

## **DEPARTMENT OF ENVIRONMENT AND LEISURE**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO : LICENSING COMMITTEE 14 June 2017**

**TITLE : UPDATE ON THE WORK OF PUBLIC PROTECTION AND ENVIRONMENTAL HEALTH SERVICE**

### **1. PURPOSE**

The purpose of this report is to provide an update on the work of the Council's Public Protection and Environmental Health Service (PPS) where there is a connection with businesses and persons who require a licence from the Council. This report covers the time period December 2016 to April 2017.

### **2. RECOMMENDATIONS**

That members note the report.

### **3. KEY ISSUES**

#### **3.1 Under age sales test purchasing.**

Trading standards officers regularly carry out test purchasing operations with under age volunteers to check whether retailers will sell them alcohol. Operations are typically targeted at shops which complaints have been made about.

During this period 3 operations have been carried out with 30 attempts to buy alcohol made in off-licences across Blackburn and Darwen. On 2 occasions the sale was made.

Test purchasing is controlled by a Home Office Code of Practice and the Regulation of Investigatory Powers Act 2000, which controls surveillance activity.

Generally, if a member of staff sells (and it's the first time they have done so) they are offered a place on a responsible alcohol retailing course at their expense as an alternative to receiving a fixed penalty notice. Officers make enquiries into the due diligence arrangements of the licensed premises, and if they are found wanting formal action can be taken. Retests at the premises which failed are carried out to check whether the improvements required have been made.

#### **3.2 Safeguarding Awareness training**

All new applicants for hackney carriage and private hire driving licences must attend safeguarding awareness training before they can be issued with a badge. Currently 52% of the licensed drivers within the Borough have attended this training. All drivers working on school contracts for special needs transport have received the training as have a number of staff working for the bus company.

Work to roll out safeguarding training for existing taxi trade has continued. We aim to have all drivers trained within the current year.

#### **3.3 Taxi safety operations**

There have been 4 evening taxi safety operations in Blackburn and Darwen. These are joint operations with the Police, Licensing enforcement officers and a vehicle examiner from the Council's motor vehicle service station.

In total 117 vehicles have been stopped for vehicle safety checks. In addition, driver licences were checked.

### **3.4 The Immigration Act 2016**

The Immigration Act 2016 came into effect on 1 December 2016. The licensing team are now checking on a licence applicant's right to work in the UK. This applies to taxi and alcohol licensing. The Act brings in a range of offences. Licensing officers have received training on the new requirements.

### **3.5 Update on Penalty Point Scheme**

The penalty point scheme was introduced in January 2016. The scheme records points for a variety of minor offences and breaches of licence conditions. Should 20 points be accrued the driver will be referred to General Licensing Sub-committee for a review of their licence.

Since the introduction, 41 penalty point notices have been issued. 3 drivers have appealed the points but their appeals have been dismissed; none have reached the 20 point trigger which would mean a referral to the Licensing Committee. One private hire operator business did reach the trigger of 20 points for having vehicles with faulty tyres on 2 occasions.

### **3.6 Responsible Alcohol Retailing Course**

13 members of staff from on and off licences undertook and passed the BIIAB (British Institute of Innkeeping Awarding Body) accredited course before Christmas. Some of the group had failed under age sales test purchases. Feedback from all attendees was very positive.

### **3.7 House of Lords Select Committee on Licensing and its Recommendations**

A decade after the implementation of the Licensing Act 2003 a House of Lords Select Committee has provided some post-legislative scrutiny of the Act and its amendments. The committee's report is now available at:

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

The report has some far reaching recommendations including bringing planning and licensing under one regime. The Institute of Licensing are holding an event in mid-June to look at the report's recommendations. Blackburn with Darwen will be represented at the event and feedback on the likely implications will be provided to the meeting.

### **3.8 Appeals against committee decisions**

There have been 3 appeals to the Magistrates' Court against the decisions made by General Licensing Sub-Committees. All three were dismissed by the Magistrates courts. One driver however is appealing to the crown court.

### **3.9 Routine work carried out**

The following table provides some of the key figures on work carried out by members of staff working in the Licensing Team from 1 December 2016 to 5<sup>th</sup> June 2017.

Vehicle licences processed	<b>1183</b>
Driver licences processed	<b>225</b>
Licensing Act licences processed	<b>74</b>
Visits to new DPSs	<b>51</b>
Inspections of premises/vehicles carried out	<b>368</b>

#### **4. RATIONALE**

To inform members of the Licensing committee about the key work carried out by staff working within the Council's Public Protection and Environmental Health Team where there is a connection with businesses and people needing a licence from the Council.

#### **5. POLICY IMPLICATIONS**

None.

#### **6. FINANCIAL IMPLICATIONS**

None

#### **7. LEGAL IMPLICATIONS**

None.

#### **8. RESOURCE IMPLICATIONS**

None

#### **9. CONSULTATIONS**

None

#### **10 . CONTACT OFFICER**

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