

GENERAL PURPOSES AND LICENSING COMMITTEE – 13 MARCH 2009

ENFORCEMENT & COMPLIANCE

1. Introduction

- 1.1 The purpose of this report is to inform the Committee of enforcement and compliance related actions undertaken by licensing services from November 2008 to February 2009.

2. Background

- 2.1 Local Authorities have a responsibility, and in many cases a duty, to enforce the law in relation to the various licences, permits or consents that they issue. Any legal requirements are meaningless and pointless unless they are enforced. If there is no sanction applied for breach of the law or conditions thereof, the law is worthless.
- 2.2 That said, enforcement is generally held as a formal action to ensure compliance with regulatory requirements, and will often lead to the imposition of sanctions against individuals, who may act out of ignorance or a deliberate disregard for the law. Enforcement should be undertaken in tandem with ensuring compliance with the relevant requirements by responsible applicants who are keen to ensure that their activities are lawfully organised.
- 2.3 Compliance and enforcement are essential components of any regulatory and licensing regime, to ensure public protection and confidence. Licensing Authorities have a wide range of options available when dealing with non-compliance or offences. This can range from advice, various warning letters and action plans, through to prosecutions. What is appropriate depends on the individual circumstances of the case.

3. Facts and Figures (November 2008 – February 2009)

3.1

Licensing Act 2003

- 97 = Total number of licensed premises visited: of which;
- 15 = Annual Fee default purposes – 100% resolution;
- 50 = No Further Action required – general advice given;
- 24 = Remedial action required – i.e. reminders about adherence to licence conditions or administrative actions to ensure compliance with the Act;
- 8 = Joint visits (7 with Police & 2 with Environmental Protection) – warnings and action plans:

Plus investigations into '*unauthorised activities*' by 2 late night refreshment establishments (burger vans).

3.2

Taxi Matters

- 4 = Taxi rank investigations - Hythe ferry terminal, Brockenhurst train station & Totton (Salisbury Road & Testwood Lane);
- 2 = Formal interviews undertaken at ATC under PACE regarding breaches of licence conditions.

3.3

Other Licensing Matters

- 2 = Sex Establishments - investigations into their 'licensing' status;
- 3 = House to House Collections - 'unauthorised' activities;
- 2 = Street Collection - 'unauthorised activities';
- 3 = Personal Licence Holders – formal interviews regarding possible s128/s132 offences.

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3.4 A more detailed spreadsheet summary pertaining to licensed premises only is attached as Appendix 1.

4. Conclusion

4.1 The need for strong enforcement against those who deliberately flout or ignore statutory requirements has to be proportionally balanced against a lighter touch for those that do comply with burdens imposed upon them.

4.2 Due to the high number of licensed premises, taxi and other licensing matters within our jurisdiction, licensing services will adopt an open, risk based approach to targeting inspections that ensure that resources are directed to where they are most required.

4.3 In responding to perceived problems or complaints, New Forest District Council licensing services enforcement will be consistent, proportionate and fair in seeking a solution, whatever the course of action that is taken. Any investigations that are undertaken will follow the appropriate guidelines. Accurate and comprehensive records will be maintained to ensure that the Licensing Authority is protected should an individual(s) seek to challenge any actions or decisions that are taken.

5. Financial Implications

5.1 There are no direct financial implications to the Council as a result of this report. It is essential that a Licensing Authority directs appropriate resources towards licensing enforcement in order for it to be effective. What is appropriate depends on the priorities of the authority and the overall resources available to it. However, it should be borne in mind that, generally

speaking, licensing fees are used to pay for the cost of administering and enforcing the licence regime in question.

6. Environmental Implications

- 6.1 As expected there is a good relationship between licensing and both environmental health departments. This can only facilitate an improvement regarding the enforcement and compliance for a range of environmental matters, especially noise related complaints from licensed premises.

7. Crime and Disorder Implications

- 7.1 The modern approach to enforcement is towards partnership with other agencies. As indicated by this report joint visits to 'problem' premises have already been undertaken. This can only help to reduce any crime and disorder issues associated with the licensing regime.

