

**REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE –
INVESTIGATION INTO THE CONDUCT AND USE OF ENFORCEMENT
POWERS ACROSS THE COUNCIL’S SERVICES**

MODULE 3

LICENSING ENFORCEMENT

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INVESTIGATION INTO THE CONDUCT AND USE OF ENFORCEMENT POWERS ACROSS THE COUNCIL'S SERVICES - MODULE 3 - LICENSING ENFORCEMENT

1. INTRODUCTION, BACKGROUND AND TERMS OF REFERENCE

Introduction

This study into Licensing Enforcement is the third and final module of an investigation into the conduct and use of enforcement powers across the Council's services. Modules 1 and 2 were undertaken by our predecessors the Scrutiny Panel, and covered Planning Enforcement and Environmental Protection/Street Scene Enforcement respectively.

Background

The Licensing Section is responsible for issuing a range of licenses to protect the safety and welfare of the public. Officers in the section identify premises, vehicles, activities and persons required to hold a license or registration and then monitor and inspect the areas once licensed to ensure compliance with the legislation. Licenses and permits are issued for a myriad of activities ranging from acupuncture to street collections.

The main enforcement activities carried out by the Licensing Section relate to two areas of work - licensing of Hackney Carriage (Taxis) and Private Hire Vehicles (PHVs), and licensing of premises for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

Terms of Reference

Accordingly, our **Terms of Reference** for the investigation were as follows:-

A. To conduct a study into two aspects of licensing enforcement work namely:-

1. Enforcement issues in relation to licensing of Taxis and PHVs;
2. Enforcement issues in relation to licensing of premises for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment;

by examining:-

1. How Licensing Enforcement for these activities is organised and the legislative framework that applies;
2. How Licensing Enforcement for these activities is resourced;
3. Whether the enforcement activities are adequate and targeted appropriately

and consistently;

4. The effectiveness of the enforcement activities assessed against relevant policies/targets/best value performance indicators;

5. The links that the Licensing Enforcement Section has with other Council Departments and external organisations in respect of these enforcement activities.

B. To make recommendations to the Council's Cabinet on any improvements that can be made to the existing arrangements.

2. METHODOLOGY

We launched our study in July 2007 and initially sought information from the following:-

BDC Officers

Mrs. T. Philp, Licensing Enforcement Officer
Mrs. S. Lowe, Head of Law and Governance
Mr. C. Batchelor, Principal Environmental Health Officer
Ms. L. Buckland, Principal Environmental Health Officer
Mr. A. Southerby, Head of Planning Control
Ms. H. Goodwin, Community Safety Manager

BDC Councillors

Parish and Town Councils

External Organisations

Chambers of Trade and Commerce
Braintree District Taxi Association
The Police
Essex County Fire and Rescue Service
Child Protection (Licensing Applications) Essex County Council
Health and Safety Executive
Essex County Council Trading Standards
Gambling Commission
Department for Culture Media and Sport
LACORS (The Local Authorities Coordinators Of Regulatory Services)
The Council's approved garage – C. L. Panelcraft
Department for Transport

An advert was also placed in the local press inviting interested members of the public to submit written comments.

The written submissions that were made to us are set out in Appendix A.

We subsequently arranged a Scrutiny Hearing that took place on the night of Monday 26th November 2007 at Causeway House, Braintree and the following witnesses attended:-

Cllr. M. Banthorpe, the Chairman of the Licensing Committee
Cllr. Mrs. W. Schmitt, the Cabinet Member for Public Protection and Healthy Living
Mr. A. Smith, Chairman of the Braintree District Taxi Association
Mrs. I. Raffaelli FBII, Chairman of Braintree Pub Watch
Mr. P. Stratton, Essex County Council Trading Standards
Mrs. T. Philp, Licensing Enforcement Officer, BDC
Mr. L. Crabb, Chief Environmental Health Officer, BDC
Mrs. E. Wisbey, Legal Executive, BDC

The minutes of the Scrutiny Hearing are set out in Appendix B.

