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Simon W. Baker B.Ed MBA MISPAL
Chief Executive

LICENSING & REGULATORY COMMITTEE AGENDA

Date: Friday, 28 June 2019

Time: 10.00 am

Venue: The Council Chamber, Moorlands House, Stockwell Street, Leek

20 June 2019

PART 1

1. Apologies for absence, if any.
2. Minutes of the Meeting of the Licensing and Regulatory Committee held on 1 March 2019 (**Pages 3 - 6**)
3. Urgent items of business, if any.
4. Declarations of interest, if any.
5. Licensing Enforcement Activity (**Pages 7 - 10**)
6. Chair/Members' Questions/Issues.
7. Date of Next Meeting - 29 November 2019

SIMON BAKER CHIEF EXECUTIVE

Membership of Licensing & Regulatory Committee

Councillor L D Lea (Chair)

Councillor J Aberley

Councillor E Fallows

Councillor B Johnson

Councillor I Plant

Councillor Swindlehurst

Councillor I Lawson (Vice-Chair)

Councillor B Cawley

Councillor B A Hughes

Councillor T McNicol

Councillor D Shaw

Councillor I Whitehouse

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING & REGULATORY COMMITTEE MEETING

Minutes

FRIDAY, 1 MARCH 2019

PRESENT: Councillor L D Lea (Chair)

Councillors B A Hughes, K J Jackson, P Jackson, B Johnson,
I Lawson, M M Lovatt, I J Lucas and D Shaw

IN ATTENDANCE: S Bradbury Licensing Officer
A Patterson Head of Environmental Health
M Trillo Executive Director (People) and Monitoring
Officer
P Trafford Democratic Services Officer

APOLOGIES: Councillors M A Lovatt

55 **MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY
COMMITTEE HELD ON**

RESOLVED – That the Minutes of the meeting of the Licensing and Regulatory
Committee held on 30 November 2018 be **APPROVED** as a
correct record and signed by the Chair.

56 **URGENT ITEMS OF BUSINESS, IF ANY.**

There were no urgent items.

57 **DECLARATIONS OF INTEREST, IF ANY.**

There were no declarations made.

58 **POLLING STATION CHANGE - CHEADLE NE WARD, POLLING DISTRICT
EC**

Mark Trillo (Executive Director & Monitoring Officer) introduced the report to
members for a new Polling Station to be adopted in the Cheadle North East Ward.

Following the sale of the Cheadle Council Offices, the Polling Station had been
moved to the Hammersley Hayes Community House. However this had recently
been closed and so the proposal was to adopt the Daisy Bank House Business
Centre, Leek Road, Cheadle on a permanent basis. Whilst the premises was just
outside the Cheadle North East Ward, it was felt that there was no alternative as
there were no suitable premises within the Ward boundary.

Staff at Daisy Bank House had been asked to park on the Tape Street car park for
the day of the election in order to free up as much of the parking at the venue as
possible. Members noted that the amount of car parking available at the premises

Licensing & Regulatory Committee - 1 March 2019

was limited and had slight concerns on the topic, but were equally aware that there were no alternative premises available.

RESOLVED – That, as a result of the closure of Hammersley Hayes Community House, the Council would use Daisy Bank Business Centre as Polling Station for Cheadle North East Ward.

Shortly before the meeting, the Council was notified that the usual Polling Station for the Leek North Ward (St. John's Church, Belle Vue, Leek) was not available for the forthcoming election. An alternative location had been identified, inspected and found to be suitable (The Old Grammar School, Clerk Bank, Leek).

It was noted that this was an improvement, as the usual Polling Station was, in fact, out of the Ward, whereas the alternative was within the Ward boundary.

RESOLVED – That The Old Grammar School, Clerk Bank, Leek was to be used as Polling Station for the Leek North Ward for the forthcoming election.

59 ANIMAL WELFARE REGULATIONS UPDATE

Councillor Johnson confirmed that, as an owner of a Livery, he did not have an interest to declare in respect of this item.

Alicia Patterson – Head of Environmental Health – introduced the report to members by way of an update on the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The new regulations provided for local authorities to be the licensing authorities to licence persons involved in England in selling animals as pets, providing or arranging boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. An Animal Establishment Licence would have to be applied for from their Local Authority. A person carrying on any of the above activities without a licence commits an offence punishable by imprisonment for up to 6 months and/or a fine.

The regulations also allowed flexibility on the regularity of inspections, enabling local authorities to concentrate on licensees who were more likely to breach licence conditions.

Members were supportive of each aspect of the regulations, though queried why horse liveries were not included. Alicia confirmed that liveries were currently dealt with under Health & Safety legislation and that the Council would work with the RSPCA if a case justified it. It was also possible that liveries may be brought under this legislation at a later date.

RESOLVED – That the report be **NOTED**.

Licensing & Regulatory Committee - 1 March 2019

60 **LICENSING ENFORCEMENT ACTIVITY**

The Committee received a report on Licensing Service enforcement actions for the period October 2018 to February 2019. The details were as follows:-

Frequency	Enforcement Activity
25	Letters/Emails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
53	Temporary Event Notices Issued with Alcohol.
13	Late Temporary Event Notices issued with Alcohol.
3	Temporary Event Notices issued without Alcohol.
0	Street Trading Permits.
	(SMDC Licensing Officer & Police joint visits): Leek – 13 Cheadle – 17 Werrington – 2 Blythe Bridge – 1 Biddulph - 7
11	House to House Collection Permits Issued.
22	Street Collection Permits Issued.

Attention was being focussed on issues related to modern-day slavery, with officers encountering living arrangements in inappropriate circumstances.

RESOLVED – That the report be **NOTED**.

61 **CHAIR/MEMBERS' QUESTIONS/ISSUES.**

There were no questions or issues raised.

62 **DATE OF NEXT MEETING - TO BE CONFIRMED (2019/20)**

The meeting closed at 10.32 am

_____ Chairman _____ Date

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing & Regulatory Committee

28 June 2019

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

1 Recommendations

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

2 Executive Summary

- 2.1 In the period February 2019 to July 2019 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 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. Licensees 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.
- 2.3 If officers find evidence 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 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.
- 2.4 The detail of the enforcement and other activities carried out during this period are as set out below:

Frequency	Enforcement Activity
20	Letters/e-mails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
2	Pub Watch Meetings (Leek).
10	Joint licensing visits with Staffordshire Fire & Rescue.
1	Joint inspection with EHO (following complaints).
2	Multi agency visits with Immigration/Police/FARS.
13	Licensing inspections.
1	Application for a Time Limited Premises Licence.
1	Application for the Grant of a Premises Licence.
97	Temporary Event Notices.
29	Late Tens.
5	Tens No Alcohol.
1	Late Ten No Alcohol.

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 who 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.

- 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 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.

4.7 Internal and External Consultation

As detailed in the report.

4.8 Risk Assessment

None arising from the report.

Mark Trillo

Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Location

Contact details

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