8. Equality and Diversity Implications

- 8.1 Equality and diversity impact assessments are always undertaken and considered prior, during and after any enforcement and compliant actions.

9. Recommendations

- 9.1 It is recommended that this report be noted.

Further information:

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Background Papers:

None

08/09 Licensing Act 2003 - Premises Persons

Appendix 1

No.	Premises	Location	License Holders	Type	Date of Visit	By Whom	Purpose of Visit	Outcome	Offences	Charge	Date Paid
	Nov-08										
	The Crown Inn	Everton	Philip Cooper	DPS	12/11/2008	Patrick Curran	Routine	Enforcement	S25	£10.50	Dec-09
			Philip Cooper	Personal					S127	£10.50	Dec-09
			Janine Cooper	Personal					S127	£10.50	Dec-09
			Enterprise Inns	Premises							
802	Crown Hotel	Lyndhurst	Andrew Moody	DPS	17/11/2008	Patrick Curran	Routine	Advice	S57		
			Andrew Moody	Personal							
			Evergreen Hotels	Premises							
111	Pages of Lyndhurst	Lyndhurst	Patricia Page	DPS	17/11/2008	Patrick Curran	Routine	Advice	S57		
			Patricia Page	Personal							
			Kevin Page	Premises							
136	Imperial China Restaurant	Lyndhurst	Mei Yuk U	DPS	17/11/2008	Patrick Curran	Routine				
			Mei Yuk U	Personal							
			Tsy Cheun Kwok	Premises							
973	Coburns Bistro Bar	Lyndhurst	Clive O'Neil	DPS	17/11/2008	Patrick Curran	Routine	Advice			
			Clive O'Neil	Personal							
			Admiral Taverns	Premises							
262 940	Mailmans Arms	Lyndhurst	Louise Hodgkins	DPS	11/11/2008	Patrick Curran	Routine	Advice			
			Louise Hodgkins	Personal		Paul Weston					
			Green king	Premises							
688	Bugdens	Lyndhurst	Elizabeth Hopson	DPS	11/11/2008	Patrick Curran	Routine				
			Elizabeth Hopson	Personal		Paul Weston					
			Lyndhurst Trading	Premises							
939	The Stag	Lyndhurst	Louise Hodgkins	DPS	11/11/2008	Patrick Curran	Routine	Advice			
			Louise Hodgkins	Personal		Paul Weston					
			Green king								
1320	Winerack	Lyndhurst	Daniel Cottingham	DPS	11/11/2008	Patrick Curran	Routine				
			Daniel Cottingham	Personal		Paul Weston					
			Philip Gardner	Premises							
	The Old Vicarage	Hinton	William Donaghue	DPS	13/11/2008	Patrick Curran	Complaint	Enforcement	S42	£23.00	01/12/2008
736	Fox & Hounds	Lyndhurst	Nasser Ghesmati	DPS	18/11/2008	Patrick Curran	Routine	Advice	S57		

