

<b>Subject:</b>	Quarter 4 Enforcement Report	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	12 <sup>th</sup> July 2012
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
<b>Contact Officer:</b>	Tracy Brzozowski	<b>Telephone:</b>	01706 238602
<b>Email:</b>	<a href="mailto:tracybrzozowski@rossendalebc.gov.uk">tracybrzozowski@rossendalebc.gov.uk</a>		

1.	<b>RECOMMENDATION(S)</b>
1.1	That the Committee note the contents of the report.

## 2. PURPOSE OF REPORT

2.1 To inform the Committee of enforcement action and issues in respect of licensing matters for the period 1<sup>st</sup> January to 31<sup>st</sup> March 2012.

## 3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **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.

## 4. RISK ASSESSMENT IMPLICATIONS

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

## 5. BACKGROUND AND OPTIONS

### 5.1 Other Licensing:

The following were granted new premises licences under the Licensing Act 2003:-

- Barearts, 214 Newchurch Road, Stacksteads. (Off licence)
- San Leo's, 12 Bury Road, Rawtenstall (Italian restaurant)
- Vogue, 23 Bacup Road, Rawtenstall. (Nightclub)

5.2 In addition there was a Determination Hearing held in respect of an application to vary the premises licence for the Commercial Hotel, Manchester Road, Haslingden. The application was granted in part.

5.3 There were a number of complaints about three licensed premises in the Haslingden and Rawtenstall area over the period, all centred on noise nuisance and all the premises have been visited by police and licensing officers on a number of occasions with one of the premises ceasing to trading.

5.4 The following temporary event notices were issued:

- Haslingden County Primary School (PTA)
- St Peters RC Primary School(PTA)
- Whitworth Civic Hall (Thai Boxing tournament.)
- Commercial Hotel, Haslingden. (Christmas Extensions)

5.5 The following charitable collections were applied for during the period:

House to House Collections:

- Do Not Delay
- Fire Fighters Charity
- PDSA
- Red Cross
- Make a Wish Foundation
- RNLI

Street Collections:

- Royal British Legion
- Coconutters
- RNLI
- Samaritans
- Cancer Research

5.6 Exercises:

The following exercises were conducted during this period;

Operation Nightfire

On 17<sup>th</sup> February 2012 officers from the Police, Border Agency, Benefits Investigation, Environmental Health and Licensing Enforcement visited a number of food takeaway premises in the Haslingden area. One male was arrested in possession of a false Swedish passport and for being in the country illegally.

Test Purchasing

On 16<sup>th</sup> March 2012 a test purchasing operation at licensed premises in the Bacup and Whitworth areas took place.

3 on licence premises and 8 off licences were visited by police, trading standards and enforcement officers. One supermarket off licence failed, as a member of staff served the children alcohol. The offender received a fixed penalty notice and licensing officers subsequently visited the premises and advised management accordingly. All the other premises either refused to serve the purchasers or asked for proof of age.

5.7 **Taxi Licensing.**

At the time of writing this report there were 228 hackney carriage vehicles and 390 hackney carriage drivers licensed with this Authority. There is a considerable increase in the number of enquiries and applications –currently running around ten per day - from people residing outside the Rossendale area who, quite legitimately, intend to use the hackney carriage licensed with Rossendale for ‘private hire’ use in other authority areas.

It is clear that once a vehicle has been licensed as a hackney carriage it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for

pre-booked purposes in any district in England and Wales. Indeed pre-booked work outside the district in which the vehicle is licensed is an inherent lawful use of a hackney carriage.

### Complaints:

There have been a total of 25 complaints regarding taxis plus a further 9 that did not return the licence plates on expiry of the licence as follows:

- 2 complaints of overcharging
- 1 complaint of an abusive driver
- 4 complaints of drivers receiving penalty points that they had not declared them
- 1 complaint of a driver convicted of assault
- 7 complaints of unreported damage to vehicles
- 1 complaint of a vehicle sounding its horn in a residential area
- 2 complaints of taxis parking and causing annoyance
- 1 driver with an unreported medical condition
- 1 driver smoking in the vehicle
- 1 complaint about the manner of driving
- 2 complaints about licence plates missing from the vehicle
- 1 complaint about a driver not notifying a change of address
- 1 complaint about a discrepancy in driving licence details.

### Exercises:

The following exercises were conducted during this period;

#### Operation Maestro – Friday 27<sup>th</sup> January 2012. 7pm to 9.30pm

This is a joint working exercise where police and Licensing Officers stopped and checked taxis and a number were subjected to further examination by a VOSA vehicle inspector working from a local garage. In total 14 licensed hackney carriage vehicles were stopped. Of those 4 were subject to a more thorough examination by VOSA and of those, 2 were issued with immediate suspension and 1 with a suspended prohibition. Failure points for the immediate suspensions included defective tyres, lights, seat belts and sharp edges on passenger seats.

#### Operation Spartacus

This is a joint exercise with the police and licensing officers whereby taxis are stopped and road side checks are carried out.

7<sup>th</sup> March 2012: – one licensing officer and one police officer undertook the check between 10am and 12 noon, 6 vehicles were stopped and all were in order.

9<sup>th</sup> March 2012: – one licensing officer and one police officer undertook the check between 6pm and 8pm, 10 licensed vehicles were stopped and 5 issued with a defect notice.

Usually this exercise is conducted by 3 police officers and 3 Council Enforcement Officers in 3 police vehicles. More recently only a single vehicle has been available.

No drivers have been suspended during this period.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

6.1 There are no specific financial implications

**7. MONITORING OFFICER**

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

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

8.1 There are no specific human resources implications.

**9. CONSULTATION CARRIED OUT**

9.1 None

**10. CONCLUSION**

10.1 Members are requested to note the content of the report.

There are no background papers