

REPORT TO: LICENSING COMMITTEE - 21 NOVEMBER 2014

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR ROSS C LEE

Prosecutions, Appeals and Enforcement Action – Licensing Matters

1. PURPOSE OF REPORT

To advise members of prosecutions, appeals and other targeted enforcement action taken in respect of licensing matters and on behalf of the Licensing Manager and head of Health, Safety & Licensing. It is normal policy to provide details of any prosecutions to the committee for information purposes.

This report follows from a previous update report submitted to the committee on 21 September 2011 - (minute 12/2011 refers).

Prosecution files are considered on individual merit and in accordance with the council's adopted enforcement concordat. Offences that are both serious in nature and satisfy the public interest test are forwarded to Legal Services for consideration.

This report **does not** therefore include pending matters under investigation or the issue of suspensions for vehicle and/or driver licences together with the issue of individual penalty points, written and verbal warnings given to licence holders by your staff in the normal course of duties.

For matters relating to the Licensing Act 2003, the adopted Statement of Licensing Policy for 2011 – 2016 (at paragraph 9.7) states that members "will receive, from time to time, reports from officers on any formal enforcement proceedings".

2. RECOMMENDED that the report be noted.

3. BACKGROUND INFORMATION ON INDIVIDUAL CASES

3.1 Mr A - Former Hackney Carriage Driver - Driving whilst unlicensed and Permitting No Insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988

On 07 May 2013 a complaint was submitted about the driver of licensed hackney carriage vehicle following a pick up from the Guildhall Walk area at about 0200 on the morning of 05 May 2013.

3 passengers had got into the vehicle and initially wanted to go to Portchester. The driver demanded £30 as an "upfront" fare. Comment was made about the driver's surly and miserable attitude and the journey therefore concluded prematurely in the area of New Road East.

At this point, a male passenger went to get out of the taxi which drove off, at speed, before he had properly alighted. He was dragged along clinging to the open door before being "flung" across the road. He received severe bruising and abrasions to his shoulder.

The passengers made a complaint to the council and were advised to report the matter to the Police and to also seek medical attention for the apparent injuries suffered by the male passenger. They nevertheless asked the council to formally investigate the conduct of the taxi driver.

Subsequent investigation revealed that the only insured driver for the licensed hackney carriage was Mr A. His hackney carriage driver licence had however expired on 30 April 2013 (the common renewal date). Licensing staff had previously advised him that his driver licence could not be immediately renewed as records showed he was overdue a prescribed medical examination with his GP to provide proof of fitness to drive to the vocational group II standard.

Further investigation with the insurance company revealed that A was not insured due to driving a licensed hackney carriage without a current hackney carriage driver licence.

Mr A failed to respond to any correspondence, visits to his home address or indeed attend any PACE Interviews.

The City Solicitor was requested to instigate proceedings against Mr A for multiple offences of driving whilst unlicensed contrary to section 46/47 of the Town Police Clauses Act 1847, permitting no insurance contrary to section 143 of the Road Traffic Act 1988 and driving without due care and attention contrary to section 3, Road Traffic Act 1988.

After an initial adjourned court hearing, Mr A appeared at Portsmouth Magistrates' on **06 January 2014** and pleaded guilty to two offences (driving without a licence and no insurance) but had entered a previous not guilty plea to the charge of driving without due care and attention.

He was sentenced as follows:

- For driving a licensed hackney carriage without a current hackney carriage driver licence - £100 fine
- For permitting no insurance - 6 points endorsed on driving licence and £100 fine
- Driving without due care and attention - after discussion with the City Solicitor (and to protect the witnesses who were reluctant to give evidence), the council offered no evidence in relation to the careless driving offence and the court dismissed this charge
- Council costs of £100 awarded
- Victim surcharge of £20

Mr A has not renewed his hackney carriage driver licence.

3.2 Mr H - Private Hire Driver and Vehicle Proprietor - Plying For Hire and Permitting No Insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988

Mr H is the current holder of private hire driver licence and the recorded proprietor of a black Vauxhall Vectra motor vehicle.

He was also the former holder of a hackney carriage driver licence.

At 23:20 on Saturday 30 June 2012 Mr H was observed driving his licensed vehicle by an off duty licensing officer in the vicinity of the Tesco Express premises situated in London Road, North End.

The vehicle was displaying a private hire plate and had both the private hire operator and the council's prescribed "advance booking only" livery displayed.

