

Response to Investigation into Licensing Enforcement –
Report from Overview and Scrutiny Committee

Agenda Item 1e

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Background Papers:-

Overview and Scrutiny Committee investigation in to the conduct and use of Enforcement powers across the Council's services (Module 3 Licensing Enforcement)

Cabinet 4th February 2008

Financial Implications:- Additional £30,000 if additional staffing is approved

Equalities Implications:- None

Legal Implications:- None –

Options:

- 1.To note the progress that has been made to date.
2. To note the report and to consider allocating additional resources to the Licensing enforcement function.

Risks: **None**

EXECUTIVE SUMMARY

The attached Action Plan sets out the progress made against each of the recommendations of the Overview and Scrutiny Committee in respect of its investigation into Licensing Enforcement.

DECISION

1. To note the report and the actions taken against the recommendations made by the Overview and Scrutiny Committee.
2. To consider the provision of additional resources in to the Licensing Enforcement function

ACTION PLAN – In response to the recommendations made by the Overview and Scrutiny Committee

Recommendation 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;

Progress:-

The recent successful appointment of a joint enforcement officer between Environmental Health and Planning Enforcement has shown that greater efficiencies can be obtained through the appointment of multi-functional enforcement officers. This provides the services with the necessary flexibility to allocate the officer to areas of high demand. Therefore the intention, where the opportunity arises, is to employ enforcement officers with a broader range of responsibilities. In addition the Head of Environment is using the existing resource of the out of hours service to supplement some of the Licensing Enforcement functions.

Comments:

However, there is the option to broaden and intensify the enforcement function - as described in the recommendation above made by the Committee - if additional resources were to be provided.

Recommendation 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 (e.g. through improved liaison, closer working and co-operation, and intelligence gathering and sharing);

Progress:

As a result of this recommendation a high level meeting was convened with Essex Police to seek to address a number of operational and administrative issues. As a result of this very productive meeting it has been agreed that the Police will host a 6 monthly meeting of all Responsible Authorities.

Comments:

The terms of reference for the meeting will be to enable all Responsible Authorities to promote closer working relationships by identifying areas for continuous improvement and best practice. To promote a greater understanding of Responsible Authority roles, responsibilities and synergies to be gained, and to provide a more effective and efficient approach when dealing with licensing issues that arise in the district.

Recommendation 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;

Progress:

This matter has been discussed a great length with the Police and it is clear that Essex Police will do all they can to provide assistance where requested but on occasions this will not be possible due to other demands.

Comments:

An initiative using special constables will soon be trialed to provide additional back-up where required and officers within the Environmental Health Department can also be made available.

Recommendation 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;

Progress:

The following set of performance indicators are now being used to monitor performance in Licensing.

Number of new premises licences.	Number only
Number of TEN.	Number only
Number of driver applications.	Number only
Number of enforcement service requests	Number only
% of new personal licences dealt within 10 working days	New this year Essex indicator
% of applications for TEN's dealt within 5 working days	New this year Essex indicator
applications for variation to premises licences to specify new DPS dealt within 14 working days	New this year Essex indicator
% of annual renewals and receiving payment within 30 working days	New this year Essex indicator
% of three yearly CRB checks for drivers dealt within 30 working days	New this year Essex indicator

Recommendation 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);

Progress:

It is intended that this initiative be pursued during the school summer holiday and the Christmas holidays.

Recommendation 6

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

Progress:

A Braintree and Witham Times ran an article at Christmas about the safe use of taxis.
Comments: A similar article will be prepared at the same time each year.

Recommendation 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.*

Progress:

Training has been arranged and is on-going for all internal departments.

Comments:

As and when Ward Members are approached, Legal Services will provide the necessary training. However, it is highly unlikely that Ward Members will be required to represent a group of residents as one of the Responsible Authorities are more than likely to be in a position to call a review.

Recommendation 8

The way in which licensing enforcement and planning enforcement integrates should be formally reviewed;

Comments:

The integration of the enforcement role is now being looked at across a broader spectrum of services, including the two mentioned above.

Recommendation 9

The guidance notes given to applicants applying for a premises license 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 premises 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.

Progress: This has now been incorporated into the Application forms.