

**Subject:** Licensing Unit Enforcement Report.

**Status:** For Publication.

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**Report to:** Licensing Committee

**Date:** 26<sup>th</sup> October 2010

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**Report of:** Director of Business.

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**Portfolio**

**Holder:** Environmental Services

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**Key Decision:** No

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**1. PURPOSE OF REPORT**

1.1 To present to the Licensing Committee a summary of the enforcement action taken by the Licensing Officers during Quarter 1 and Quarter 2.

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers.
- Keeping our Borough Clean, Green and Safe.

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 There are no specific risk issues for members to consider arising from this report.

**BACKGROUND AND OPTIONS**

4.1. The Licensing Unit deals with matters concerning premises and personal licences granted under the Licensing Act 2003, temporary event notices, premises licences granted under the Gambling Act 2005, street and house to house collections, small society lotteries and taxi licensing.

4.2. Staffing currently consists of a Licensing Manager, one Principal Enforcement Officer, one Enforcement Officer, and two Administrative Officers, both of whom are employed part-time, each on a 30 hours per week basis.

4.3. Figures for Quarter 1, period 1<sup>st</sup> April to the 30<sup>th</sup> June and Quarter 2, period 1<sup>st</sup> July to 17<sup>th</sup> September are appended as follows:

**Appendix A**

General Compliance/Enforcement Activity, Quarter 1 (01/04/10 to 30/06/10)

## **Appendix B**

Taxi Compliance/Enforcement Activity, Quarter 1 (01/04/10 to 30/06/10)

## **Appendix C**

General Compliance/Enforcement Activity, Quarter 2 (01/07/10 to 17/09/10)

## **Appendix D**

Taxi Compliance/Enforcement Activity, Quarter 2 (01/07/10 to 17/09/10)

A verbal update will be given if required of any further activities undertaken during Quarter 2.

- 4.4. The appendices outline service requests involving enforcement activity and exercises undertaken with various agencies and prosecutions, cautions and suspensions. For ease these have been split into general licensing enforcement and taxi enforcement.
- 4.5. Taxi licensing continues to take up a large proportion of officer time and a complete review of the taxi service is now completed. Draft policies following the review are currently subject to consultation.
- 4.6. There have been various complaints from the public regarding licensed premises which are habitually noise related and centre on four or five premises. These have been dealt with by licensing staff working jointly with the Police and/or Environmental Health officers.
- 4.7. There has been an increase in the number of test purchasing exercises to check for under age sales by off-licences. These have been carried out jointly by police and Council enforcement officers, the results of these have been mixed and have shown that there are no particular areas within the Borough where failures are particularly worse than other areas. The one exercise which was aimed at pubs and clubs proved particularly disappointing.
- 4.8. House to House collections are almost exclusively by charities who have given permission to private companies to collect clothing on their behalf and tend to be applications to collect for a whole year.
- 4.9. Street Collections tend to be organised by local people for both local and national charities and there have no problems associated with them.
- 4.10. The Licensing Act calls for a 'light touch' approach in respect of premises, targeting those which fall short of expectations. That has been the approach within this Borough and will continue to be so. Generally, complaints and issues about licensed premises are dealt with initially by visiting the premises and offering appropriate advice and assistance to the licence holder. In the vast majority of cases, the issue will be resolved at this stage otherwise a further visit by appropriate bodies or departments tends to reinforce the message.

- 4.11. Recent test purchases at public houses have indicated there may be a problem in the implementation of age checks and further exercises are planned for the future. Publicity will be given to those who are, and are not, compliant.
- 4.12. In respect of taxi enforcement, Operation Nightfire was deployed the 20<sup>th</sup> August 2010. This was lead by RBC with input from VOSA, The Border Agency, Benefits investigations and the police.
- 4.13. Later in the evening Operation Nightfire was deployed to fast food outlets in the Borough. This resulted in a benefit fraud referral and two further people were arrested for immigration offences.
- 4.14. On the 15<sup>th</sup> July 2010, a Licensing Conference was held at the Riverside in Whitworth. All premises licence holders were invited for the morning session where a number of speakers gave input and advice. The afternoon session was an accredited course in responsible alcohol retailing aimed at those businesses which had failed test purchasing exercises during the preceding 12 months.
- 4.15. Whilst on duty during the evening of 17<sup>th</sup> September 2010, enforcement officers came across two people street trading without a Consent found and later in the evening, an unlicensed premises serving hot food after 11pm. Enforcement officers will seek to prosecute those found offending.

#### **COMMENTS FROM STATUTORY OFFICERS:**

##### **5. SECTION 151 OFFICER**

- 5.1 Any financial implications have been limited within existing budget resources.

##### **6. MONITORING OFFICER**

- 6.1 The Council must make its decisions based on all relevant information and following consideration of all relevant Council policies.

##### **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 There are no specific human resources implications.

##### **8. CONCLUSION**

Enforcement continues to be pursued actively, balanced by a need to also assist small business to flourish within the Borough

##### **9. RECOMMENDATION(S)**

To note the contents of the report and the appendices

##### **10. CONSULTATION CARRIED OUT**

10.1 None.

## 11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached No

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Appendices	
Document	Appendix Number
General Compliance/Enforcement Activity, Quarter 1 (01/04/10 to 30/06/10)	Appendix A
Taxi Compliance/Enforcement Activity, Quarter 1 (01/04/10 to 30/06/10)	Appendix B
General Compliance/Enforcement Activity, Quarter 2 (01/07/10 to 17/09/10)	Appendix C
Taxi Compliance/Enforcement Activity, Quarter 2 (01/07/10 to 17/09/10)	Appendix D