

## **APPENDIX A**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – LICENSING TEAM**

#### **Licensing policies**

There are a number of specific policies covering the different regulatory functions that licensing are responsible for. These include policies for the Licensing Act 2003, the Gambling Act 2005, hackney carriage & private hire licensing and sex establishments. These policies can be found here: <https://www.middevon.gov.uk/business/licensing/licensing-policies/>

General information about the full range of activities we are required to licence or regulate can be found at <https://www.middevon.gov.uk/business/licensing/>

#### **Licensing and Regulatory Committees**

The Licensing and Regulatory Committees are both made up of 15 elected members. The Licensing Committee is responsible for the Licensing Act 2003 and the Gambling Act 2005. The Regulatory Committee is essentially responsible for the rest, the main part of which is hackney carriage and private hire related. The Committees meet as a whole to determine policy related matters and Sub-Committees, usually made up of 3 elected members, meet to consider individual applications (including reviews of licences), breaches of conditions and any other issues which may result in an individual no longer being considered fit and proper to hold a particular licence.

#### **Suspension or revocation licences**

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew hackney carriage and private hire related licences. Examples include the immediate suspension of a vehicle licence where it has been deemed unfit for use (in licensing terms) and the immediate revocation of a drivers licence where the individual is no longer considered to be fit and proper.

The Licensing Act 2003 also allows for the suspension of a Premises Licence or Club Premises Certificate when the annual fee has not been paid by the required date.

When a licence is to be suspended or revoked, the Council will provide clear notice of this to the individual / premises concerned, outlining any rights of appeal they may have.

#### **Out of hours enforcement activities**

Due to the nature of some of the activities authorised it is necessary to conduct out of hour visits and inspections. This can apply to late night establishments that sell alcohol / provide takeaways and also to the hackney carriage & private hire trade. Certain businesses are at their busiest during these times and late night visits allow officers of the Council to see how they function and comply with the relevant pieces of legislation and conditions 'in action'.

#### **Overt operations**

Officers will conduct overt inspections of licensed premises, individuals and the hackney carriage & private hire trade. Such inspections may be in partnership with relevant authorities including the Police, Devon County Council and the Driver Vehicle Standards Agency (DVSA) and others.

### **Test purchases**

Due to the nature of certain offences it is sometimes necessary to conduct test purchases. This is normally complaint or information led and may follow on from less severe enforcement actions which have proved ineffective. Examples include test purchasing unlicensed taxi drivers and premises selling alcohol to underage individuals.

### **Conditions**

The Council have the ability to place conditions on a number of licences either at the application stage or via a review of a licence. Although different under each piece of legislation the Council may (generally) apply standard conditions and/or tailored conditions. Standard conditions guarantee a similar standard of activity across the district (i.e. animal establishments) and tailored conditions allow for the individual nature of certain premises to be catered for (i.e. premises licence).