Two females were seen to engage the driver in conversation near Tesco's. The passengers got in and Mr H drove in a northerly direction towards cosham.

Subsequent investigation with the licensed private hire operator revealed no booking for Mr H or indeed any reason for his vehicle to be in the area when seen by the licensing officer.

Following further investigation and PACE interview, the City Solicitor was requested to instigate proceedings against Mr H for offences of plying for hire contrary to section 45, Town Police Clauses Act 1847 and permitting no insurance contrary to section 143 of the Road Traffic Act 1988.

On **05 February 2013** Mr H appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For permitting no insurance - 6 points endorsed on driving licence and £120 fine
- For plying for hire - no separate penalty
- Council costs of £555 awarded
- Victim surcharge of £15

3.3 **Mr T - Former Private Hire Driver - Plying For Hire and Permitting No Insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988**

Mr T is the former holder of private hire driver licence.

Mr T was the driver of a licensed private hire vehicle.

On 11 November 2012 at 0100 T was at the main Portsmouth & Southsea Train station and picked up 3 males going to Bordon. These males had been seen previously "bartering" with hackney carriage drivers about the cost of a fare and walking up and down the rank. One male was heard, after conversation with Mr T, to shout "this one's cheaper - he will take us".

Three hackney carriage drivers subsequently complained that he had taken a fare "from under the noses" of established taxi drivers waiting at the town station taxi stand.

Enquiries with the private hire operator revealed no booking for Mr T to take this lucrative fare to Bordon.

CCTV footage showed Mr T's vehicle to pick up the 3 males despite a hackney carriage driver walking over to his vehicle to remonstrate with him.

Following investigation and PACE interview the City Solicitor was requested to instigate proceedings against Mr T for offences of plying for hire contrary to section 45, Town Police Clauses Act 1847 and permitting no insurance contrary to section 143 of the Road Traffic Act 1988.

On **08 April 2013** Mr T appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For permitting no insurance - 6 points endorsed on driving licence and £100 fine*
- For plying for hire - no separate penalty imposed
- Council costs of £100 awarded
- Victim surcharge of £30
- *Mr T already had 6 points on his driving licence for previous matters and was therefore deemed a "totter". The court imposed a 6 month disqualification from driving

Mr T subsequently surrendered his private hire driver licence.

3.4 **Mr B - Convenience Store - Arundel Street - Breaches to the Licensing Act 2003**

Mr B runs a store in Arundel Street. The premises comprise a small ground floor convenience shop selling general produce. No alcohol sales are permitted as the previous premises licence authorisation was revoked by the committee on 27 July 2011. This decision followed a second review application submitted by Trading Standards as a result of previous evidence of alcohol sales to children and selling alcohol whilst the licence was previously deemed suspended (minute 49/2011 refers).

As a consequence to the evidence tendered before the committee at that time, Mr B was subject to investigation and PACE interview by licensing staff for apparent offences contrary to the Licensing Act 2003. This action was taken in partnership with colleagues from Trading Standards. After consideration of the evidence the City Solicitor was requested to instigate proceedings for multiple offences contrary to the Licensing Act 2003.

On **03 November 2011** Mr B appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For exposing alcohol for unauthorised sale on 09 May 2011 - £150 fine
- For exposing alcohol for unauthorised sale on 18 May 2011 - £150 fine
- For selling alcohol without a premises licence authorisation - no separate penalty
- For selling alcohol to a child - no separate penalty
- Personal licence forfeited by order of the court
- Council costs of £200 awarded
- Victim surcharge of £15

In May 2012 an application for the grant of a new premises licence was received in the name of Miss B. This application sought approval for alcohol sales with Miss B being nominated as the proposed Designated Premises Supervisor.

The premises were subject to pre-application inspections by licensing staff on 22 and 28 May 2012. On both occasions quantities of "priced" alcohol including high strength ciders, lagers, spirits, port and wine were observed in the premises store room. Some attempt to "hide" the alcohol had been made.

Licensing staff observed that there was unfettered access to this room which was directly adjacent to the main shop floor trading area. R B was identified as being on the premises and was cautioned for offences of having alcohol in his possession and under his control with intent to sell by retail.

Mr B was interviewed under caution and maintained that the alcohol was either "old stock" or for "personal and family consumption". Subsequent investigation with Booker Cash & Carry revealed evidence of alcohol purchases by Mr B (in a 6 month period) of £3338.67. He was re-interviewed and refused to answer questions although he did however submit a prepared statement.