Nasser Ghesmati
Nasser Ghesmati

08/09 Licensing Act 2003 - Premises Persons
Personal
Premises

Appendix 1

	Lyndhurst Tea Rooms	Lyndhurst	Ray Dellamura Ray Dellamura Ray Dellamura	DPS Personal Premises	18/11/2008	Patrick Curran	Routine	Enforcement	S37 S42 S57	£23.00 £23.00	04/12/2008 04/12/2008
	Old Mill Inn	Holbury	Mr Kerr & Mrs Fay Wiltord Promotions	DPS Personal Premises	06/11/2008	Patrick Curran Paul Weston Verity Fletcher	Complaint	Enforcement		£10.50	Dec-08
1340	Mill House	Lyndhurst	Gareth Sanders Gareth Sanders Gareth Sanders Spirit Group Ltd	DPS Personal Personal Premises	19/11/2008 18/11/2008 24/11/2008	Patrick Curran Patrick Curran Patrick Curran	Routine	Advice Advice	S57		
	Rydal Arms	New Milton	Jeremy Morey Jeremy Morey Trevor Hewitt	DPS Personal Premises	10/11/2008	Patrick Curran	Complaint				
1384	Fishermans Rest	Lymington	Sharon Tester Sharon Tester Fuller, Smith & Turne	DPS Personal Premises	20/11/2008	Patrick Curran Pc 1389 Cross	Complaint				
473	Penny Farthing Hotel	Lyndhurst	Michael Saqui Michael Saqui Michael Saqui	DPS Personal Premises	24/11/2008	Patrick Curran	Routine	Advice			
1127	Waterloo Arms	Lyndhurst	Michael Rogers Michael & Michelle R Michael & Michelle R	DPS Personal Premises	24/11/2008	Patrick Curran	Routine				
1223	The Wheel Inn	Pennington	Marie Richards Marie Richards Marie Richards & Pei	DPS Personal Premises	25/11/2008	Patrick Curran	Complaint	Advice	S136		
								Enforcement	S127		

08/09 Licensing Act 2003 - Premises Persons											
1383	Sportsmans Arms	Pennington	Sharon Whelan Sharon Whelan Marstons Plc	DPS Personal Premises	25/11/2008	Patrick Curran	Routine	Enforcement	S127		Appendix 1
1291	The Snakecatcher	Brockenhurst	Lance Jeffrey Bartlett Lance Jeffrey Bartlett Margaret Merle Maty	DPS Personal Premises	26/11/2008	Patrick Curran	Complaint	No evidence			
1265	Southern Co-op	Milford-on-Sea	Alistair knight Alistair knight Southern CO-OP	DPS Personal Premises	26/11/2008	Patrick Curran	Information	Enforcement	S37	£23.00	28/11/2008
861	Hampshire Yeoman	Blackfield	Richard Clark Richard Clark Punch Taverns	DPS Personal Premises	27/11/2008	Patrick Curran Pc3891 Cross	Routine	Advice	S57		
	Holbury Inn	Holbury	Kim Garbutt Kim Garbutt Green King	DPS Personal Premises	27/11/2008	Patrick Curran Pc3891 Cross	Routine				
1345	Croft Tavern	Hythe	Thomas McKnight Thomas McKnight Punch Taverns	DPS Personal Premises	27/11/2008	Patrick Curran Pc3819 Cross	Routine				
557	The Lord Nelson	Hythe	Roberta O'Hara Roberta O'Hara	DPS Personal Premises	27/11/2008	Patrick Curran Pc3819 Cross	Routine				
1090	Ashley Hotel	Ashley	Craig Galpin Craig Galpin Craig Galpin	DPS Personal Premises	28/11/2008	Patrick Curran	Complaint	Advice			
Dec-08											
1281	The White Swan	Emery Down Lyndhurst	Jeffrey Alker Jeffrey Alker Steven Kroll	DPS Personal Premises	01/12/2008	Patrick Curran	Routine	Advice	S57		
								Enforcement	S37	£23.00	19/01/2009
1292	Sir John Barclaycorn	Cadnam	Charoltte Hyrons Charoltte Hyrons Awaits details	DPS Personal Premises	01/12/2008	Patrick Curran	Complaint	Advice			

