

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## **Summary of Compliance/Enforcement actions undertaken by Officer's**

<b>Final Decision-Maker</b>	N/A
<b>Head of Service</b>	John Littlemore
<b>Lead Officer/Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations to the final decision-maker:**

1. To provide information to Licensing Committee on the number and type of compliance and enforcement actions undertaken by Licensing Officers as part of their duties.

**This report relates to the following Five Year Plan Key Objectives:**

- Great People
- Great Place
- Great Opportunity

**Timetable** (\* please delete those not applicable)

<b>Meeting</b>	<b>Date</b>
Licensing Committee	N/A

# Summary of Compliance/Enforcement actions undertaken by Officer's

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To advise Members of the number and type of compliance and enforcement actions undertaken by Licensing Officers as part of their duties.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Officers must ensure that applicants comply with the relevant legislation when submitting applications. In order to ensure that applications are valid Officers will need to undertake inspections in the majority of instances.
- 2.2 Officers must also ensure that any conditions of a licence once granted are complied with. This requires compliance and may also require enforcement action to be undertaken by Officers who conduct night time enforcement up to the permitted hours, however the majority of the enforcement action is undertaken during the normal working day.
- 2.3 Officers also deal with complaints made about licence holders where investigation and interviews are required. The majority of those complaints come from the Public but they can also come from other sources i.e. Police, K.C.C other licence holders etc.
- 2.4 The following is a summary of the actions taken by Officers from April 2016 – December 2016 and is provided for the Members' information.

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### Hackney Carriage & Private Hire Enforcement

Month & number of investigations	Type of incident	No of incidents	Action taken
April 2016 61	Complaint – overcharging of fares	1	Matter investigated, driver interviewed – No evidence no action taken.
	Complaint – drivers driving standards	1	Matter investigated, driver interviewed – No evidence no action taken, note on record.
	Report from Police – driver in unplatd vehicle.	1	Driver was an unlicensed driver in an O licence vehicle – outside the Licensing Departments jurisdiction.

	Report from Police – no plated displayed on vehicle.	1	Points issued to driver.
	Illegal plying for hire	40	Operators records requested in all instances –  Warning letters were issued to the majority as the penalty points system had just been implemented and they had not been reported before. However 11 vehicles had legitimate bookings, 3 were unlicensed by Maidstone but were operating on O licences and outside the licensing departments jurisdiction, 2 were T&M vehicles and their information forwarded on. Points were issued to 2 drivers as they had been previously warned.
	Unlicensed Vehicle reported	1	Investigations made, was previously licensed by Maidstone expired in 2013, not licensed by any surrounding authorities, advised driver to report the matter to Police and Licensing Department if spotted again.
	Complaint – Aggressive driving	2	After investigation the vehicle was a T&M licensed vehicle and the information forwarded to them to deal with.  Maidstone driver interviewed and issued points.
	PHD Driver parked in the town centre where they should not be.	11	Warning letters issued.
	Partnership Enforcement	3	Checks on vehicles while on school runs : 2 vehicles suspended until corrective works carried out.  1 PHD driver working without an operator's licence, advised to remedy the situation and not work until resolved
<b>May 2016 17</b>	Alleged illegal Plying for hire	8	8 out of town vehicles reported, information passed to the relevant local authority
	Driver complaint – behaviour and fare charge	1	Matter investigated, driver interviewed – No action taken.
	Driver – Working without badge	4	Drivers told to go home and get badges - Warning letter issued – no points were given.
	HCD/PHD Drivers parked in places in the town centre where they should not be.	3	2 Warning letters issued and 1 issue of penalty points to a driver who had already received a warning for the same offence.
	Complaint re unlicensed vehicle	1	After investigation this was found to be operating on an O licence and outside the Licensing Departments Jurisdiction