The City Solicitor was requested to commence further proceedings against Mr B for offences of having in his possession and under his control alcohol that he intended to sell by retail contrary to section 138 of the Licensing Act 2003.

On **12 July 2013** Mr B appeared at Portsmouth Magistrates' and pleaded not guilty to the offences. After a full day's trial he was convicted and sentenced as follows:

- For keeping alcohol on the premises with intent to sell on 22 and 28 May 2012 - £600 fine
- Council costs of £945 awarded
- Victim surcharge of £15

The court concluded that alcohol was kept on the premises in large quantities. The invoices obtained from Bookers showed that large quantities of alcohol were purchased in quick succession over a short period of time. The court was satisfied that it was Mr B's intention to sell alcohol. The evidence of the council officers was credible, honest and detailed and the court had drawn an inference from Mr B's silence.

3.5 Mr H - Hackney Carriage Driver - Refusing To Drive - Town Police Clauses Act 1847 and corresponding Byelaws

Mr H is the holder of hackney carriage driver licence. He also holds a private hire driver licence.

At about 0100 on the morning of 29 March 2012 H was the driver of a licensed hackney carriage vehicle which was of a wheelchair accessible type. He was "first turn" at the popular and well frequented taxi stand situated at Gunwharf Quays.

Two young female students approached his vehicle. One of the females was in an electric wheelchair. After an initial discussion, it became clear that H was apparently refusing to take the passengers. They complained to the Licensing Service.

In her statement one of the students painted a gloomy picture of drivers previously refusing to take her. She went on to say.....*"I suffer with Diastrophic Dysplasia a condition diagnosed at birth. The wheelchair that I*

use is a battery operated Spectra Plus. I am confident at controlling my chair but feel safer when someone is stood behind me when going up the ramps attached to a taxi".....

Investigations revealed that Mr H's vehicle was perfectly capable of transporting the students (and wheelchair) with no compromise to personal safety. Equally, H initially suggested that an "old shoulder injury" prevented him, on medical grounds, from offering assistance.

Mr H was challenged about his fitness during PACE interview and warned that medical enquiries had not substantiated his apparent long standing shoulder injury. He admitted, during interview, that he was capable of pushing and handling a wheelchair with no physical discomfort.

The City Solicitor was requested to commence proceedings against Mr H for offences of refusing to drive contrary to section 53 of the Town Police Clauses Act 1847 (corresponding offences under the various Disability Discrimination acts have never been enacted) and failure to behave in a civil and orderly manner (by swearing at the passengers) contrary to the adopted byelaws.

An initial not guilty plea was entered with the matter set for trial on **06 March 2013** at Portsmouth Magistrates'. On the day, H changed his plea to guilty and was sentenced as follows:

- For refusing to drive - £300 fine
- For failing to behave in a civil and orderly manner - no separate penalty
- Council costs of £85 awarded
- Victim surcharge of £15

After taking into consideration the views of the female witnesses, Mr H subsequently also received penalty points and a final written warning as to his future conduct.

3.6 Mr M S H - Appeal against refusal to grant a Hackney Carriage Driver Licence - Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976

Mr H was the former holder of both a private hire driver and vehicle licence.

His then driver licence was suspended (under delegated authority) in April 2009 as a result of allegations of a sexual assault and false imprisonment against a lone female passenger in his car late at night. He was charged with these offences but subsequently found not guilty of all criminal charges after trial at Portsmouth Crown Court.

He submitted an application for the grant of a hackney carriage driver's licence which was considered by the Licensing committee on 14 June 2013.

The officer recommendation was to refuse to grant the licence as Mr H had previously breached an absolute position of trust and thus could not be considered to be a "fit and proper" person as prescribed by law.

The committee resolved to refuse to grant a hackney carriage driver licence and concluded, on the balance of probabilities, that he was not a fit and proper person. (Minute 20/2013 refers).

Mr H gave notice of appeal against this decision which was heard at Portsmouth Magistrates' on **18 September 2013**.

