

Subject:	Quarter 4 Enforcement Report	Status:	For Publication
Report to:	Licensing Committee	Date:	4 th June 2013
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 January to 31st March 2013.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean and Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

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 were no new premises licences granted during this period:

5.2 There were six changes of DPS at licenced premises:

- 99p Store, Rawtenstall.
- White Horse, Helmshore.
- Cock and Magpie. Whitworth.
- Co-op Late Shop, Haslingden.
- Madisons, Rawtenstall.
- Forresters Arms, Haslingden.

5.3 There were complaints about 6 licensed premises in the Whitworth, Stacksteads and

Rawtenstall areas over the period, all centred on noise nuisance.

5.4 The following temporary event notices were issued:

- Cafe Artisan
- Bacup and Rawtenstall Grammar School
- St Veronica's church hall
- Madisons
- Rawtenstall Town Square

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

House to House Collections;

- Bacup and Stacksteads Carnival Organisation
- Be Child Cancer Aware
- Cancer Research and Genetics
- Action on Hearing Loss
- Voluntary Service Overseas
- National Deaf Children's Society
- R.N.L.I.

Street Collections;

- Bacup and Stacksteads Carnival Organisation
- Bacup Coconutters
- Act against Injustice.

5.6 **Taxi Licensing.**

At the time of writing this report licensed with Rossendale Borough Council there are:

- 453 hackney carriage vehicles
- 5 private hire vehicles
- 753 hackney carriage drivers
- 8 private hire drivers
- 4 private hire operators

In addition there are in excess of 100 new driver applications pending and a further 434 potential drivers who have appointments to apply for an enhanced disclosure from the Disclosure and Barring Service.

Appeals against Licensing Committee Decisions.

- On 23rd October, a 45 year old male from Bolton had his application determined by Rossendale Council's Licensing Committee. After hearing the individual had received a Caution in 2008 for assaulting a police constable and a driving conviction for exceeding the speed limit in 2009, the Committee considered that he was not a fit and proper person to hold a taxi licence. The appeal was heard by Reedley magistrates on 3rd January and the decision of the Council was upheld. And costs of £240 were awarded to the Council.
- On 9th November, a 20 year old male from Rawtenstall had his hackney carriage drivers licence suspended with immediate effect by Council officers. On 4th December the matter was determined by Rossendale Council's Licensing Committee. After hearing the 20 year old had been charged with 3 offences which the committee considered to be major driving offences under the Council's Policy.

The Council's Licensing Committee considered that the licence shall remain suspended

until such time as the pending court case was is determined when the matter will be reported back to Committee for elected members to decide whether they can be satisfied that the driver is a “fit and proper” person to hold a hackney carriage driver’s licence or until the licence lapses, whichever is soonest. The appeal was dismissed by Reedley magistrates on 3rd January and £210 costs were awarded to the Council.

- On 23rd October 2012, a 22 year old male from Oldham had his application determined by Rossendale Council’s Licensing Committee. After hearing the individual had received 6 penalty points on his DVLC licence for driving without insurance the day after he submitted his application, the Committee considered that he was not a fit and proper person to hold a taxi licence. The Licensing Committee also took into account the applicant’s failure to declare the pending conviction. The appeal was dismissed by a District Judge sitting at Reedley Magistrates’ Court on 10th January and £180 costs were awarded to the Council.
- On 23rd October 2012, a 35 year old male from Whalley Range in Manchester had his application determined by Rossendale Council’s Licensing Committee. After hearing the applicant was convicted in April 2008 for 16 offences of possessing goods with a false trade mark for sale or hire on various dates between July 2006 and December 2007 and that he had received 3 penalty points on his DVLC licence for a contravention of pedestrian crossing regulations with a stationary vehicle in February 2012, the Committee considered that he was not a fit and proper person to hold a taxi licence. The appeal was dismissed at Reedley Magistrates’ Court on 18th January and £100 costs were awarded to the Council.
- On 4th December 2012, a 50 year old male from Burnley had his application determined by Rossendale Council’s Licensing Committee. After hearing he had been disqualified from driving under the ‘totting up’ procedure in 2009, the Committee considered that he was not a fit and proper person to hold a taxi licence. The appeal was heard by Reedley magistrates on 31st January where the decision of the Council was upheld and the applicant was ordered to pay costs to the Council of £210.
- On 4th December 2012, a 34 year old male from Oldham had his application determined by Rossendale Council’s Licensing Committee. After hearing he had driving convictions for driving on a provisional licence without a licensed passenger and driving uninsured against third party risks in 2009, the Committee considered that he was not a fit and proper person to hold a taxi licence. Magistrates were told that in an attempt to get away with it, the applicant, who was previously disqualified for no insurance and dangerous driving, was not wearing a seat belt at the time of the offence and gave a false name when stopped by police. The appeal was heard by Reedley magistrates on 11th February where the decision of the Council was upheld the applicant was ordered to pay costs to the Council of £50.

Complaints:

There have been a total of 12 complaints regarding taxis as follows:

- 1 x dirty vehicle.
- 1 x drivers blocking street.
- 2 x fail to report road traffic accident.
- 8 x no roof sign/door stickers.

Exercises:

The following exercises were conducted during this period:

School checks

No school checks were carried out during this period.

Operation Maestro: Friday 15th March 2013.

This operation was carried out with the Police and VOSA. A total of 13 vehicles were stopped and inspected and 6 of those vehicles were taken to a designated garage to be inspected by VOSA. Of the six, 3 were issued with delayed prohibition notices for defects such as tyres, rear seat belt anchorage, brake pedal rubber missing, defective headlamp, broken wing mirror and defective steering rack gaiter.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no specific financial implications

7. MONITORING OFFICER

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

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 There are no specific human resources implications.

8.2 No consultation has taken place.

10. CONCLUSION

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

There are no background papers