LICENSING & REGULATORY COMMITTEE AGENDA

Date: Friday, 6 March 2020
Time: 10.00 am
Venue: The Council Chamber, Moorlands House, Stockwell Street, Leek

27 February 2020

PART 1

1. Apologies for absence, if any.

2. Minutes of the Meeting of the Licensing and Regulatory Committee held on 29 November 2019 (Pages 3 - 6)

3. Urgent items of business, if any.

4. Declarations of interest, if any.

5. Intoxicated Update (Pages 7 - 10)

6. Licensing Enforcement Update (Pages 11 - 14)

7. Chair/Members' Questions/Issues.

8. Date of Next Meeting - To be confirmed (2020/21)

SIMON BAKER
CHIEF EXECUTIVE

Membership of Licensing & Regulatory Committee
Councillor L D Lea (Chair) Councillor I Lawson (Vice-Chair)
Councillor J Aberley Councillor B Cawley
Councillor E Fallows Councillor B A Hughes
Councillor B Johnson Councillor T McNicol
Councillor I Plant Councillor D Shaw
Councillor L Swindlehurst Councillor I Whitehouse
This page is intentionally left blank
STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

LICENSING & REGULATORY COMMITTEE MEETING

Minutes

FRIDAY, 29 NOVEMBER 2019

PRESENT: Councillor L D Lea (Chair)

Councillors B Cawley, B A Hughes, I Lawson, T McNicol, I Plant, D Shaw, L Swindlehurst and I Whitehouse

IN ATTENDANCE: S Bradbury Licensing Officer

A Patterson Head of Environmental Health

M Trillo Executive Director (People) and Monitoring Officer

M Hancock Senior Elections Officer

P Rushworth Head of Legal and Election Services

P Trafford Democratic Services Officer

APOLOGIES: Councillors J Aberley, E Fallows and B Johnson

7 MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD ON 28 JUNE 2019

RESOLVED – That the Minutes of the meeting of the Licensing and Regulatory Committee held on 28 June 2019 be APPROVED as a correct record and signed by the Chair.

8 URGENT ITEMS OF BUSINESS, IF ANY.

There were no urgent items.

9 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made.

10 THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE)(ENGLAND AND WALES) REGULATIONS 2019

The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) regulations 2019 came into force on 1 May 2019. A statutory duty was therefore placed on all Licensing Authorities to submit specific data to DEFRA on a regular basis to create and maintain a national database of all licenced vehicles. The data to be provided for the database was:-

- The vehicle registration;
- The issue date of the licence;
- The expiry date of the licence;
- Whether the vehicle was a Taxi (Hackney Carriage) or a Private Hire Vehicle (PHV);
- The name of the issuing Authority.
The licence number;
• Whether the vehicle was Wheelchair Accessible.

DEFRA published statutory guidance on 18 July 2019 to assist in implementing the Regulations. This suggested that the database be ready for local authorities to start submitting data before the end of October 2019, however DEFRA’s preferred method of data transfer – via a fully integrated API – was unlikely to be ready before the end of 2019. DEFRA had produced a draft technical specifications document to data transfer which had been forwarded to the Council’s I.T. department for comment. The Regulations and Guidance document were appended to the report.

Officers were keeping in mind the idea of encouraging greater use of ‘hybrid’ and electric vehicles, together with sufficient charging points.

RESOLVED – That the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated statutory guidance be NOTED.

FURTHER RESOLVED - That delegated authority be GRANTED to the Head of Environmental Health to sign the memorandum of understanding and submit the required data.

11 INTOXICATED CAMPAIGN

The Intoxicated Campaign was first launched in “B” Division by the Derbyshire Police Licensing Unit a number of years ago. The aim was to give the campaign an instantly recognisable, high-profile identity, with the simple message for both staff and customers alike, that anyone approaching the bar in a drunken state would not be served alcohol.

Promotional items were demonstrated to members including T-Shirts, beer mats, posters and hi-viz jackets and hats.

Members were advised that the campaign would initially be in Leek town centre, later spreading to Cheadle and Biddulph town centres. The campaign had been introduced at a recent Leek Pubwatch meeting and Publicans present at that meeting were very keen to adopt it. Folders were to be issued to participating pubs containing all relevant information with a view to commencement before Christmas 2019. An Enforcement Programme was already planned with the Police.

RESOLVED – That the report be NOTED.
12 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

Under the Electoral Administration Act 2006 each Polling Station in the district had been reviewed to establish their continued suitability. Information gathered by Polling Station staff over recent elections had been reviewed together with consultation from other stakeholders and the Acting Returning Officer – Simon Baker. Resultant approved changes would come into force for the next scheduled election, which was the Police and Crime Commissioner Election on 7 May 2020.

Comments had been received relating to 9 different Polling Stations and, where problems had been identified, all efforts had been made to rectify the issues. 2 changes were proposed as follows:-

1. South Moorlands Leisure Centre, Allen Street, Cheadle. Music was being played all day in the Gym and especially during Spinning Classes. The proposal was to move the Polling Station to Thorley Drive Sports Pavilion, Thorley Drive, Cheadle, ST10 1SA.
2. The William Amory Primary School, Stallington Road, Blythe Bridge. Objections to the closure of the school when there were community buildings in the area. The proposal was to move the Polling Station to Blythe Bridge and Forsbrook Village Hall.

RESOLVED – That existing arrangements for voting continue with no changes except in Cheadle South East Ward (move from South Moorlands Leisure Centre to The Sports Pavilion, Thorley Drive, Cheadle) and Forsbrook Ward (move from William Amory Primary School to Blythe Bridge and Forsbrook Village Hall).

13 LICENSING ENFORCEMENT ACTIVITY

The report covered enforcement activity carried out over the period July to November 2019.

