

Subject:	Quarter 2 Enforcement Report	Status:	For Publication
Report to:	Licensing Committee	Date:	4 th December 2012
Report of:	Director of Business	Portfolio Holder:	Customers, Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
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 1st July to 30th September 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. LICENSING.

5.1 There was one new licences granted during this period. (Peony Chinese Restaurant).

5.2 In addition there were nine changes of DPS at licenced premises

5.3 There were a number of complaints about nine licensed premises in the Whitworth, Edenfield, Helmshore, Haslingden and Rawtenstall areas over the period, all centred on noise nuisance. All the premises have been visited by police and licensing officers.

5.4 The following temporary event notices were issued:

- Bacup Cricket Club
- Horse and Bamboo Theatre
- Tesco (6)
- Whitworth Civic Hall
- Rose and Bowl
- Queens Arms
- Brex Farm

- Haslingden Sports Centre
- St. Veronica's (PTA)
- Crawshawbooth Primary School (PTA)

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

House to House Collections:

- Clothes Aid
- Do Not Delay
- RSPCA
- Rainbow Trust
- Red Cross
- World Vision
- Alfs Black Belt Academy
- Salvation Army
- RAF Association

Street Collections:

- Action for Children
- Agapao International
- Act Against Injustice
- Samaritans
- RAF Association

5.6 Exercises:

The following exercises were conducted during this period;

Test Purchasing

On 16th August 2012 a test purchasing operation at "off" licensed premises in the Rawtenstall and Haslingden areas took place. 8 off licence premises were visited by police and enforcement officers. One off licence failed, as the husband of the premises licence holder served the children alcohol. The offender elected to undertake a course in responsible alcohol retailing in lieu of prosecution. All the other premises either refused to serve the purchasers or asked for proof of age.

6. Taxi Licensing

6.1 At the time of writing this report, Rossendale Borough Council there are:

- 333 hackney carriages
- 526 hackney carriage drivers
- 6 private hire vehicles
- 8 private hire drivers, and
- 4 private hire operators

Complaints:

There have been a total of 14 complaints regarding taxis as follows:

- Driver racially abusing passenger
- Using trailer without plate
- Driver texting
- Speeding conviction

- Road traffic accident – driver not insured
- No roof sign/unapproved advertisements
- Using whilst suspended licence
- Defective headlight
- Dangerous driving
- Unlicensed driver (2)
- Defective brake light
- Police issue Section 59 warning to driver
- No door stickers

6.2 Exercises:

The following exercises were conducted during this period

Operation Maestro

Operation Maestro, a taxi enforcement exercise, was deployed by the Council's Licensing and Enforcement Unit, Lancashire Police and VOSA (Vehicle and Operator Services Agency) and shadowed by 3 councillors during the evening of Friday 10th August 2012 in the Rawtenstall area of the valley.

During the evening, 8 licensed hackney carriages were stopped and inspected with 4 of those being selected for an inspection at one of the Council's designated garages by a VOSA inspector of which all 4 vehicles were issued with a suspended or delayed prohibition notice for faults such as tyres below the legal limit, a missing wheel nut, defective brake lights, split CV gaiters, leaking brake callipers.

In addition to the VOSA checks, council officers found 3 defective roof signs, a defective meter, filthy and torn passenger seats, filthy passenger windows and the absence of no smoking stickers resulting in the issue of 2 Council suspension notices and 2 defect notices.

Oldham Exercise

On the 6th September, 2012, two enforcement officers, together with Oldham Licensing officers and Greater Manchester Police, conducted a taxi exercise in Oldham, where taxis were stopped and taken for examination to the Oldham Council MOT station. Four of the vehicles were licensed at Rossendale as hackney carriage vehicles and being used in Oldham for private hire purposes. All four were found to have the meter set at incorrect tariffs and were suspended. Further similar exercises are planned.

Taxi driver appeals

On 26th June, Mahmood Hussain had his application determined by Rossendale Council's Licensing Committee. After hearing Hussain had a conviction in 2007 for possession with intent to supply cannabis and two driving convictions for exceeding the speed limit on a motorway in 2008 and using a mobile phone while driving a motor vehicle in 2010, the Committee considered that Hussain was not a fit and proper person to hold a taxi licence. The appeal was heard by Reedley magistrates on 26th September and the decision of the Council was upheld.

6.3 No drivers have been suspended during this period.

COMMENTS FROM STATUTORY OFFICERS:

7. SECTION 151 OFFICER

7.1 There are no specific financial implications

8. MONITORING OFFICER

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

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

9.1 There are no specific human resources implications.

10. CONSULTATION CARRIED OUT

10.1 None

11. CONCLUSION

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

There are no background papers