



AGENDA ITEM:5

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	30 November 2021
PART:	I
If Part II, reason:	

Title of report:	Review of Licensing Enforcement Policy
Contact:	Phil Wortley – Licensing Officer, Corporate and Contracted Services
Purpose of report:	To present revised version of the Council's Licensing Enforcement Policy for adoption.
Recommendations	1. That Committee adopt the document at Appendix A as the Council's Licensing Enforcement Policy for a 5-year period from the 14 December 2021.
Corporate objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Delivering an efficient and modern council • Building strong and vibrant Communities • Ensuring economic growth and prosperity
Implications:	This is an existing policy which is due to be reviewed, with only minor changes proposed. No new implications are expected to arise as a result.
Consultees:	Public consultation has been carried out on the proposed revision, with the results reported within this report.
Background papers:	Draft Licensing Enforcement Policy 2021-2026
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council publishes various policies in respect of its other licensing functions. While there is no statutory duty to do so, publication is seen as best practice, as it offers guidance to applicants and other persons on how the authority will exercise its powers, and helps to ensure consistency in the Council's decision-making.
- 1.2. At its meeting on 21 September 2021, the Committee agreed consultation on updated draft versions of its licensing enforcement policy. Public consultation was carried out over a 4-week period in October 2021, and the result is reported below.

2. LICENSING ENFORCEMENT POLICY

- 2.1. The Council exercises a wide range of licensing powers across numerous pieces of legislation, many of which contain enforcement provisions, such as offences for carrying out particular conduct, or powers of entry and inspection to premises where licensable activities are carried on, with or without licences. These powers are underpinned by generic enforcement legislation, such as the Police and Criminal Evidence Act 1984, and associated codes of practice.
- 2.2. The enforcement policy contains guidance for licensed businesses and persons affected by such businesses on how we will exercise our legal powers. It also brings together expectations created under a number of charters, codes of practice and statutory guidance, which we will also take into account when exercising our powers.
- 2.3. The current enforcement policy was last reviewed in 2016 and there are few changes proposed from the current version.
- 2.4. One comment was received on the provisions of the draft enforcement policy during consultation, as follows:

From a licensed driver:

I have had a look at the enforcement policy consultation.

What I will mention is general feelings re consistency/lack of consistency re who is checked out consistently and who isn't from the council's licensing department.

These are feelings I have felt for years and please bear in mind that I am someone that worked at the then brand new Leisure World multi leisure centre from its opening in August 1995 for the best part of its first 2 years, then I was moved/promoted to train as a Manager in Reading before returning to the Hemel cinema in Feb 98 and leaving in December 1999.

From November 1998 I was working part time as a Private Hire Driver too and became a full time Hackney Carriage Driver in the year 2000 which I did as my only job up until the first Covid lockdown in March 2020.

I do feel over the years/decades that there has been an over emphasis in scrutiny in general/inspections/joint operations on Taxi/Private Hire Drivers where when I worked in Cinema/Leisure world, there were no checks whatsoever, not on were we practising age checks, was the leisure complex ok on cosmetics or not.

When I worked at the cinema/LW complex, broken seats, ripped carpets, leaking toilets occurred frequently.

Anything like that on the Taxi/Private Hire MOT's would constitute a fail on DBC's licensing compliance checks/tests.

Around 2005 I noticed the occasional Police sniffer dogs doing quick checks on people queuing outside the night clubs at Jarman Park but never have I ever heard of licensing/Police doing checks within Pub and clubs and late night bars on are they operating correctly re not serving underage people, people already drunk, and checking on if drugs are being consumed in the toilets.

From what I have heard from customers over the years and when they talk among themselves, is that drug taking openly in pub toilets is rife and has been for years.

How come councils and Government are not bothered and or seem to act against these kind of things but want Taxi/Private Hire drivers to be acting against such things if they get an inkling such things are about to happen with people they drive?

I find it very inconsistent.

I also wonder why when Pub car parks are full with cars at the weekends, that there never has been any Police checking if people are under the limit or not before they drive?

I have noticed when there is big football events going on and on New Year's Eve too, people seem to drive out of pub car parks in almost like a fast convoy way afterwards..

While I could be wrong, I have suspected the reason why people are so quick to leave in that way is because they may well be over the limit, don't want to pay for cabs to get to and from the pubs.

I have been told a couple of times "there isn't the resources to do these checks on pubs and clubs" but why is there resources for fairly constant checks/scrutiny on Taxis/Private Hire Drivers but not on these other licensed operators where the things Government/Councils say they are partly worried about and want Taxi/PH drivers to try and act against, but seem to give pub/clubs a pass on such things?

- 2.5. Given that the concerns raised reflect the application of the policy rather than the document itself, it is difficult to consider that any changes are appropriate to the document as a result of the above response.
- 2.6. The key concerns raised by the respondent are 'consistency'. This supports maintaining a policy which guides how the Council will conduct itself in its regulatory functions. However, it is not possible or appropriate to approach the wide variety of different licensing regimes that the policy covers with a 'one fits all' manner, primarily because all have different legislation which determines what the Council can and can't do.

3. RECOMMENDATION

- 3.1. That Committee adopt the document at Appendix A as the Council's Licensing Enforcement Policy for a 5-year period from the 14 December 2021.**