

Subject:
Public Protection Unit Enforcement Report.

Status: For Publication.

Report to: Licensing Committee

Date: 12th April 2011

Report of: Director of Business.

Portfolio

Holder: Environmental Services

Key Decision: No

1. PURPOSE OF REPORT

1.1 To present to the committee a summary of the enforcement action taken by the Public Protection Unit between 1st October and the 31st December 2010.

2. CORPORATE PRIORITIES

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

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and Value for Money local services** –responding to and meeting the different needs of customers and improving the cost effectiveness of services

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 was re-named the Public Protection Unit (PPU) on the 1st January 2011. The unit has been re-structured and lost one member of staff. The new staffing levels now consists of a Manager, two Public Protection Officers and a further officer to be recruited who will have lead role in planning enforcement. There are also two administrative officers, one of which is full time and the other on 30 hours per week, and an apprentice administrator will also be recruited.

4.2. The PPU 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. It also deals with all planning enforcement complaints and issues.

- 4.3. Figures for the period 1st October to the 31st December 2010 and excluding planning enforcement matters are appended. The appendices outline service requests involving enforcement activity exercises undertaken with various agencies and prosecutions, cautions and suspensions and have been split into general licensing enforcement and taxi enforcement.
- 4.4. A new Policy for the Licensing of hackney carriage drivers and vehicles, private hire operators, drivers and vehicles and a Enforcement Policy for hackney carriage drivers and vehicles, private hire operators, drivers and vehicles was adopted by the Council on the 23rd February 2011 and is in the process of implementation. During March 2011, every licensed driver, proprietor and operator will have been issued a copy of the new Policies and the changes to the old procedures will be highlighted in the covering letter.
- 4.5. At the last meeting of the Licensing Committee, the matter was raised about applicants incurring re-booking fees for appointments. Records show that there were 15 re-bookings fees charged in 2008, 19 charged in 2009 and 9 charged in 2010. Annually, there are approximately 500 appointments made each year to licence vehicles, drivers and Operators.
- 4.6. There have been a number of complaints from the public regarding licensed premises and almost invariably they are noise related and centre on four or five premises. They have been dealt with by the PPU in conjunction with the Police and/or Environmental Health officers.
- 4.7. There has been no test purchasing exercise to check for under age sales by off-licences and public houses during Quarter 3. Two were planned during this period and subsequently cancelled by other agencies for operational reasons.
- 4.8. On the 12th November 2010, a joint operation with the Border Agency, Police and Environmental Health officers was conducted at 4 takeaway food premises in the Borough. One establishment was subsequently served with an Improvement Notice by Environmental Health officers and one had issues with a breach of a previous Improvement Notice. The latter also had rubbish blocking a fire escape and further enquiries are being pursued about accommodation above the premises. The third premises had a member of staff working in the kitchen who is now the subject of further investigation by the Border Agency and the fourth premises was reported for not having a Premises Licence under the Licensing Act 2003.
- 4.9. 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.
- 4.10. Street Collections rarely cause problems, tending to be organised by local people for both local and national charities.

- 4.11. 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. If not further visits by appropriate bodies or departments reinforces the message.

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. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

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Appendices	
Document	Appendix Number
General enforcement activity in quarter 3	Appendix A
Taxi enforcement activity in quarter 3	Appendix B