

EAST HERTS COUNCIL

LICENSING COMMITTEE – 4 NOVEMBER 2010

REPORT BY LICENSING MANAGER

ENFORCEMENT UPDATE 1 MAY 2010 – 30 AUGUST 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

<u>FOR INFORMATION:</u>
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 we currently have 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 have undertaken 131 visits or inspections. These have been analysed further and are recorded as:

• Taxi Inspections and Investigations	33
• Premises Complaints and Visits	56
• Gambling Premises visits	0
• Blue Notice visits	7
• Invoice Visits/chase ups	12
• House to House Collection complaints	0
• Taxi Camera Investigations	0
• TENS Complaints and Investigations	3

All complaints regarding taxis and premises have been fully investigated. During this period it was not necessary to bring any existing taxi drivers to Licensing Sub-Committees for decision. In respect of premises, the breaches of the licences have been addressed in accordance with our Licensing Enforcement Policy. In the previous report mention was made of a pending prosecution.

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 2 outstanding invoices.

- 2.4 Residents' complaints have fallen very slightly, and 22 complaints were received compared to 24 in the last period. All residents' complaints were investigated and action taken. These included visits, letters, joint action with our partners or enforcement in accordance with the East Herts Licensing Enforcement Policy. Significant complaints received during this period include a resident complaint regarding The Brown Bear, Braughing.
- 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. 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. Following the report of the drug swabbing exercise conducted around Christmas and New Year, further visits to Licensed Premises have indicated a higher level of awareness of the problem, and a greater willingness on the part of SIA door staff to co-operate with the police to obtain arrests of persons found to be in possession of illegal drugs. 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

Contact Member: Councillor M Alexander, Executive Member for Community Safety and Protection

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

Report Author: Paul Newman - Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p>Promoting prosperity and well-being; providing access and opportunities <u>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</u></p>
<p>Consultation:</p>	<p>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.</p>
<p>Legal:</p>	<p>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</p>
<p>Financial:</p>	<p>The activity detailed within this report has been met from existing resources</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>All enforcement is undertaken in accordance with the Licensing Enforcement Policy and the Councils overarching enforcement policy</p>