08/09 Licensing Act 2003 - Premises Persons

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1316	Smugglers Inn	Milford on Sea	Corrinine Leonard Corrinine Leonard Enterprise Inns	DPS Personal Premises	02/12/2008	Patrick Curran	Complaint	Enforcement Advice	S37 S57	£23.00	04/12/2008
1451	Woods Wine Bar	Milford on Sea	Michael Halliwell Michael Halliwell Michael Halliwell	DPS Personal Premises	02/12/2008	Patrick Curran	To be visited				
1275	Waitrose Plc	Lymington	Peter Brown Peter Brown Waitrose PLC	DPS Personal Premises	02/12/2008	Patrick Curran	Routine				
55	Lyndhurst Park Hotel	Lyndhurst	Jonathan Gettings Jonathan Gettings Forestdale Hotels	DPS Personal Premises	03/12/2008	Patrick Curran	Routine	Enforcement	S37	£23.00	04/12/2008
1319	Old Barn	New Milton	Gavin Wilkie Gavin Wilkie Mia Investments	DPS Personal Premises	04/12/2008	Patrick Curran Sgt 405 Barry	Intelligence	Advice Advice	S57		
1185	Angel Inn	Lymington	Michael McGoldrick Michael McGoldrick Marsdons Inns	DPS Personal Premises	05/12/2008	Patrick Curran	Routine				
779	Balmer Lawn Hotel	Brockenhurst	Christopher Wilson Christopher Wilson Christopher Wilson	DPS Personal Premises	08/12/2008	Patrick Curran	Routine				
870	Careys Manor Hotel	Brockenhurst	Thomas Lyon-Shaw Thomas Lyon-Shaw Careys Manor Hotel	DPS Personal Premises	08/12/2008	Patrick Curran	Routine	Advice			
1202	Travellers Rest	Hythe	Mark Bennett Mark Bennett	DPS Personal	09/12/2008	Patrick Curran	Complaint	Enforcement	S42	£23	09/12/2008

113	Premier New Food & Wine	Lyndhurst	Susan Nicoll Susan Nicoll Susan Nicoll & Paul F	DPS Personal Premises	10/12/2008	Patrick Curran	Routine	Advice	S57		
	The Keys	Totton	Christine Bullard Chistine Bullard Southern County Tav	DPS Personal Premises	11/12/2008	Patrick Curran	Routine				
332	Elephant & Castle	Totton	John Carey John Carey Punch Taverns	DPS Personal Premises	11/12/2008	Patrick Curran	Routine				
93	The Liquor Store	Totton	Steven Chadda Steven Chadda Steven & Anita Chad	DPS Personal Premises	11/12/2008	Patrick Curran	Routine				
1226	Lidl	Totton	Stephen Reynolds Stephen Reynolds LIDL	DPS Personal Premises	12/12/2008	Patrick Curran	Routine	Enforcement	S126	£10.50	15/01/2009
411	Red Lion	Totton	Jacky Clapp Jacky Clapp Jacky & Roger Clap	DPS Personal Premises	16/12/2008	Patrick Curran	Routine	Enforcement Enforcement	S25 S126	£10.50 £10.50	
1361	Roebuck	Marchwwod	Fiona Baker Fiona Baker Marstons Plc	DPS Personal Premises	19/12/2008	Patick Curran	Complaint	Advice	S57		
1389	The Swan Inn	Totton	Robin Huntley	DPS	22/12/2008	Patrick Curran	Routine	Enforcement	S127	£10.50	

08/09 Licensing Act 2003 - Premises Persons

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			Robin Huntley Punch Taverns	Personal Premises								
1352	New Forest Inn	Emery Down	Deborah Lewis Deborah Lewis Enterprise Inns	DPS Personal Premises	23/12/2008	Patrick Curran	Routine	Enforcement	S127	£10.50	Feb-09	
954	The Oak Inn	Bank,	Martin Sliva Martin Sliva Fuller, Smith & Turne	DPS Personal Premises	29/12/2008	Patrick Curran	Routine	Advice	S57			
1262	Fourways Stores & Bartley	Bartley	Johanne Hole Johanne Hole Johanne Hole	DPS Personal Premises	29/12/2008	Patrick Curran	Routine	Advice	S57			
Jan-09												
759	Beachcomber Café	Barton on Sea	Malcolm Barry Malcolm Barry Malcolm Barry	DPS Personal Premises	05/01/2009	Patrick Curran	Intelligence	Enforcement	S127 S25	£180.00 £10.50 £10.50	05/01/2008	
493	Peeble Beach Restaurant	Barton on Sea	Michael Caddy Michael Caddy Michael Caddy	DPS Personal Premises	05/01/2009	Patrick Curran	Routine		S57			
	Brock & Bruin café	Brockenhurst	Graham Skinner Graham Skinner Botleigh Grange Hot	DPS Personal Premises	07/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	Jan-09	
	The Buttery	Lymington	Graham Skinner Graham Skinner Botleigh Grange Hot	DPS Personal; Premises	07/01/2009	Patrick Curran	overdue annual licence fee	Enforcement		£180	Jan-09	
	Post Office Stores	Emery Down	Claire FRY Claire FRY Claire FRY	DPS Personal Premises	08/01/2008	Patrick Curran	Ovedue annual licence fee	Enforcement		£70	08/01/2009	
	Hannah's of Lymington	Lymington	Lyn Summers Lyn Summers Lyn Summers	DPS Personal Premises	09/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	16/01/2009	
	Hordle Village Cricket Club	Hordle			09/01/2009	Patrick Curran	overdue annual	Enforcement		£70	13/01/2009	

