

TITLE	:	LICENSING ACT 2003 – STRATEGIC REPORT JOINT ENFORCEMENT PROTOCOL
TO/ON	:	LICENSING COMMITTEE – TUESDAY, 23RD MAY 2006
BY	:	HEAD OF LEGAL & DEMOCRATIC SERVICES
LEAD MEMBER	:	LEADER OF THE COUNCIL
STATUS	:	FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1 To inform members of the requirement to establish a Joint Enforcement Protocol with the Lancashire Constabulary and to seek committee approval for the protocol proposed.

2. RECOMMENDATIONS

- 2.1
- 1) That the Committee notes the report
 - 2) That the Cabinet be recommended to approve the proposed Joint Enforcement Protocol with Lancashire Constabulary

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 Guidance issued under Section 182 of the Licensing Act 2003 states:

3.56 As part of their statement of policy, the Government **strongly** recommends that licensing authorities should express the intention to establish protocols with the local police on enforcement issues. This would provide for a more efficient deployment of licensing authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises.

3.57 In particular, these protocols should also provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principle of

risk assessment and targeting should prevail and inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

- 3.2 The Statement of Licensing Policy was approved by the Licensing Committee on 23rd November 2004 and adopted by Full Council on 16th December 2004.
- 3.3 The Statement of Licensing Policy states our intention to establish the joint enforcement protocol.
- 3.4 Whilst efforts were made to produce a joint enforcement protocol between Lancashire Constabulary, Burnley Borough Council, Pendle Borough Council and Rossendale Borough Council, no protocol has yet been approved by all parties. As the Lancashire Constabulary have responsibility in Licensing for all three areas, it appeared appropriate that one protocol should be established.
- 3.5 To expedite the matter, it is appropriate to establish the proposed protocol between ourselves and allow the other two authorities to develop their own, independently to our protocol.
- 3.6 Lancashire Constabulary is ready to sign this protocol subject to the committee approval.

4. CORPORATE IMPROVEMENT PRIORITIES

- 4.1 None.

5. LEGAL IMPLICATIONS

- 5.1 None.

6. WARDS AFFECTED

- 6.1 All.

7. CONSULTATIONS

- 7.1 Lancashire Constabulary

For further information on the details of this report, please contact:

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Background documents:

- 1. Statement of Licensing Policy**
- 2. Guidance issued under Section 182 of the Licensing Act 2003**