3. STAFFING RESOURCES OF THE LICENSING SECTION

The staffing resources of the Licensing Section are as follows:-

One full time Licensing Officer;
One full time Licensing Technical Officer;
One full time Administrative Officer;
One full time Licensing Enforcement Officer (15 hours of this Officer's 37 hour week are worked between the hours of 18.00 and 03.00hrs.).

This team deals with all licensing matters with the Licensing Enforcement Officer dealing exclusively with the enforcement issues.

A legal service to the Licensing Section is provided by Mrs. E. Wisbey, Legal Executive who is based in the Legal Section.

4. THE LICENSING SECTION'S LINKS WITH OTHER COUNCIL DEPARTMENTS AND EXTERNAL ORGANISATIONS

These are as follows:-

Essex Police (Licensing Department) (Traffic) (shift officers)
BDC Environmental Protection Department
BDC Environmental Health Department – Health and Safety
BDC Environmental Health – Food Team
BDC Street Scene – Parking Enforcement
BDC Street Scene – Community Wardens
BDC – Community Safety
BDC – Planning Enforcement
BDC Legal Department
Uttlesford District/Chelmsford Borough Licensing Enforcement
Taxi Liaison Panel – Local Taxi/Private Hire Companies
ECC - Highways Department

ECC – Passenger Transport Department
Vehicle Operators and Services Agency (VOSA)
District and Parish Councillors
Police Community Support Officers
Essex Trading Standards
Essex Fire and Rescue

5. ENFORCEMENT ISSUES IN RELATION TO LICENSING OF TAXIS AND PHVs

Background and Legislation

Taxis and PHVs play an important part in local transport, and the aim of local authority licensing of the taxi and PHV trades is to protect the public. In addition, enforcement activity by the Council as the local licensing authority benefits not only the public, but also the responsible people in the taxi and PHV trades.

The distinction between taxis and PHVs is as follows.

Taxis are independent vehicles and can ply for hire, stand on a rank, can be hailed in the street, and can be pre-booked.

PHVs lack the independence of taxis and are tied to a private hire operator, through whom they must be pre-booked. They cannot ply for hire or stand in a rank, and cannot be hailed on the street.

The legislation regulating Taxis and PHVs is as follows:-

Town Police Clauses Act 1847
Town Police Clauses Act 1889
Local Government (Mics) Provisions Act 1976
Transport Act 1980
Transport Act 1985
Disability Discrimination Act 1995

The Licensing Section also endeavours to follow the guidance laid down in the Department of Transport publication “Taxi and Private Hire vehicle licensing: Best Practice Guidance”.

Due regard is also had to the Council’s ‘Statement of Enforcement Policy’ and the associated enforcement concordat, in determining whether enforcement action is appropriate.

The Enforcement Process

The main enforcement role in this area of work relates to the investigation of complaints about alleged breaches of conditions of taxi and PHV licenses. In this respect, the most common types of breach are as follows:-

1. Complaints regarding drivers' attitudes;
2. Failure by drivers to wear ID badges;
3. Illegal tyres;
4. Lack of cleanliness in vehicles.

Enforcement action is spread evenly between taxis and PHVs although taxis are easier to enforce because they are more visible. PHVs are less conspicuous in that they cannot ply for hire, stand in a rank or be hailed on the street.

Officers carry out their enforcement duties in accordance with the specific requirements of the legislation. Due regard is also given to guidance from the government and relevant professional bodies.

The enforcement process can be triggered as a result of non-compliances identified during routine inspections by the Licensing Enforcement Officer, or as a result of the officer's investigations into complaints made by:-

Members of the public
District/Parish Councillors
Community Wardens
Essex Police
Essex Trading Standards
Planning Enforcement
Environmental Health
Essex County Council
Essex Fire and Rescue
Health Protection
Vehicle Operators and Services Agency

The nature and seriousness of the issue are assessed and, if necessary, the appropriate legislation for dealing with the matter will be identified.

