
**Manchester City Council
Report for Information**

Report to: Audit Committee - 21 January 2016
Subject: Compliance and Licensing Activity.
Report of: Deputy Chief Executive Growth and Neighbourhoods

Summary :

This report provides an overview of how compliance and licensing services work together and with wider partners.

Recommendations:

Members are asked to note the report.

Wards Affected:

All

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Background documents (available for public inspection):

None

1.0 Purpose of Report

- 1.1 To provide the Committee with an overview of how compliance and licensing services work together and with wider partners.

2.0 Background

2.1 The Neighbourhoods Service has recently undergone a service redesign which has led to the development of a Compliance, Enforcement and Community Safety function within The Neighbourhood Service. This incorporates the services which fulfil the Council's duties in respect of protecting the public and the environment and keeping citizens safe through reducing crime. The broad service areas are Environmental Health (Food, Health & Safety), Environmental Protection, Trading Standards, Private Sector Housing, Premises Licensing Compliance, Street Trading compliance and enforcement, Neighbourhood Management compliance and enforcement, Community Safety and Anti Social Behaviour

2.2 Through bringing these services together the aim is to make them

- more neighbourhood focused,
- targeted so that resources are used where they are most needed using intelligence and meeting neighbourhood priorities
- more flexible so that services can be provided at times when they are most needed including weekends, evenings and nights
- consistent
- better integrated with other compliance and enforcement and neighbourhood services and partner enforcement agencies
- more focused on delivering strategic priorities and key programmes of work

2.3 Effective partnership working, with both internal and external partners, is critical to achieving effective enforcement particularly in the context of decreasing resources. This also makes it important to achieve changes in the way that businesses, residents and staff respond to the regulatory environment as it is essential that customers become less reliant on public services and recognise that action will be taken against them when they fail to comply with the law.

3.0 The Services

3.1 There are 3 main services within the Compliance and Enforcement element of the overall functional area.

(i) City wide compliance and enforcement services

The city wide compliance and enforcement services are:

- Environmental Health (Food, Health & Safety), These services are responsible for regulating food safety and food standards, health and safety in certain premises (e.g. retail and catering premises) , the importation of foodstuffs arriving at Manchester Airport, infectious disease control,
- Environmental Protection is responsible for regulation relating to air, water and land quality which includes maintenance of air quality monitoring stations, regulating industrial processes, testing private water supplies; maintaining the register of contaminated land across Manchester dealing with commercial noise complaints, providing conditions that need to be met to protect the environment through the planning process; provide support at large scale events such as Parklife in relation to noise, food and health & safety.
- Trading Standards is responsible for enforcing a wide range of criminal legislation aimed at protecting consumers and maintaining standards of fair trading. This includes dealing with underage sales of age restricted products, ensuring goods offered for sale are safe, fair trading to prevent consumers being misled, checking the accuracy of weighing and measuring equipment in shops, petrol pumps, etc; addressing rogue traders who target consumers in their own home, investigating counterfeiting, consumer credit and animal health which includes inspections of pet shops, boarding kennels and breeders and animal health concerns at Manchester Airport including the illegal importation of animals and the pet passport scheme.
- Housing Compliance and Enforcement is responsible for regulating housing standards in the Private Rented Sector through licensing and carrying out programmed inspections of Licensable Houses in Multiple Occupation (HMOs), through planned project work in Neighbourhoods and by dealing with complaints from private tenants across the City The team works closely with partners including Greater Manchester Fire and Rescue Service and deals with issues like disrepair and inadequate fire precautions in residential properties. They also deal with Tenancy Relations and enforce the Protection from Eviction Act.

(ii) Neighbourhood compliance and enforcement services

The neighbourhood compliance and enforcement teams are responsible for compliance issues that have an immediate impact on the area such as inappropriate waste management, littering, flyipping, dog fouling properties open to access, untidy land, dealing with travellers' illegal encampments etc

Underpinning the Neighbourhood Compliance Teams is an Environmental Crimes Team. Their role is to support these teams with formal enforcement action including prosecutions.

(iii) Licensing and Out of Hours Compliance

The licensing and out of hours compliance team is responsible for premises licensing compliance across the city and for addressing compliance issues that arise across the city outside of normal working hours.