After hearing the evidence the Magistrates concluded that Mr H was not a fit and proper person and concluded:

- The decision was made on the balance of probabilities
- They had regard to established case law submitted in the council's bundle
- They noted that they should not lightly overturn the decision of the Licensing Committee below them
- Mr H had admitted breaching a position of trust and became involved in sexual conduct
- The girl was vulnerable due to drink
- The decision of the Licensing Committee was not wrong then nor now and will stand
- Council costs of £247 awarded

3.7 **Mr H - Appeal against revocation of Hackney Carriage Driver Licence - Town Police Clauses Act 1847 & Local Government (Miscellaneous Provisions) Act 1976**

Mr H is the holder of a hackney carriage driver licence. He has been a full time taxi driver since 2010.

In 2013 licensing staff received a number of complaints about the conduct of Mr H. These were received from members of the public, other drivers and from one of your reporting staff. They related to his general conduct, attitude and evidence of poor driving standards.

The sub committee met on 11 December 2013 and resolved to revoke his hackney carriage driver licence 531. The committee were satisfied, on the balance of probabilities, that he was not a "fit and proper" person to drive a licensed vehicle. (Minute 62/2013 refers).

Mr H gave notice of appeal against this decision which was heard at Portsmouth Magistrates' on **16 April 2014** before the District Judge.

The council was represented at the appeal by your reporting legal advisor, Miss Putnam. Mr H's appeal was dismissed and he was ordered to pay a £250 contribution towards the council's costs.

He continued to drive (pending a further appeal to the Portsmouth Crown Court) under protective appeal provisions.

Your reporting staff noted that his behaviour had improved and no complaints had been received about his driving for a period of over 9 months. Equally, his DVLA driving licence and corresponding DBS enhanced disclosure checks revealed no matters of concern.

Following the receipt of further legal advice, the matter was referred back to committee on **02 July 2014** for consideration. Members concluded that his hackney carriage driver licence number 531 be re-instated subject to a final warning as to his future conduct. (Minute 55/2014 refers).

3.8 Mr H - Pedlar - Street Trading Without Consent - Commercial Road Precinct - Local Government (Miscellaneous Provisions) Act 1982

Mr H is the holder of a Pedlar's certificate issued by Hampshire Constabulary pursuant to the Pedlars Act 1871. By definition and subsequent case law, a pedlar is someone who "trades as they travel" as opposed to being permanent static traders.

Mr H uses a wooden stall and sells mobile phone covers. He normally trades in Commercial Road Precinct near the fountain and the "Phones 4 U" shop.

Commercial Road Precinct is a designated "consent" street for the purposes of street trading consents granted under the 1982 act. Street trading relates to the "selling, exposing or offering for sale of any article in a street". The consents in Commercial Road are limited to a number of identifiable pitches.

Exemptions from the street trading licensing code are available for both market traders and persons acting under the authority of a valid pedlar certificate.

During 2013 complaints were received that Mr H was selling his wares but was not "moving" - i.e. trading as he travelled, and that he was causing an obstruction and acting in direct competition to established business premises.

He received advice and verbal warnings from licensing staff culminating in a written warning being issued in July 2013.

Subsequent visits to the precinct environs in the run up to Christmas 2013 revealed that Mr H was not "moving" but rather trading from a predominantly static position adjacent to the fountain.

Following a PACE interview and investigation the City Solicitor was requested to instigate proceedings against Mr H for trading in Commercial Road precinct without a street trading consent contrary to schedule 4, section 10 of the Local Government (Miscellaneous Provisions) Act 1982.

On **22 July 2014** Mr H appeared at Portsmouth Magistrates' and pleaded guilty and was sentenced as follows:

- For trading without a street trading consent on 05 December 2013 - £100 fine
- Council costs of £200 awarded
- Victim surcharge of £20

4.0 "Operation Odin" - Town Police Clauses Act 1847 & Equality Act 2010 - Carriage of Assistance Dog in Licensed Vehicles

In the early part of 2013 anecdotal evidence of hackney carriage drivers either refusing to take and/or charging for the conveyance of assistance dogs was received.

Although a "test purchase" exercise had previously been carried out in 2009 (with good compliance results); arrangements were made to carry out another series of proactive test purchases using a local Portsmouth registered blind resident and his qualified/registered assistance dog.

The purpose of the exercise was to....."*actively approach the drivers of licensed taxis at various taxi ranks in Portsmouth and to also contact private hire companies licensed by the council to arrange for a booking to be made*"

The Equality Act 2010 compels licensed drivers to convey a disabled person with an assistance dog and to do so without further charge. Equally, licensed operators commit an offence for refusing to accept a booking.