The initial investigation may result in one or more of the following actions:-

- * Obtaining witness statements under Section 9 of the Criminal Justice Act 1967
- * The recall of motor vehicles
- * Inspection of premises/vehicles
- * Covert operations
- * Referring to the appropriate authority

With one exception (failure of a PHV operator to keep records), non compliance with a condition attached to a PHV license is not a criminal offence. The normal sanction where conditions of a license are found to be breached is to bring the transgressor before the Council's Drivers Panel.

The Drivers Panel may then consider whether or not it is appropriate to take action against a driver or operator. Members of the Panel can determine to take no action, provide a warning, suspend or revoke a license. The driver or

operator has a right of appeal in the magistrates court if they are aggrieved at the decision.

The level of staffing resources dedicated to the enforcement function means that enforcement is predominantly reactive in nature. Cllr. Banthorpe the Chairman of the Licensing Committee and officers emphasised to us that further staffing resources were required to make it a proactive one. In this respect, officers indicated that the addition of another Licensing Enforcement Officer and a part time Licensing Technical Officer would enable the enforcement function to become more pro-active and help improve the service by:-

1. Carrying out more covert operations;
2. Educating the public about the law;
3. Utilising the media to inform the public of the law.

The Licensing Team has regular contact with drivers, and vehicles are inspected twice yearly by the Council's authorised garage – C L Panelcraft. Mr. Smith the Chairman of the Braintree District Taxi Association indicated that the Association had a very positive relationship with the Council, and there were regular meetings with officers providing for a two way exchange of views.

We were also advised that the Licensing Committee has discussed a points system to assist the Licensing Section in monitoring compliance and this is currently the subject of consultation with the trade. New livery (signage) for both taxis and PHVs is also proposed and consultation with the trade is pending.

We note that some authorities promote poster campaigns for the safe use of taxis and PHVs (see examples in Appendix C) and we feel it would be useful if the Licensing Section undertook similar campaigns.

Service Statistics

Valid licenses issued by the Licensing Section up to September '07 were as follows:-

Taxi Driver	147
Taxi Vehicle	84
Taxi Vehicle Trailer	24
Dual Driver	173
PHV Driver	448
PHV Vehicle	333
PHV Operator	80

Performance Indicators

There are no national Best Value Indicators or corporate Performance Indicators for Taxis and PHV licensing.

However, three “local service performance indicators” are used to monitor enforcement activities and these are set out below.

	2006/07
LOP2 The % of Hackney Carriage Vehicles inspected of the total number (84) per annum.	89%
LOP3 The % of Private Hire Operators inspected of the total number (126) per annum.	76%
LOP4 The % of Taxi meters inspected for accuracy of the total number (84) per annum.	95%

Essex Licensing Officers Forum has drafted a set of performance indicators to be used by all Essex Authorities to allow some local bench marking to take place. These are going out to consultation with Essex Licensing Officers shortly.

6. **ENFORCEMENT ISSUES IN RELATION TO LICENSING OF PREMISES FOR THE SALE AND SUPPLY OF ALCOHOL, THE PROVISION OF REGULATED ENTERTAINMENT AND THE PROVISION OF LATE NIGHT REFRESHMENT**

Background and Legislation

The Licensing Act 2003 came into effect on 24th November 2005 and transferred the responsibility for licensing premises from the magistrates courts to local Councils. For the purposes of the Act, Councils are now called Licensing Authorities.

The primary purpose of the Act was to provide a new focus on the promotion of four statutory objectives.

These are:

- * The prevention of crime and disorder;
- * Public safety;
- * The prevention of public nuisance;
- * The protection of children from harm.

Prior to the Licensing Act 2003 coming into force Public Houses, Nightclubs, Private Members Clubs etc., were all licensed by the magistrates courts. With the new Act it is now necessary to separately licence both the premises and the person in day to day control of the business. These are now called Premises Licences and Personal Licences respectively.

