

EAST HERTS COUNCIL

LICENSING COMMITTEE – 4 NOVEMBER 2010

REPORT BY LICENSING MANAGER

ENFORCEMENT UPDATE - 1 JANUARY – 30 APRIL 2010

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To receive data regarding Licensing compliance and enforcement activity in respect of premises licences for gambling, the sale of alcohol, Regulated Entertainment and Late Night Refreshment, and licences for Hackney Carriage and Private Hire drivers, vehicles and operators

FOR INFORMATION	
	To advise the Committee on the four month compliance and enforcement activity of the service

1.0 Background

1.1 The Council has a statutory duty to enforce the legislation in respect of the Licensing Act 2003 for the sale of alcohol, the provision of regulated entertainment and the sale of hot food and drink between 11.00pm and 5.00am. The Council is also responsible for enforcing the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions Act) 1976. These Acts deal with Hackney Carriage and Private Hire drivers, vehicles and operators. From September 2007 the Licensing Authority has also been responsible for enforcement in respect of the Gambling Act 2005. All complaints, investigations and subsequent actions have been dealt with in accordance with the Licensing Enforcement Policy.

- 1.2 The Council has been responsible for the enforcement of the Licensing Act 2003 since 24th November 2005. Currently this Council has licensed 483 premises and 41 club premises certificates for one or more of the licensable activities.
- 1.3 In respect of Hackney Carriage Drivers, Vehicles and Operators the Council currently has licensed 301 Dual Drivers, 39 Private Hire Drivers, 48 Private Hire Vehicles, 29 Private Hire Operators and 250 Hackney Carriage Vehicles. It is of interest to note that the number of licensed Hackney Carriage vehicles and Dual drivers is currently the lowest for over 3 years.
- 1.4 In respect of the Gambling Act 2005 this authority has issued 15 Betting Premises Licences since September 2007.

2.0 Report

- 2.1 For the purposes of this report all visits, inspections, complaints and enforcement actions for the period 1 January 2010 until 30 April 2010 have been included.
- 2.2 During the above period the enforcement team has undertaken 131 visits or inspections. These have been analysed further and are recorded as:
- Taxi Inspections and Investigations 28
 - Premises Complaints and Visits 83
 - Gambling Premises visits 0
 - Blue Notice visits 5
 - Invoice Visits/chase ups 10
 - House to House Collection complaints 4
 - Taxi Camera Investigations 1

All complaints regarding taxis and premises have been fully investigated. During this period it was not necessary to bring any taxi drivers to Licensing Sub-Committees for decision.

In respect of premises, the breaches of the licences have been addressed in accordance with the Licensing Enforcement Policy. In the previous report mention was made of a pending prosecution. In March 2010 the premises licence holder and Designated Premises Supervisor of Tubay Foods, South Street, Bishop's Stortford pleaded guilty at Hertford Magistrates Court to offences of unlicensed activities. They were both fined and costs awarded against them.

- 2.3 During the previous reporting period a large amount of effort had been made by the team to recover annual fees from licensed premises. During this period the number of visits has fallen dramatically. Invoices are still being collected at a rate of over 95%. Currently at the time of reporting there are 10 outstanding invoices.
- 2.4 Residents' complaints have reduced during this period from 32 to 24 complaints received. All residents' complaints were investigated and action taken. These included visits, letters, joint action with partners or enforcement in accordance with the East Herts Licensing Enforcement Policy. Significant complaints received during this period include several residents' complaints regarding Barlicious, South Street, Bishops Stortford. In Hertford numerous complaints were received regarding buskers using the Hertford Town Council licensed sites.
- 2.5 A significant part of the enforcement team's work is to ensure that all documentation for taxi drivers and vehicles is current and licences are valid. In the last enforcement report this work was analysed for the first time and it was found that during the six month period 171 letters of suspension were sent to our licensed drivers and vehicle proprietors. During this four month period 75 letters were produced. Where delay occurs without valid reason, it is hoped that the new proposed 'penalty points' system will improve drivers' and proprietors' behaviour.
- 2.6 During this period the enforcement team fed back to licensed premises the results of the drug swabbing exercise conducted around Christmas and New Year. All premises swabbed showed some level of illegal substance on the surfaces of the toilets. All premises accepted the results and have shown a willingness to be more vigilant and aware of the drug problems within the night time economy. It is anticipated that further testing will be conducted.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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Community Safety and Protection

Contact Officer: Brian Simmonds - Head of Community Safety and
Licensing Ext 1498

Report Author: Chris Clowes Licensing - Enforcement Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	The Licensing enforcement team have established and maintained excellent links with other enforcement agencies. The Police and the Environmental Health Department have been particularly helpful in dealing jointly with crime and disorder and noise issues. New links have been established with the Gambling Commission and joint visits have already been undertaken.
Legal:	There are obvious legal implications to enforcement work. During this period no prosecutions have been undertaken but matters have been resolved with the range of options available in our Enforcement Policy together with the use of Licensing sub-Committees
Financial:	The activity detailed within this report has been met from existing resources
Human Resource:	None
Risk Management:	All enforcement is undertaken in accordance with the Licensing Enforcement Policy and the Councils overarching enforcement policy