ; 7 Vehicle Changes ; 1 Transferred ;	

		1 cancelled	
Private Hire licences issued	73	6 New ; 58 Renewals ; 4 Vehicle Changes ; 1 Transfer ; 4 Cancelled	
TENS			
TENS with Alcohol	87	78	9
TENS with Alcohol LATE	21	21	
TENS without Alcohol	7	7	
TENS without Alcohol LATE	0	0	

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.

Mr Mark Trillo
Executive Director (Governance & Commissioning)

Web Links and Background Papers

All supporting 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 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.