Details were as follows:-

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Enforcement Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Letters to Taxi Drivers for Renewals</td>
</tr>
<tr>
<td>32</td>
<td>Letters to Taxi Drivers regarding Safeguarding</td>
</tr>
<tr>
<td>8 Granted</td>
<td>House to House Collections</td>
</tr>
<tr>
<td>2 Rejected</td>
<td></td>
</tr>
<tr>
<td>6 Granted</td>
<td>Street Collection Permits</td>
</tr>
<tr>
<td>1 Rejected</td>
<td></td>
</tr>
<tr>
<td>3 Granted</td>
<td>Road Closures (From 30 September 2019)</td>
</tr>
<tr>
<td>1 In Progress</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Temporary Event Notices (TENs) Issued with Alcohol</td>
</tr>
<tr>
<td>21</td>
<td>Late TENs Issued with Alcohol</td>
</tr>
<tr>
<td>1</td>
<td>Late TEN Issued without Alcohol</td>
</tr>
<tr>
<td>8</td>
<td>Licensing Officer &amp; Police Joint Visits</td>
</tr>
<tr>
<td>4</td>
<td>Licensing Officer, Fire &amp; Rescue Joint Visits</td>
</tr>
</tbody>
</table>

RESOLVED – That the report be NOTED.
14 **CHAIR/MEMBERS’ QUESTIONS/ISSUES.**

There were no questions.

15 **DATE OF NEXT MEETING - 6 MARCH 2020**

The meeting closed at 10.40 am

______________________________ Chairman ____________________ Date
1. **Reason for the Report**

1.1 To update the Committee on the progress of the Intoxicated campaign.

2. **Recommendation**

2.1 That the Committee notes the contents of the report.

3. **Executive Summary**

3.1 Following the launch of the Intoxicated campaign, feedback on the campaign was given by the participants at the January 2020 Pub Watch meeting, also attended by the Police and Licensing Team. The Police reported that the officers on duty over Christmas had noted that all the participating premises had used the promotional materials and that the 'Intoxicated' message was highly visible and distinctive. Most premises had used the posters in the toilets to make them more visible than just another poster on the wall in the main building.

3.2 It was noted by the Police that incidents of ASB, violence and disorder associated with drunken behaviour were noticeably down on previous years, and although there was no direct evidence to link this with the campaign, the high visibility of the campaign message was welcome as an additional tool in managing alcohol related crime and disorder.

3.3 The Pub Watch members all reported that they had a good response from staff in wearing the promotional material and supporting the message. It was further reported that licensees had noted a significant
increase in the number of bar staff, particularly the younger and casual staff members, who were more confident in refusing service or reporting worries to more senior staff for confirmation.

3.4 Most premises had shared or tweeted the social media messages from the Police and Council and had posted pictures of staff wearing the T-Shirts behind the bar in support of the campaign message. All felt that the campaign had given staff more confidence to respond to intoxicated customers and that having the message so directly presented on entry to the premises and inside gave staff something to ‘point to’ so that the customer could see that the decision to refuse service was not a personal whim of the member of staff but was in fact a legal requirement.

3.5 All members of the Pub Watch scheme said that they would be prepared to promote the message again when local or national events were likely to result in increased activity in the town.

3.6 There is evidence to suggest that the high visibility of the campaign at critical times is of benefit to the wider area and there is no reason why the campaign could not be considered by other licensing areas.

3.7 SMDC Licensing Team has been invited to attend a Police Open Day in Stafford in March 2020 where officers from across the Staffordshire Force will have the opportunity to see the campaign details and see if it is something that might be of interest across the wider Staffordshire area.

3.8 SMDC Licensing Team has attended the Biddulph Pub Watch scheme to introduce the campaign to them, and to consider a launch in this area around Easter 2020.

4. How this report links to Corporate Priorities

4.1 To help create a safer and healthier environment for our communities to live and work.

5. Alternative Options

5.1 There are no alternative options to consider.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing legislation and promotion in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.
6.2 Workforce

None arise directly from this report.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

The campaign has been funded through the Community Safety Partnership.

6.5 Legal

No legal obligations associated with this report.

6.6 Sustainability

None arising directly from this report.

6.7 Internal and External Consultation

None arising directly from this report.

6.8 Risk Assessment

None arising from this report.

Mark Trillo
Executive Director (People) and Monitoring Officer

Web Links and Background Papers
Not Applicable

Contact details
Alicia Patterson
Head of Environmental Health
alicia.patterson@staffsmoorlands.gov.uk
This page is intentionally left blank
1 Recommendation

1.1 That the Committee notes the content of the report.

2 Executive Summary

2.1 In the period November 2019 to February 2020 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:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Enforcement Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>Temporary Event Notices Issued with Alcohol</td>
</tr>
<tr>
<td>20</td>
<td>Late Temporary Event Notices issued with Alcohol</td>
</tr>
<tr>
<td>4</td>
<td>Temporary Event Notices issued without Alcohol</td>
</tr>
<tr>
<td>0</td>
<td>Street Trading Permits</td>
</tr>
<tr>
<td>9</td>
<td>(Licensing Officer &amp; Police joint visits).</td>
</tr>
<tr>
<td>15</td>
<td>House to House Collection Permits Issued</td>
</tr>
<tr>
<td>16</td>
<td>Street Collection Permits Issued</td>
</tr>
</tbody>
</table>

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 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 Service.

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

<table>
<thead>
<tr>
<th>Background Papers</th>
<th>Location</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Licensing Office, SMDC, Moorlands House, Leek</td>
<td>Alicia Patterson – Head of Environmental Health</td>
</tr>
</tbody>
</table>

Page 13
This page is intentionally left blank