

# HIGH PEAK BOROUGH COUNCIL

## Licensing Committee

6<sup>th</sup> July 2017

<b>TITLE:</b>	<b>Licensing Enforcement Activity, January 2017 – June 2017</b>
<b>PORTFOLIO:</b>	<b>Councillor Kemp – Executive Councillor for Tourism, Regeneration and Licensing</b>
<b>OFFICER:</b>	<b>Alicia Patterson - Operations Manager (Regulatory Services)</b>
<b>WARD:</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 In the period October to January 2017 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 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.
- 2.3 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.

2.4 Below is a summary of enforcement activity carried out during this period:

<b>Frequency</b>	<b>Enforcement Activity</b>
50	Letters/Emails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
1	Attendance at VAL meeting in Buxton, discussions regarding the future of Intoxicated and initiatives with schools.
2	Operator Visits to establish compliance with the Hackney Carriage and Private Hire Policy regarding the day to day operator's base and associated records of journeys.
2	Driver suspensions
133	Temporary Event Notices Issued with Alcohol
23	Late Temporary Event Notices issued with Alcohol
10	Temporary Event Notices issued without Alcohol
1	Street Trading Investigation Ongoing
12	Street Trading Permits
13	House to House Collection Permits Issued
71	Street Collection Permits Issued

2.5 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.

2.6 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.

2.7 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.

### **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 included within previous budget calculations for the services.

#### **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.

4.7 Internal and External Consultation

As detailed in the report.

4.8 Risk Assessment

As detailed in the report.

**Mark Trillo**  
**Executive Director (People) and Monitoring Officer**

**Background Papers**

**Location**

**Contact**

N/A

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