

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing and Regulatory Committee

26th June 2015

TITLE:	Licensing Enforcement Activity, January – March 2015
PORTFOLIO:	Cllr. A.S. Forrester – Deputy Leader and Portfolio Holder for the Environment
OFFICER:	Head of Regulatory Services
WARDS:	Non-Specific

1 Recommendations

- 1.1 That the Committee note the content of the report.

2 Executive Summary

- 2.1 At its meeting of 4th March 2005 the Committee agreed to receive reports on enforcement activity on a quarterly basis with the first of these reports being brought in September 2005.

- 2.2 In the period January to March 2015 the Licensing service has engaged in 39 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.

- 2.3 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.

Licencees 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 the law is being broken and enforcement is required, they can respond in various ways.

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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.

Frequency	Enforcement Activity
2	Noise complaints or alleged breach of conditions from licensed premises: Letters/Visits regarding noise and potential breaches associated with licensed premises
2	Licensed premises Notice checks for new premises applications and Applications to Vary Licences including revisits.
4	Joint Multi Agency enforcement visits to alcohol licensed premises with the Police, Trading Standards and Environmental Health to deal with general compliance, reported breaches of licensing conditions, including under age sales, serving after hours and excessive noise.
4	Letters of caution regarding taxi vehicle licences that were due to expire
2	Suspension of Driver's Taxi Drivers Badge/Vehicle Licence
21	Letters of warning that annual fee has not been paid so premises licence/lottery licence/gaming permit may be suspended/cancelled
4	Attendance at Pubwatch meeting in Leek and Biddulph

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 who 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 case with the driver who was interviewed under caution is currently being reviewed by Legal Services.

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- 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 The appropriate enforcement of licensing Legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.
- 4.2 Employees None arise directly from this report.
- 4.3 Equalities This report has been prepared in accordance with the Council's Equal Opportunities policy.
- 4.4 Financial The discharge of inspection and enforcement functions have been factored into previous budget calculations.
- 4.5 Legal The requirements of the various licensing legislation places a duty on license 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.

Robert Weaver
Head of Regulatory Services

Background Papers

Location

Contact

Licensing Enforcement protocol, Licensing and Regulatory Committee, 4th March 2005.

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