

REPORT

To: GENERAL PURPOSES COMMITTEE	Subject: CIVIC GOVERNMENT LICENSING – LICENSING ENFORCEMENT	
From: DIRECTOR OF ADMINISTRATION		
Date: 17 February 2005	Ref: WBK/MK	

1. Purpose of Report

- 1.1. The purpose of this report is to advise the Committee of the operations of the Licensing Enforcement Officers during the year 2004.

2. Background

- 2.1. Members will be aware the Licensing Enforcement Officers have a remit that covers various forms of licences, mainly in terms of the Civic Government (Scotland) Act 1982. Examples of those licences are taxis and private hire, second hand dealers, public entertainment, street traders, late hours catering, market operators, metal dealers, indoor sports entertainment and window cleaners. In North Lanarkshire there are in excess of 5,500 licences currently in force. The principal remit of the enforcement officers is to investigate and address public concerns in respect of licensed activities, enforce licence conditions and detect unlicensed activity.
- 2.2. The Enforcement Officers continue to adhere to the principal objectives of the Enforcement Concordat which demands openness, helpfulness, proportionality and consistency in enforcement. The Enforcement Officers continue to raise awareness of the enforcement regime among the general public, communities and licensed trades, develop a good working relationship with licence-holders to encourage general compliance with the licensing system, develop procedures to address unlicensed activity which are designed to bring people within the licensing system and aid compliance, rather than outlawing them, and to give customers a full opportunity to comment on their experience of the service.

3. Report

- 3.1. During 2004 the Enforcement Officers received and dealt with 364 complaints. The majority of complaints (252) related to taxi and private hire and involved conduct of drivers, unlicensed drivers, unlicensed vehicles, insurance certificates, sounding of horns, uplifting of hires by private hire cars which were not pre-arranged, advertising in private hire cars without permission, plates not displayed in the proper manner and unreadable, vehicles operating outwith licensed area, fare overcharging and refusal to carry assistance dogs.
- 3.2. A number of complaints related to street traders typically including unlicensed persons, obstruction being caused by static snack vans, wheelie bin cleaners leaving rubbish and disposing of water, litter at site, ice cream van chimes, mobile traders operating from static pitches and trading outwith licensed area.

- 3.3. Complaints in relation to window cleaners included persons operating without a licence, operating without insurance and general conduct of the window cleaner. Complaints in relation to second hand dealers related to unlicensed dealers in both general goods and motor vehicles, one case of surrender of unexpired licence and two cases of obstruction of the public footpath. In relation to late hours catering there were four complaints regarding catering establishments operating outwith hours and two complaints of litter around premises.
- 3.4. The Enforcement Officers have continued to be highly successful in detecting unlicensed persons. A total of 147 unlicensed persons were detected during the year. These were mainly street traders and window cleaners although the total does include second hand dealers, premises operating amusements with prizes and taxi/private hire drivers. The vast majority of these unlicensed persons proceeded to apply for a licence from the authority.
- 3.5. The Enforcement Officers are also involved in supporting licensing administration by securing recovery of taxi and private hire plates where licences are not renewed at the end of their term and licence plates are not voluntarily returned by their operators. During the year 28 plates were recovered.
- 3.6. In relation to future activity the Council will shortly be completing its review of licence conditions for taxi and private hire drivers. Enforcement Officers will be involved in imparting information to drivers and thereafter ensuring compliance with the new conditions.

4. **Corporate considerations**

- 4.1. The continuing activity of the Licensing Enforcement Officers is in line with the corporate implementation of the Enforcement Concordat throughout the Council's enforcement functions and contributes to the Council's commitment to community safety.

5. **Recommendation**

- 5.1. The Committee is asked to note the progress of North Lanarkshire Council's licensing enforcement regime.

Walter B. Kilgour

W · **Director of Administration**

Members seeking further information on this report are asked to contact Mitch Kerr, Chief Solicitor (District Courts and Licensing), at extension 2371.