<b>June 2016 10</b>	Driver complaint – non-attendance to a disabled passenger	1	Matter investigated, driver interviewed – Points issued.
	Driver complaint – Dangerous driving	1	Matter investigated, driver interviewed – Points issued.
	Alleged illegal Plying for hire	8	1 - out of town vehicles reported, information passed to the relevant local authority  7 – Operators records requested from drivers and operators. All investigated, issue of 6 points to one driver, all other bookings were legitimate
<b>July 2016 8</b>	Driver complaint – Bad driving – advised 9 points on D/L not disclosed to Licensing Department	1	Licence suspended pending investigation, driver did not cooperate or attend for interview, licence expired in the interim and was not renewed.
	Complaint from member of public with regard to the service from an operator	1	Discussions had with operator to resolve issue – to be resolved directly between complainant and operator.
	Alleged illegal Plying for hire	3	1 - out of town vehicles reported, information passed to the relevant local authority  2 – Operators records requested from drivers and operators. All investigated, issue of 6 points to the drivers
	Driver complaint – Rudeness to a member of the public	1	Matter investigated, driver interviewed – Warning given
	Driver – Failure to provide operators records	1	6 points issued
	Operator – Operating without a licence	1	Visit to premises advised given and to cease trading until licence in place, complied with – no formal action taken
	Driver - Failure to display PHV plate	1	4 points issued.
<b>August 2016 16</b>	Driver – refused new application due to nature of offences on DBS	1	Letter sent refusing application, appeal made to HoS who upheld the Officer's original decision.
	Driver – Appeal against penalty points	1	Opportunity given for them to supply evidence to the contrary, none provided – Original decision upheld
	Complaint from member of public with regard to the service from an operator	1	Discussions had with operator to resolve issue – to be resolved directly between complainant and operator.
	Allegations made	1	Interviewed the driver who was still being

	against a licensed driver.		investigated. Matter was dropped by Police, allegations unfounded.
	Requests made to drivers/operators to supply current insurance documents for licensed vehicle	7	No response from previous request; suspension notices issued.
	Driver – non disclosure of caution	1	Driver attended interview, warning given.
	Illegal plying for hire	4	Request for records made – 3 had legitimate bookings, points issued to 1 driver.
<b>September 2016</b> <b>18</b>	Illegal plying for hire	2	1 out of town vehicle referred to the relevant authority. Records requested for MBC vehicle, legitimate booking.
	Driver – Drivers behaviour	1	Driver interviewed, points issued.
	Hackney Vehicles Enforcement Inspections.	15	<p>3 - Current insurance documents not present in vehicle - driver instructed to rectify and represent vehicle to Officers</p> <p>2 - internal plate not displayed – driver instructed to rectify and represent vehicle to Officers</p> <p>2 - Not displaying fare charts - driver instructed to rectify and represent vehicle to Officers.</p> <p>1 - Vehicle with minor damage advised immediate rectification and re-presenting to Officers before continuing to work.</p> <p>1 - Driver not wearing or having badge present- given points and instructed to cease working until badge is worn.</p> <p>6 - vehicles no issues indentified</p>
<b>October 2016</b> <b>18</b>	Driver – complaint received as to whether the driver of a vehicle was actually licensed and standard of driving/knowledge of area	1	Vehicle owner contacted and driver's identity established, driver called in and interviewed. No formal action taken as satisfactory explanation given.
	Partnership Enforcement	1	<p>Checks on vehicles while on school runs : Vehicle suspended until operator got corrective works done, cracked windscreen &amp; tyres close to legal limit.</p> <p>Driver was found to be unlicensed, badge had run out 2 months previously and the driver had forgotten to renew.</p>