The Act lists four licensable activities, which are regulated by the provisions of the Act:-

- * The sale by retail of alcohol;

- * The supply of alcohol by clubs;
- * The provision of regulated entertainment;
- * The provision of late night refreshment.

The Enforcement Process

The main element of enforcement work is in relation to compliance checks to ensure that licensees are complying with the conditions attached to their license. There is a programmed inspection schedule of “High Risk” premises which the Licensing Enforcement Officer endeavours to visit each week. “High Risk” premises are determined by taking into account the following:-

- * the number of complaints received;
- * the types of activity and the age groups involved;
- * the operators performance and past track record;
- * intelligence received from other agencies (e.g. the Police).

Other licensed premises will be inspected on a reactive basis normally in response to a specific complaint.

The limitation of staffing resources means that apart from the “High Risk” premises the enforcement service provided is largely a reactive one.

Similar to Taxis and PHV enforcement, the enforcement process can be triggered as a result of non-compliances identified during routine inspections made by the Licensing Enforcement Officer, or as a result of the officer’s investigations into complaints made by:

Members of the public
 District/Parish Cllrs.
 Community Wardens
 Essex Police
 Trading Standards
 Planning Enforcement
 Environmental Health
 Essex County Council
 Essex Fire and Rescue
 Health Protection

Again, the nature and seriousness of the issue are assessed and, if necessary, the appropriate legislation for dealing with the matter will be identified.

The initial investigation may result in one or more of the following actions:-

- * Obtaining witness statements under Section 9 of the Criminal Justice Act 1967
- * Inspection of premises
- * Covert operations
- * Obtaining noise measurements
- * Referring to the appropriate authority

Once the initial investigations have been completed, the nature and seriousness of the issue are assessed against the Council's enforcement policy and associated enforcement concordat. If necessary, the appropriate action for dealing with the matter will be identified and, for example, a prosecution against the Licensees/Personal License Holders may be pursued through the Magistrates Court.

However, we were advised that a "review" of the license is often the best mechanism for achieving the Council's licensing objectives.

In this respect, the Licensing Act 2003 contains provision for reviewing premises licenses where problems associated with the four licensing objectives are occurring after the grant or variation of a premises license.

A request for a "review" has to be made to the Licensing Authority by a Responsible Authority or an Interested Party (see below). Licensing Authorities may not initiate their own reviews of premises licenses.

Responsible Authorities includes the following public bodies: the Police; Essex County Fire and Rescue; Essex County Child Protection; BDC Environmental Services; BDC Planning Services; Health and Safety Executive; Essex County Trading Standards.

Responsible Authorities must be notified of applications and are entitled to make representations to the licensing authority in relation to an application for any grant, variation or review of a premises license or club premises certificate. In addition, they can call for a license to be reviewed.

An Interested Party includes: a local resident; residents' association, local business; trade association representing local business. Interested parties may also request a review.

On receipt of a request for a "review", the Council as Licensing Authority is obliged to hold a hearing. In determining a review, the 2003 Licensing Act provides a range of powers in order for the Licensing Authority to take appropriate action. It is not obliged to take any action if it feels that none is justified, but action can range from issuing an informal warning to a licence holder to more stringent action such as modifying the license conditions, or revoking a license.

The applicant, Responsible Authorities and Interested Parties all have the right to appeal the Licensing Authority's decision to a Magistrates' Court if they feel aggrieved.

We note that Mrs. Wisbey, Legal Executive in her written submission identified a number of training needs as follows:-

* Training for relevant officers in the Planning and Environmental Services Departments so that they can effectively apply their powers and assert their

rights as Responsible Authorities under the Act;

* Training for other Departments of the Council who are not Responsible Authorities, such as Community Safety, as to how they can assist and feed into the Responsible Authorities;

* Guidance/training for Ward Members who may be approached to represent interested parties at licensing hearings.