There is an exemption for drivers to convey registered assistance dogs on medical grounds although the council has not issued any medical exemption certificates to date.

On **21 June 2013** the volunteer (accompanied by an able bodied council colleague) made various bookings around the city.

The results can be summarised as follows:

- Citywide Taxis accepting bookings promptly with no charge for conveyance of the assistance dog
- Aqua Cars Ltd accepted bookings promptly with no charge for conveyance of the assistance dog
- 9 individual hackney carriage drivers were approached at various taxi stands. ALL the drivers conveyed the test purchase volunteer and assistance dog to the required destination(s).
- 2 hackney carriage drivers were challenged, on the evidence, about apparent anomalies in the fares charged (receipts for each journey were obtained) and were both subject to subsequent PACE interview by licensing staff. Both drivers admitted charging an extra amount for the carriage of the assistance dog.

After consideration of the evidence, (and after consultation with both the test purchase volunteer and the council's Equalities and Diversity advisors), the two drivers concerned received penalty points and written warnings as to their future conduct.

The operators and other hackney carriage drivers were congratulated on their compliance with the law by the Licensing Manager.

The assistance dog was given a box of doggy treats.

5.0 "Operations Sparrow and Market Garden" - Plying For Hire and No insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988

On selected dates in November 2012 and June 2013 enforcement staff conducted operational orders in both the city centre and Albert Road to check for evidence of drivers and vehicles "plying for hire" contrary to section 45 of the Town Police Clauses Act 1847. Only Portsmouth taxis can pick up from the street in the city and/or be flagged down by the public.

The aim was to determine the level of compliance by both Portsmouth private hire drivers and "out of town" drivers to on-going allegations of "pirating". This causes friction and animosity between the respective taxi and private hire trades.

"Test purchase" exercises are the most accurate and reliable way of determining the scale of any concerns and to provide the most robust empirical evidence to be used to assess any future proceedings.

Staff from East Hampshire District Council were in attendance and invited to "shadow" more experienced Portsmouth staff during the operation in June 2013.

Over 40 vehicles were observed by staff and, as a result, 27 drivers were formally challenged by way of "on street test purchase" by other authorised council staff working in conjunction with licensing staff. As a result:

- 20 Portsmouth private hire or out of town drivers refused to take passengers
- 7 Portsmouth private hire drivers took the passengers to pre-arranged destinations

The 20 drivers who lawfully refused the street bookings were given positive feedback and congratulations by the Licensing Manager for their compliance with the law.

After individual investigation of the other cases (and taking into consideration some apparent medical matters) 5 drivers received penalty points and/or written warnings as to future conduct.

2 drivers were reported for prosecution as shown in 5.1 and 5.2 below:

5.1 **Mr E - Private Hire Driver - Plying For Hire and Permitting No Insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988**

Mr E is the holder of a private hire driver licence. He was observed to be the driver of a licensed private hire vehicle. At 2309 on 30 November 2012 he accepted a fare from two council staff in White Swan Road to be taken to the Marriott hotel.

No booking had been made via his operator and E had no lawful reason to be in the vicinity of the established taxi stand in this very busy area serving the night time economy.

Following investigation and PACE interview, Mr E admitted the offences and the City Solicitor was requested to instigate proceedings against him for offences of plying for hire contrary to section 45 of the Town Police Clauses Act 1847 and permitting no insurance contrary to section 143 of the Road Traffic Act 1988.

On **04 June 2013** Mr E appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For plying for hire - £100 fine
- For permitting no insurance - 6 points endorsed on driving licence and £150 fine
- Council costs of £130 awarded
- Victim surcharge of £20

5.2 **Mr S - Private Hire Driver - Plying For Hire and Permitting No Insurance - Town Police Clauses Act 1847 and Road Traffic Act 1988**

Mr S was the holder of a private hire driver licence.

He was observed to be the driver of a licensed private hire vehicle. At 2350 on 07 June 2013 he accepted a fare from two council staff in Albert Road to be taken to the Marriott hotel.

No booking had been made via his operator and S had no lawful reason to be in the vicinity of Albert Road at the time.

Following investigation and PACE interview, he admitted plying for hire and the City Solicitor was requested to instigate proceedings against him for offences of plying for hire contrary to section 45 of the Town Police Clauses Act 1847 and permitting no insurance contrary to section 143 of the Road Traffic Act 1988.