			<b>PROSECUTION</b> matter heard 17th January 2017 at Sevenoaks Magistrates Court. <b>Result imposed a fine of £150. Ordered to pay a contribution towards costs of £150 and the victim surcharge of £30.</b>
	Unmet Demand Survey – Mystery Shopper Exercise 21.7.16	16	The unmet demand survey identified some drivers of vehicles as not having their badge number or details visible. Plate and registration number of the vehicles in question were supplied. All the vehicle proprietors in question were written to and reminded of condition 13 of the Byelaws in relation to badges, no points issued just advice.
<b>November 2016</b>	Driver - Information passed from another Local Authority	1	Driver not wearing badge – Points issued
<b>18</b>			
	Driver – Story in Kent Messenger	1	Driver attended Offices for interview. Explanation given no formal action taken.
	Driver – Incident witnessed by Officer	1	Driver attended Offices for interview. Explanation given Points issued.
	Driver – Complaint from public, vehicle regularly parked with engine running in residential area	1	Driver written to and advised to stop parking in residential areas and return to base between bookings. Any further complaint would incur formal action.
	Hackney Vehicles Enforcement Inspections.	13	5 - Current insurance documents not present in vehicle - driver instructed to rectify and represent vehicle to Officer's  2 - internal plate not displayed – driver instructed to rectify and represent vehicle to Officer's  1- Not displaying fare chart - driver instructed to rectify and represent vehicle to Officer's.  5 - vehicles no issues at all
	Driver – On mobile phone whilst driving	1	Matter investigated, note on record, no formal action taken.
<b>December 2016</b>	Illegal Operator & other matters raised with other agencies	1	Visit - joint operation with Immigration, Police & Licensing, the owner of the establishment denied the claims, no evidence found to support complaint
<b>6</b>			
	Hackney Vehicles Enforcement Inspections.	4	3 – No Issues  1 – Immediate attention required to rusty sharp edges on 2 doors, instructed company to remove the vehicle from the road until repairs carried. Vehicle presented to Officers and reinstated back to work.
	Illegal Plying for hire	1	Operator's records requested – legitimate booking.

**Licensing Act 2003 & Gambling Act 2005 Premises Compliance Visits & Miscellaneous**

<b>Month &amp; number visits</b>	<b>Type of incident</b>	<b>No of premises</b>	<b>Action taken</b>
<b>April 2016 16</b>	New Applications-site visit to check Blue/White notice	2	1 – Present and correct  1- Not present, applicant contacted and advised to re-date the notices for the new 28 day period and display
	Premises Visits - New	7	5 - General checks good (licence displayed, DPS correct etc).  2 - General checks non compliance, 1 DPS had changed advised to rectify 1 Licence not displayed, advised to get copy  3 - Annual fee chase following suspension notice.
	Premises Visits-Revisits checking on previous non compliance	5	5- Licence still not displayed, advised to correct immediately advised it is an offence under S 57 (4) Failure to keep premises licence or certified copy at premises and failure to display summary of premises licence or certified copy and notice specifying nominated person by the Premises Licence Holder. As they had previously advised there is no longer a reasonable excuse and a Level 2 (£500) penalty could be applied if prosecuted  1 – Still no refusals book- referred to Police licensing Officer
	GA2005 Premises Visits	2	1 – FEC – Check machines, no permits were displayed advised to remedy the situation.  1- Gambling Premises licence displayed correctly.
<b>May 2016 15</b>	New Applications-site visit to check Blue/White notice	2	2 – Present and correct
	Premises Visits - New	6	4 - General checks good (licence displayed, DPS correct etc).  2 – minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)  2 –Annual fee payment requests
	Street Trading	1	Street trader had not renewed their consent and was trading without one, advised to submit application asap and to stop trading until granted.
	Premises Visits-	5	5- Licence still not displayed, advised to

	Revisits checking on previous non compliance		correct immediately advised it is an offence under S 57 (4) Failure to keep premises licence or certified copy at premises and failure to display summary of premises licence or certified copy and notice specifying nominated person by the Premises Licence Holder. As they had previously advised there is no longer a reasonable excuse and a Level 2 (£500) penalty could be applied if prosecuted
	GA2005 Premises Visits	1	No issues identified at premises
<b>JUNE 2016 3</b>	New Applications-site visit to check Blue/White notice	3	3 – Present and correct
<b>JULY 2016 18</b>	New Applications-site visit to check Blue/White notice	4	3 – Present and correct  1 - Not present, applicant contacted and advised to re-date the notices for the new 28 day period and display
	Premises Visits - New	9	6 - General checks good (licence displayed, DPS correct etc).  3 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)  5- Annual fee payment requests
	Annual fee – Suspension issued	3	Annual fee payment requests
	Premises Visits-Revisits checking on previous non compliance	2	1 – check licence displayed with new DP details  1 – check licence displayed with new change of premise name completed
	GA2005 Premises Visits	5	Gambling Premises licence displayed correctly.
<b>August 2016 19</b>	New Applications-site visit to check Blue/White notice	5	All Present and correct
	Premises Visits - New	9	6 - General checks good (licence displayed, DPS correct etc).  3 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)  4- Annual fee payment requests
	GA2005 Premises Visits	3	Gambling Premises licence displayed correctly.
<b>September 2016</b>	New Applications-site visit to check Blue/White notice	2	All Present and correct