The need for further staffing resources to enable the Licensing Section to become more proactive in enforcement as regards licensed premises were once more stressed to us by Cllr. Banthorpe the Chairman of the Licensing Committee and officers. We were advised that additional resources would enable the enforcement function to become more proactive and facilitate the following service improvements.

1. Carrying out more covert operations;
2. Educating the public about the law;
3. Utilising the Media to warn the public and advise them of the law;
4. Education campaigns aimed at pubs and clubs regarding the law;
5. Targeting schools and colleges to get our message across.

We were advised that as regards the issue of lone working for the Enforcement Officer a “buddy system” was in operation. However, we were disappointed to learn that there had been occasions when requests had been made for a police officer to accompany the Licensing Enforcement Officer when dealing with difficult cases, but this had not met with a positive response because of pressure on policing resources.

Out of hours complaints regarding licensed premises are recorded by the Facilities Duty Officer at Causeway House initially. The Licensing Enforcement Officer will investigate the complaint and deal with it in the normal way including liaison with other departments and agencies as necessary. Depending on the precise nature of the complaint, the Licensing Enforcement Officer will carry out follow up checks on the premises concerned as necessary.

We were advised that officers felt that partnership working with the Police on enforcement issues concerning licensed premises was an area that needed to be reviewed with a view to achieving improved liaison and co-operation. Similarly, officers would welcome a closer working relationship with Essex Trading Standards.

Licensed Premises - Licensing Enforcement and Planning Enforcement

We were advised that the conditions attached to the license would form the basis for enforcement action by the Licensing Section under the licensing legislation if any contravention occurred, e.g. if the operator was not adhering to an hours of opening condition. The licensing legislation was felt to provide a more rigorous and enforceable regime in comparison with the somewhat

tortuous planning enforcement process.

Technically, premises operating in breach of their planning permission could still be liable to prosecution under planning law.

However, to take the hours of opening condition as an example, Mr. Taplin the Planning Enforcement Officer advised us in his written submission that:-

“Prior to the implementation of the Licensing Act, the opening hours of Takeaway Food establishments were controlled by the imposition of conditions placed upon planning permissions whereas the opening hours of such premises are now controlled by virtue of any Premises License granted and if not complied with represent an immediate offence which may be prosecuted at the Magistrates Court. This has rendered the Council’s Supplementary Planning Guidance on Late Night Takeaway Premises obsolete and Planning Enforcement action for Breach of Condition to be “redundant”, being replaced with a far more rigorous and enforceable regime.”

In its capacity as a ‘Responsible Authority’ the Planning Department is consulted on Licensing applications, but is only permitted to make representations within very tight parameters based on the effect of the application on the four licensing objectives.

We note also that planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. The relationship between licensing and planning is not therefore a very straightforward one and we feel that the way in which licensing enforcement and planning enforcement integrates needs to be formally reviewed

We also feel that the guidance notes given to Licensing Applicants should include information making it clear to licensees that as well as adhering to the license conditions the use of any licensed premises or places are, in addition, subject to planning controls. Applicants should be advised to make prior checks with the Planning Department to ascertain whether their application conflicts with a relevant planning permission for the premise and, if it does, what steps the Planning Department requires to be taken to ensure that such a conflict will be resolved to its satisfaction.

Essex County Council Trading Standards

One of the key areas of operation of Essex County Council Trading Standards is to enforce the provisions of Section 146 of the 2003 Licensing Act, prohibiting the sale of alcohol to children. In this respect, Trading Standards has a zero tolerance policy in relation to the sale of alcohol to children.

Mr. Stratton, Essex County Trading Standards advised us that since April 2007, 14 test purchases of alcohol (using specially recruited underage volunteers) had been conducted with 3 sales made giving a failure rate of 21% equal to the county wide figure for test purchases. This was an improvement

over the previous year when 21 test purchases had been undertaken with 8 resulting in sales of alcohol to children – a failure rate of 38%.

