



Committee and date
Strategic Licensing
Committee

08 June 2011

Item No

8

Public

Licensing Enforcement

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Purpose of Report

To inform the committee of licensing 12-month projected enforcement plan and to provide details of inspections undertaken and complaints that have been investigated by the licensing team.

Summary

Part of the role of Shropshire Council's licensing service is to undertake enforcement exercises to ensure compliance of licence conditions. Enforcement is carried out by licensing officers both in response to complaints and by way of routine inspections.

This report gives the minimum levels of routine enforcement visits that would be made by officers over a one-year period and details inspections that have been carried out over the last six-month period together with the number of complaints that have been received and investigated.

Recommendations

- A. That the contents of the report be noted.

REPORT

1.0 Enforcement Visits

- 1.1 The licensing team have committed to undertaking the following unannounced routine visits to licensed premises and evening taxi enforcement during the financial year 2011/12. The team has licensing officers based in each of the former district areas who are responsible for enforcement in the area in which they are normally based, however for taxi enforcement, officers will work in other areas.

- 1.2 **Premises Licensed under the Licensing Act 2003** - At least 20 premises (alcohol/non-alcohol and clubs) to be routinely inspected per month throughout Shropshire (four per former district area). This would be on a risk rating basis both during the day and out of hours.

When applications are received for change of licence holder or change of designated premises supervisor, officers will endeavour to speak to the incoming licensee to ensure that they are aware of the conditions of licence.

For applications that require a public site notice to be displayed by the applicant, officers would check at regular intervals throughout the consultation period to ensure that the notice is correctly displayed and place a photograph of the notice on the office file for audit purposes.

Where temporary event notices have been rejected, Officers will undertake visits to ensure that unauthorised events do not take place.

There are 1,818 licensed premises.

- 1.3 **Premises Licensed under the Gambling Act 2005** - All betting shops, adult gaming premises and bingo premises to be inspected annually.

There are two bingos, six adult gaming and 26 betting licensed premises.

- 1.4 **Pet shop/Dog Breeding/Kennels & Catteries/Dangerous Wild Animals/Zoos** - All existing premises would be inspected annually and new premises would be inspected on application.

There are 59 animal boarding, seven animal breeding, three dangerous wild animal and 15 pet shops currently licensed.

- 1.5 **Riding Establishments** – These premises are required to be inspected by a vet prior to licence being granted. There are 19 licensed premises.

- 1.6 **Caravan Sites** - All sites to be inspected annually to ensure compliance with licence and conditions this would take place between March and September. Records show that there are 22 licensed caravan sites; however officers are aware that there may be others that hold historic licences that have not been accounted for and are currently in the process of inspecting those sites to ensure that accurate records are held.

- 1.7 **Licensed Vehicles/Drivers/Private Hire Operators** - Private Hire Operators would be inspected annually, a minimum 12 per month. All vehicles would be inspected annually, either prior to a licence being issued, at time of renewal, on receipt of complaint or by way of spot checks.

Three 'out of hours' exercises would be undertaken per month in areas where there is know to be a high number of licensed vehicles operating.

Officers have asked the taxi trade at the taxi forum held on 19 May 2011, what enforcement they considered necessary. There was a consensus that there

appeared to be unlawful plying for hire taking place in some of the busier town centres and that there was a need for covert operations to be undertaken to address the perceived problem; In addition it was thought that when enforcement was carried out by officers known to the local trade this was ineffective. Officers have committed to liaise with local police with regard to setting up some covert exercises and to carrying out enforcement in areas other than their local one.

There are 1,150 drivers, 154 private hire operators, 281 hackney carriages and 527 private hire vehicles.

2.0 Inspections undertaken

2.1 The following table details inspections made from 01 December 2010 to 01 May 2011.

Licensing Act	94
Gambling Act	1
Taxi Vehicles/driver/operator	380
Others	31
Out of Hours exercises	16

3.0 Complaints Received

3.1 The following table details complaints received about licensed premises/persons that were investigated from 01 December 2010 to 01 May 2011.

Licensing Act	20
Gambling Act	1
Taxi	18
Others	7

4.0 Conclusion

4.1 Officers carry out enforcement in line with the Public Protection Enforcement Policy. Where an offence or breach of licence conditions occurs, appropriate action will be taken, officers will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and
- aim to deter future non-compliance.

- 4.1 During the last six month period, there has been one person was prosecuted for plying for hire without an appropriate licence and there have been five premises licence review hearings.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Public Protection Enforcement Policy

Human Rights Act Appraisal

Any action taken as a result of enforcement exercises has an impact on a person's human rights, as such proper procedures must be followed.

Environmental Appraisal

Not applicable

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable

Cabinet Member

Councillor Charmley

Local Member

Appendices None.