08/09 Licensing Act 2003 - Premises Persons licence fee

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	India Cottage Restaurant	Ringwood	Shadeq Mannem Shadeq Mannem Shadeq Mannem	DPS Personal Premises	12/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	12/01/2009
	Threshers	Ringwood	Simon Smith Simon Smith First Quench Ltd	DPS Personal Premises	12/01/2009	Patrick Curran	Routine	Enforcement	S127	£10.50	
	Hyde Ex Servicemans Club	Hyde			13/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	13/01/2009
	Hourglass Restaurant	Fordingbridge	Has apparently gone into administration Needs further investigation		13/01/2009	Patrick Curran	Overdue annual licence fee				
	The Bat & Ball Inn	Braemore	Colin Barter Colin Barter Scottish & Newcastle	DPS Personal Premises	13/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	21/01/2009
	Town & Country Experience	Ringwood	Mike Woodcock	DPS	13/01/2009	Patrick Curran	Overdue annual licence fee	Enforcement		£180	13/01/2009
866	Bartley Lodge Hotel	Cadnam	Emily Di Maiolo Emily Di Maiolo New Forest Hotels PI	DPS Personal Premises	20/01/2009	Patrick Curran	Routine	Enforcement	S127	£10.50 £10.50	
427	The Empress of Blandings	Copythorn	Rodney Darroll-Brouç Rodney Darroll-Brouç Woodhouse Inns & B	DPS Personal Premises	20/01/2009	Patrick Curran	Routine	Advice	S57		
134	La Chantecleric Restaurant	Cadnam	Mary Kakoushis Mary Kakoushis Mary Kakoushis	DPS Personal Premises	20/01/2009	Patrick Curran	Routine	Advise	S57		
1313	White Hart(Cadnam)	Cadnam	Timothy Whittingham Timothy Whittingham Bluebecker Ltd	DPS Personal Premises	20/01/2009	Patrick Curran	Routine	Advise	S57		
1282	Ask Restaurant	Lymington	Dominic Naylor Dominic Naylor Ask Restaurants Ltd	DPS Personal Premises	21/01/2009	Patrick Curran	Routine	Advise	S57		