Trading Standards receive all the alcohol related license applications submitted to the Council and information is fed into the Trading Standards database to facilitate trade advisory visits, and to pursue enforcement action where necessary. Enforcement action can result in Fixed Penalties, Official Warnings, prosecution in the magistrates' court.

Trading Standards officers do not have a particularly close working relationship with officers at BDC although both attend the Licensing Officers Forum.

Trading Standards receives regular intelligence from the Police Licensing Officers, but does not receive any information directly from either the District Council or Parish/Town Councils in the District.

We were advised by Cllr. Schmitt the Cabinet Member for Public Protection and Healthy Living that issues do get raised at the Police Community Tasking Groups and that the Police will report any pertinent issues to Trading Standards.

Mr. Stratton advised us that that he would endeavour to arrange publicity in Braintree District for the zero tolerance policy.

Braintree Pub Watch

This consists of a number of Licensees from Braintree and the surrounding villages who had joined forces to prevent crime and disorder in bars. The Licensees run the scheme with support from the Police who offer advice on crime trends, prevention of offences and new legislation. Mrs. Raffaelli the Chairman of the Pub Watch advised us that all responsible licensees will undertake checks to ensure that they are complying with the terms of their licenses. She emphasised that the majority of licensees want to get it right and will work closely with one another and the police.

A Pub Watch has now been formed in Witham and there is also likely to be one formed in Halstead. The 'BOBBS' Scheme (behave or be banned) is also to be introduced where a person banned from one licensed premises is banned from them all.

Service Statistics

Valid licenses issued by the Licensing Section up to September 2007 were as follows:-

Premises License	530
Personal License	745
Designated Premises Supervisor	185
Temporary Event License	426

Performance Indicators

There are no national Best Value Indicators or corporate Performance Indicators for Licensed Premises.

However, there is one “local service performance indicator used to monitor enforcement activities and this is set out below.

	2006/07
LOP1 Number of “high risk” Licensed premises visited per month	72

Essex Licensing Officers Forum has drafted a set of performance indicators to be used by all Essex Authorities to allow some local bench marking to take place. These are going out to consultation with Essex Licensing Officers shortly.

7. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

One of the major issues that has been brought to our attention as a result of this study concerns the resourcing of the Licensing Section and in particular the workload of the Licensing Enforcement Officer. Enforcement action in relation to Taxis and PHVs is not a new area of working as historically the Council has had responsibility for this licensing function for many years. Nevertheless, the enforcement workload in that area alone is quite substantial.

The responsibility for licensing premises which was transferred from the magistrates courts to the Council in November 2005 is a relatively new area of work and brought with it a considerable additional workload for the Licensing Section as a whole including the enforcement function.

Whilst for both taxis and PHVs, and licensed premises the enforcement service provided is largely a reactive one, we would take the opportunity to commend those officers who are involved in the licensing enforcement function (either directly or indirectly) for their commitment, enthusiasm and diligence.

One of our recommendations is for an increase in staffing resources so that the enforcement service for these functions can become more pro-active and achieve a number of identified service improvements.

The licensing enforcement function requires a great deal of liaison and co-operation both internally with other BDC Departments and externally with a number of other agencies. We feel that the partnership working between the Council and key external agencies such as the Police and Essex Trading Standards would benefit from a review to see if stronger working partnerships can be achieved.

We are also concerned that a police presence should be made available if requested by the Licensing Enforcement Officer when dealing with difficult enforcement cases.

There are a number of training needs that we have identified for both officers and members in relation to the 'licensed premises' aspect of our study and these are reflected in our recommendations.

We recognise that there needs to be a clear separation of the planning and licensing regimes in relation to licensed premises. However, we do feel that the way in which licensing enforcement integrates with planning enforcement needs to be formally reviewed. Further advice should also be incorporated into the guidance notes for licensing applicants emphasising the need for them to make prior checks on the planning position before submitting their application.