On **18 November 2013** Mr S appeared at Portsmouth Magistrates' and pleaded guilty to the offences. He was sentenced as follows:

- For permitting no insurance - 3 month driving disqualification and £100 fine
- For plying for hire - no separate penalty
- Council costs of £150 awarded
- Victim surcharge of £20

Of concern was that Mr S had been cautioned for a similar offence in 2010. His private hire driver licence has not been renewed and, at the time of writing this report, Mr S has now left the UK.

6.0 **"Operations Overlord, New Year, Nemesis & Mustang" - Vehicle and Driver Fitness Checks - Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847**

The council has a statutory duty to ensure that hackney carriage and private hire vehicles are mechanically and cosmetically fit for public service.

All vehicles are tested at least once but sometimes twice a year (dependent upon the age of the vehicle) at the council's nominated garage - Adams Morey, Burrfields Road, Portsmouth.

Additionally, a number of pro-active night time operation orders were conducted in 2012/13 (in partnership with the garage) with mechanical inspectors on duty until the early morning hours.

The checks can be summarised as follows:

- Over 70 vehicles were inspected and checked by licensing staff at various locations around the city
- 51 vehicles were sent for full testing at Adams Morey
- 13 vehicles passed outright
- 11 vehicles were initially suspended but had repairs undertaken and were put back on the road the same night/early morning
- 27 vehicles failed - with 2 taken off the road permanently

- 1 vehicle was working unlicensed and the proprietor was subsequently cautioned for the offence.

Individual drivers were also subject to spot check drug screens as follows:

- 39 passes
- 2 failures - 1 for methamphetamines and 1 for cocaine use.

7.0 Big Slick (also known as Shuffles) - 240 Fratton Road - Club Premises Certificate - Breaches to the Licensing Act 2003 & Gambling Act 2005

The premises situated at 240 Fratton Road had been granted a club premises certificate following an application received in 2009. At that time, the club was described as *"a members only sports club located on one floor and comprising of a reception area, bar and kitchen, TV lounge, internet café, snooker and pool playing area together with darts, cards, chess and backgammon"...*

In the latter part of 2012 licensing staff had cause to visit the premises following apparent concerns that the club had changed its operating style to that of a commercial poker club with gaming being the primary or only activity available. These matters were brought to the council's attention by the Gambling Commission.

Following discussions with club staff, the Licensing Manager wrote to the club to warn of the consequences of illegal trading both in respect of the club premises certificate granted under the 2003 act and the apparent gaming activities contrary to the Gambling Act 2005.

The club was put on formal notice to provide valid and relevant documentary information to support both the retention of the club premises certificate and the club gaming permit. The club secretary/treasurer (and another person with an apparent freehold interest) were interviewed, at length, by the Licensing Manager on 15 July 2013.

The purpose of the interview was to invite the club (via the committee and designated secretary) to provide further empirical evidence to negate any concerns that "the club was operating as a commercial enterprise and not being conducted solely for the benefit of members".

Little information to support the retention of the club premises certificate was received and accordingly the Licensing Manager gave formal notice of an application to withdraw the club premises certificate pursuant to section 90 of the 2003 act.

On **23 October 2013** the committee resolved to withdraw the club premises certificate with immediate effect - minute 12/2013 refers. No appeal was submitted to the Magistrates' and the premises have now closed.

8.0 Service Requests For 2013

All complaints received by the Licensing Service are recorded generically as "Service Requests". These are allocated to individual officers on a case by case basis. Requests vary from those requiring a practical resolution between aggrieved parties or can be more complex leading to formal action by way of prosecution, suspension of licence and/or a committee appearance.

Staff are given an allocated "target resolution" time of 10 working days to deal with any complaint in line with corporate standards.

In 2013 there were **475** recorded complaints of which:

- 73% of complaints were dealt with within 10 working days with an average resolution time of 7 days
- 27% of complaints missed the 10 day target and took longer to resolve
- The "top 5" licensable activities complained about were:
 - Private hire drivers - 149
 - Hackney carriage drivers - 126
 - Licensing Act 2003 - 60
 - Hackney Carriage vehicles - 33
 - Private hire vehicles - 30

The vast majority of complaints were resolved by the issue of advice and/or warnings although penalty points, driver awareness courses, suspensions and revocation of licences by the committee were imposed in other cases and after consideration on merit.

For Licensing Manager and
on behalf of the Head of Service

THERE ARE NO PUBLIC BACKGROUND PAPERS TO THIS REPORT