08/09 Licensing Act 2003 - Premises Persons

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445	Thomas Tripp	Lymington	Jonathan Burdge Jonathan Burdge Jonathan Burdge	DPS Personal Premises	21/01/2009	Patrick Curran	Routine			
716	Purbani Tandoori Restaura	Lymington	Abus Shahid Abus Shahid Abus Shahid	DPS Personal Premises	21/01/2009	Patrick Curran	O/due annual licence fee	Enforcement	£10.50 £180	22/01/2009
1264	Kings Arms	Lymington	Maria Soledad-Crouc Maria Soledad-Crouc Enterprise Inns	DPS Personal Premises	22/01/2009	Patrick Curran	Routine			
1029	Marks & Spencer	Lymington	Jamie Ayers Jamie Ayers Marks & Spencer Plc	DPS Personal Premises	22/01/2009	Patrick Curran	Routine			
649	Three Tuns	Bransgore	Peter Edmund Jenkir Peter Edmund Jenkir Pennton Investment	DPS Personal Premises	26/01/2009	Patrick Curran	Routine		S57	
1249	Harvester Cat & Fiddle	Hinton Admiral	Zoe Major Zoe Major Mitchells & Butler Le	DPS Personal Premises	26/01/2009	Patrick Curran	Routine		S57 S79	
894	Happy Cheese	Ashurst	Joanne Williams Joanne Williams Trust Inns Ltd	DPS Personal Premises	29/01/2009	Patrick Curran	Routine		S57	
Feb-09										
1159	Tollhouse Inn	Lymington	Glen Johnson Glen Johnson	DPS Personal Premises	05/02/2009	Patrick Curran	Routine		S57 S127	£10.50
655	Brough Arms	Lymington	Glenn Miller Glenn Miller Glenn & Edward Mill	DPS Personal Premises	05/02/2009	Patrick Curran	Routine			
1230	Forresters Arms	Brockenhurst	Adam Barnes Adam Barnes Adam Barnes & Andr	DPS Personal Premises	05/02/2009	Patrick Curran	Routine			

				08/09 Licensing Act 2003	Premises	Persons			
70	ASDA	Totton	Andy Giles Andy Giles	DPS Personal Premises	09/02/2009	Patrick Curran	Routine	S57	Appendix 1
	New Forest Hotel	Ashurst	Jane Drinkwater Jane Drinkwater Fuller Smith & Turner	DPS Personal Premises	09/02/2009	Patrick Curran	Routine		
906	Tescos	Blackfield	Andrew Waterman Andrew Waterman Tesco Stores Ltd	DPS Personal Premises	10/02/2009	Patrick Curran	Routine	S33	£10.50
1373	Blackfield Service Station	Blackfield	Arthur Kilford Arthur Kilford Murco Petroleum Ltd	DPS Personal Premises	10/02/2009	Patrick Curran	Routine	S37	£23.00 10/02/2009
510	Forest Home	Hardley	Lorraine Estelle Fee Lorraine Estelle Fee Lorraine Estelle Fee	DPS Personal Premises	11/02/2009	Patrick Curran	Routine	S57 S33 S127	£10.50 £10.50
82	B & B Stores	Blackfield	Elizabeth Smith Elizabeth Smith Elizabeth Smith	DPS Personal Premises	11/02/2009	Patrick Curran	Routine		
1453	Heath Hotel	Dibden Purlieu	Katherine Bailey Katherine Bailey Whitbread Plc	DPS Personal Premises	13/02/2009	Patrick Curran	Routine		
931	The Hobler	Lymington	Maritza Becker Meritza Becker Grand Leisure T/A AI	DPS Personal Premises	13/02/2009	Patrick Curran	Routine		

09/10 LICENSING ACT 2003 - PREMISES & PERSONS

No.	Premises	Location	License Holders	Type	Date of Visit	By Whom	Purpose of Visit	Outcome	Offences	Charge
November										
1	The Crown Inn	Everton	Philip Cooper	DPS	13/11/2008	Patrick Curran	Routine	enforcement	S25	£10.50
			Philip Cooper	Personal					S127	£10.50
			Janine Cooper	Personal					S127	£10.50
			Enterprise Inns	Premises						
1	Rose & Crown	Lymington			19/11/2008		Complaint	Warning	S3	
1	Rose & Crown	Lymington			20/11/2008		Intelligence	prosecution	S23	
1	Rose & Crown	Lymington			21/11/2008		Intelligence	prosecution	S43	
1	Rose & Crown	Lymington			22/11/2008		Complaint	Warning	S63	
5										
December										
1	The Crown Inn				03/12/2008		TEN	enforcement	S37	
1	Finky Fairy				05/12/2008		Routine	in order	S17	
1	Dog & Hound				07/12/2008		Routine	in order	S3	
1	Ferret				15/12/2008		Intelligence	enforcement	S23	
4										
<u>January</u>										
1	Finky Fairy				02/01/2009		Intelligence	warning	S23	
1										
10										