Recommendations

We **RECOMMEND** to the Cabinet as follows:-

Recommendations applying to both Taxi and PHVs, and Licensed Premises Enforcement Function

- 1. The staffing resources of the Licensing Section should be increased to enable the Section to become more pro-active in its enforcement role and to allow the Section to undertake a number of ancillary activities that are not currently being undertaken including:-**

- * Carrying out more covert operations;**
- * Educating the public about the law;**
- * Utilising the Media to warn the public and advise them of the law;**
- * Education campaigns aimed at pubs and clubs regarding the law;**
- * Targeting schools and colleges to get the Council's message across;**

(Officers have indicated that the addition of a further full time Licensing Enforcement Officer and a part time Licensing Technical Officer would be necessary to achieve these service improvements).

If the Cabinet is mindful to allocate further resources to the Licensing Enforcement Section, the Chief Environmental Health Officer should draw up a series of indicators to measure the impact on performance;

- 2. Partnership working between the Council and the Police, Essex County Council Trading Standards and other relevant agencies who have an involvement in licensing enforcement, should be reviewed to see how those partnerships can be strengthened (eg through improved liaison, closer working and co-operation, and intelligence gathering and sharing);**
- 3. Contact should be made with the Police at Cabinet level concerning the**

need for a police presence to be available to support the Licensing Enforcement Officer when dealing with difficult cases;

- 4. The Cabinet should welcome and endorse the Essex Licensing Officers Forum initiative for developing a set of performance indicators to allow local bench marking to take place;**
- 5. The Cabinet should welcome the proposal by Mr. Stratton, Essex Trading Standards to seek to target the District for publicity in connection with Trading Standards zero tolerance policy in relation to the sale of alcohol to children (this publicity to be undertaken as soon as practicable);**

Recommendation applying only to Taxi and PHVs Enforcement Function

- 6. In the interests of public safety, the Licensing Section should undertake a campaign promoting the safe use of Taxis and PHVs;**

Recommendations applying only to Licensed Premises Enforcement Function

- 7. Training should be provided for:-**

- * Relevant officers in the Planning and Environmental Services Departments so that they can effectively apply their powers and assert their rights as Responsible Authorities under the 2003 Licensing Act;**
- * Other Departments of the Council who are not Responsible Authorities, such as Community Safety, as to how they can assist and feed into the Responsible Authorities;**
- * Ward Members who may be approached to represent interested parties at licensing hearings.**

- 8. The way in which licensing enforcement and planning enforcement integrates should be formally reviewed;**
- 9. The guidance notes given to applicants applying for a premises licence or club premises certificate should include information making it clear to applicants that as well as adhering to the license conditions the use of any licensed premises or places are, in addition, subject to planning controls. Applicants should be advised to make prior checks with the Planning Department to ascertain whether their application conflicts with a relevant planning permission for the premise and, if it does, what steps the Planning Department requires to be taken to ensure that such a conflict will be resolved to its satisfaction.**

Note to Cabinet – Implementation of Recommendations

The Cabinet is reminded that it agreed at the end of the last civic year that the relevant Cabinet Member will submit a progress report on implementation to the Overview and Scrutiny Committee within 9 months of the Cabinet accepting the Committee’s recommendations.

Finally, we would like to record our thanks to all those individuals who have contributed to this study and for the written and oral evidence that has been submitted to us by witnesses.

The Overview and Scrutiny Committee

Councillor M. Gage (Chairman)
Councillor Ms. C. J. Denise
Councillor M. Dunn
Councillor Dr. R. L. Evans
Councillor Ms. L. B. Flint
Councillor J. E. B. Gyford

Councillor A. M. Meyer
Councillor Mrs. R. O’Shea
Councillor R. Ramage
Councillor Mrs. C. Sandbrook
Councillor A. F. Shelton
Councillor S. M. Walsh

8. APPENDICES (NOT ATTACHED)

Appendix A – Written submissions.

Appendix B – Minutes of the Overview and Scrutiny Committee (Scrutiny Hearing) held on 26/11/07.

Appendix C – Examples of local authority poster campaigns promoting the safe use of taxis and PHVs.