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	Premises Visits - New	17	<p>13 - General checks good (licence displayed, DPS correct etc).</p> <p>4 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)</p> <p>1- Annual fee payment requests</p>
	complaint	1	Premise visit with EHO, allegations in relation to noise going on after licensed hours at a premises, also that licensable activities also going on beyond their licence hours. Licensing found that licensable activities did cease at the time they were supposed to but patrons were lingering and causing noise nuisance, advice given on the kind of measures to put in place to minimise the problem.
	GA2005 Premises Visits	6	Gambling Premises licence displayed correctly.
<b>October 2016</b> <b>16</b>	New Applications-site visit to check Blue/White notice	2	All Present and correct
	Premises Visits - New	13	<p>13 - General checks good (licence displayed, DPS correct etc).</p> <p>6 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)</p> <p>4- Annual fee payment requests</p>
	complaint	1	Premise visit with EHO, allegations in relation to noise after installation of new sound system. Advice given on levels and complying with conditions of licence.
	GA2005 Premises Visits	2	Gambling Premises licence displayed correctly.
<b>November 2016</b> <b>18</b>	New Applications-site visit to check Blue/White notice	8	<p>7 - All Present and correct</p> <p>1- applicant advised to replace notice as water damage had made it illegible.</p>
	Premises Visits - New	6	<p>5 - General checks good (licence displayed, DPS correct etc).</p> <p>1 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)</p> <p>2- Annual fee payment requests</p>
	Premises Visits-Revisits checking on previous non compliance	2	2 - check licence displayed with new change of premise name completed

	complaint	2	Premise visit with EHOs in relation to noise complaints. Advice given on levels and complying with conditions of licence.
	GA2005 Premises Visits	2	Gambling Premises licence displayed correctly.
<b>December 2016 16</b>	New Applications-site visit to check Blue/White notice	2	All Present and correct
	Premises Visits - New	8	6 - General checks good (licence displayed, DPS correct etc).  1 –minor amendments to licence details (change of address for 1 DPS and 1 change of name for a premises)  2- Annual fee payment requests
	Premises Visits-Revisits checking on previous non compliance		
	Enforcement	1	An Interim Authority Notice was not submitted within 7 days of the Licence holder passing away Officer's visited the premises to advise removal of alcohol as due to the circumstance the licence had lapsed.
	Scrap Metal - site	1	Site visits as application to renew licence had been made
	Joint Partner visit	1	Attend premises with Police, trading standards and immigration in response to allegations of illegal workers and operation.
	Joint Partner Visit	1	Attend premises with Police to request removal of alcohol as suspension notice in place and annual fee not paid.
	GA2005 Premises Visits	4	Gambling Premises licence displayed correctly.

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## 2 AVAILABLE OPTIONS

### 3.1 N/A

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## 4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

### 4.1 N/A

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## 5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

## 5.1 N/A

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## 6 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	No issues identified	[Head of Service or Manager]
Risk Management	No issues identified	[Head of Service or Manager]
Financial	No issues identified	[Section 151 Officer & Finance Team]
Staffing	No issues identified	[Head of Service]
Legal	No issues identified	[Legal Team]
Equality Impact Needs Assessment	No issues identified	[Policy & Information Manager]
Environmental/Sustainable Development	No issues identified	[Head of Service or Manager]
Community Safety	No issues identified	[Head of Service or Manager]
Human Rights Act	No issues identified	[Head of Service or Manager]
Procurement	No issues identified	[Head of Service & Section 151 Officer]
Asset Management	No issues identified	[Head of Service & Manager]

## 7 REPORT APPENDICES –

N/A

## 8 BACKGROUND PAPERS

N/A