Priorities for the team include:

- Effective management of licensed premises across the city through ensuring compliance with licence conditions
- Close working with partners to achieve a safe and compliant night time economy
- Management of on street activity in the city centre to ensure compliance with relevant legislation

This team will work flexibly across 7 days and provide city centre day time cover and some night cover for the whole city. They will also deal with seasonal issues such as student parties and events which will also require some night time activity hence the need for a flexible resource. They will also take on the licensing enforcement function, for the whole city. Having the same team undertake the work will provide continuity through the whole licensing process.

4.0 Partnership working across regulatory and compliance and enforcement disciplines

- 4.1 Partnership working with other council services and external partners is essential to achieving effective compliance. Good working relationships have been developed and bringing the compliance teams together and having a people, as well as place, focus in the new Place Plans will strengthen this further.

Key partners for compliance and enforcement work include internal partners such as Planning, Building Control and Licensing, Children and Families – homelessness enforcement and safeguarding, Public Health and Strategic Housing

Key external partners include Greater Manchester Police (GMP), Greater Manchester Fire and Rescue Service (GMFRS), Registered Providers, Business Forums, Immigration Enforcement, Her Majesty's Revenue and Customs (HMRC), Department of Work and Pensions (DWP)

- 4.2 Examples of how these partnerships work to achieve effective compliance and enforcement include:

4.2.1 The Licensing Multiagency Partnership

This meets fortnightly in relation to licensing matters under the Licensing Act 2003, which governs the sale of alcohol, regulated entertainment and the provision of late night hot food. Membership comprises of all 'responsible

authorities', which are the statutory agencies that must be consulted on applications i.e. MCC Licensing, Environmental Health, Trading Standards, Planning, Public Health, GMP, GMFRS. Meetings are also attended by Community Safety Specialists, and both Immigration Enforcement and HMRC have an open invitation to attend when they have any issues related to licensed premises. The group reviews all licence applications currently open for consultation to ensure that a consistent approach is adopted towards them, e.g. where a reduced terminal hour (latest time that a licensable activity can take place e.g. sale of alcohol), conditions or refusal is sought, which strengthens the position at any subsequent licensing hearing. All partner agencies appraise each other of any ongoing compliance and enforcement matters and a multi-agency response is arranged as appropriate. One example of partnership work between agencies is the test purchase exercises carried out by Trading Standards and GMP to ensure that alcohol is not being sold to underage persons at licensed premises. Typically, enforcement matters will require more immediate action than to wait for the meeting and so are co-ordinated directly between relevant agencies at the time, which is enabled by the network established between partner agencies through the Multiagency Group.

Licensing compliance officers have a working relationship with officers from the Gambling Commission on joint-enforcement matters e.g. unauthorised gambling dens or illegal gaming machines, compliance monitoring of existing licensed premises, as well as the sharing of intelligence.

The licensing compliance officers also undertake regular joint operations with GMP around taxi enforcement addressing issues such as illegal plying for hire and issues that arise around key events in the city.

4.2.2 **Better Business Compliance Project**

There are many compliance issues that require a multiple rather than single agency response as individuals or businesses who are non compliant in one area are likely to be non compliant in others. Manchester and Salford Councils successfully bid to be one of 5 pilots in the country testing new ways of collaborative working across a range of enforcement agencies. The pilot included council departments, immigration enforcement, HMRC, GMP, GMFRS. The pilot focussed on the Strangeways area as it crosses the border with Salford and has many issues of multiple non compliance including misuse of commercial property, counterfeit trading, tax evasion, illegal working, visa abuse, sham marriages, fire safety and environmental offences. When the pilot finished officers from across the partner agencies agreed to continue working in this way due to the benefits that had been achieved in relation to intelligence gathering, information sharing and enforcement action.

4.2.3 **Street Trading Enforcement**

This activity has traditionally been undertaken by Licensing Compliance officers in the Planning, Building Control and Licensing service. As these officers also undertake taxi compliance activity on weekend nights it was not possible for them to also undertake this service during weekend days. Consequently there was an increase in illegal street trading activity in the city

centre at weekends. To address this officers from the Neighbourhood Delivery Teams worked collaboratively with the Licensing Compliance Team who trained NDT officers to undertake this activity at weekends. This operation has achieved compliance with relevant street trading legislation and has now been incorporated as a function undertaken by the new Licensing and Out of Hours Compliance team referred to above