



**Lancashire  
Constabulary**  
police and communities together

**Rossendalealive**  
BOROUGH COUNCIL

# The Licensing Act 2003

## Joint Enforcement Protocol

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## **Please Note:**

**This document does not form part of the Statement of Licensing Policy. It is intended purely for guidance and information.**

**This document may be altered at any time without prior consultation.**

# Contents

1. Introduction .....	4
2. Parties to this protocol.....	4
3. Communications .....	4
4. Information Sharing .....	4
5. Register of Cautions.....	5
6. Offences.....	5
7. Risk Assessment.....	5
8. Reviews of Premises Licences .....	5
9. Investigation of Offences .....	5
10. High Risk Premises .....	6
11. Unlicensed Premises.....	6
12. Enforcement Action .....	6
13. Prosecution Policy .....	6
14. Protocol Review.....	7
Appendix 1.....	8
Appendix 2.....	10

## **1. Introduction**

- 1.1 The Local Authority and Responsible Authorities, as defined in the Licensing Act 2003, are required to promote the four licensing objectives in relation to people and premises licensed under this Act. These objectives are:
  - 1.1.1 The prevention of crime and disorder
  - 1.1.2 Public safety,
  - 1.1.3 The prevention of public nuisance, and
  - 1.1.4 The protection of children from harm
- 1.2 The Government strongly recommends that the Local Authority establish a joint enforcement protocol with the local police and that such protocol should provide for the targeting of agreed problem and high risk premises which require greater attention. The protocol should provide a lighter touch in respect of low risk premises that are well run.
- 1.3 All parties to this protocol will work with partners to assist licence holders to comply with the law and promote the four licensing objectives. Firm but proportionate action will be taken against those who commit serious offences or consistently break the law.
- 1.4 All parties to this protocol recognise their responsibility in the promotion of the licensing objectives and thus providing a safe environment for the community of Rossendale.

## **2. Parties to this protocol**

- 2.1 The parties to this protocol are:
  - 2.1.1 Rossendale Borough Council as a Licensing Authority
  - 2.1.2 Lancashire Constabulary, Pennine Division, Licensing Unit as a Responsible Authority

## **3. Communications**

- 3.1 Good communications across agencies are vital to the effective enforcement of licensed premises and people.
- 3.2 As such, the parties to this protocol will meet on a regular basis with the minimum level set a twice annually.
- 3.3 Each partner recognises that ongoing communication will take place on a day to day basis in the form of written and verbal communications.

## **4. Information Sharing**

- 4.1 The parties to this protocol understand the need to share information to enable an effective joint enforcement process.
- 4.2 Information Sharing will take place in accordance with the Information Sharing policy as established between both partners.
- 4.3 Information supplied must only be used for the purposes for which it is supplied. The information must be securely retained whilst in their possession and must be

securely disposed of when no longer required. Such information will not be transmitted to a third party without the consent of the supplying partner.

- 4.4 Information sharing will take place in compliance with the Data Protection Act 1998, Freedom of Information Act 2000 and the Human Rights Act 1998.

## **5. Register of Cautions**

- 5.1 The Licensing Authority will maintain a register of all cautions issued in respect of licences, certificates and permissions.

## **6. Offences**

- 6.1 A list of offences under the Licensing Act 2003 is appended at Appendix 1.
- 6.2 Lead responsibility for each offence is contained within Appendix 1.

## **7. Risk Assessment**

- 7.1 Risk ratings will be undertaken by both parties to this protocol.
- 7.2 The following criteria will be used as a basis for such risk rating:
- 7.2.1 The nature of the activity
  - 7.2.2 Level of confidence in the management of the premises
  - 7.2.3 Compliance record
  - 7.2.4 Underage alcohol sales history
  - 7.2.5 Number, nature & severity of incidents recorded at the premises
  - 7.2.6 Risk to the licensing objectives being undermined

## **8. Reviews of Premises Licences**

- 8.1 This protocol recognises the right of the Lancashire Constabulary to apply for a review of a premises licence or club premises certificate at any time.
- 8.2 With the exception of extreme cases, the responsible authority requesting the review will be expected to demonstrate attempts to resolve the problems which have caused the need for a review.
- 8.3 Extreme cases will be defined as those where serious incidents have taken place which undermine one or more of the licensing objectives. Whilst the severity of incidents will normally dictate the call for an immediate review, each case will be judge on its own merits.
- 8.4 When the responsible authority submits an application for review, the Licensing Authority will arrange a meeting between itself and all the responsible authorities to ensure effective cohesion between the responsible authorities sharing concerns with regard to the licence in question.

## **9. Investigation of Offences**

- 9.1 Where a party to this protocol becomes aware of an offence having taken place, the authority will make immediate contact with the relevant authority to ensure that the most appropriate action takes place.

- 9.2 The action taken will consider the facts of the case, prosecution policy and enforcement policy of the authority who will take the necessary action.
- 9.3 Any action taken will be communicated to the authority instigating the action stating the reasons for such action.

## **10. High Risk Premises**

- 10.1 Before requesting a review of the Premises Licence, joint efforts by both parties will be made in an effort to resolve the problems arising from the premises.
- 10.2 The parties to this protocol recognise the need to keep the Licence Holder informed of all activity and as such, the Licence Holder will be copied on all correspondence relating to the identified problems.

## **11. Unlicensed Premises**

- 11.1 Premises who have not applied for a licence under the Licensing Act 2003 will be treated and enforced as unlicensed premises.
- 11.2 Premises in possession of an authorised Temporary Events Notice who exceed the limits as contained within the Act will be treated and enforced as unlicensed premises.

## **12. Enforcement Action**

- 12.1 Having regard to the calculated risk assessment score of a premises, the nature of the offence or breach, and previous offences and/or breaches the following options will be considered in order:
  - 12.1.1 A letter to the Licence holder detailing the causes of concern and suggested steps to improve the situation.
  - 12.1.2 A verbal, written or formal caution.
  - 12.1.3 A PND (Penalty Notice for Disorder)
  - 12.1.4 A further PND or Prosecution
  - 12.1.5 Prosecution
  - 12.1.6 Review of the Licence
- 12.2 Consistent offending or breaches of licence conditions will normally result in prosecution and/or an application by the responsible authority for a review of the premises licence.
- 12.3 Closure orders under Section 160 or 161 of the Licensing Act 2003 will automatically generate an application for a review of the premises licence.
- 12.4 Failure to respond positively to communications as detailed in 12.1.1 will normally lead to a review of the licence.

## **13. Prosecution Policy**

- 13.1 Fair and effective prosecution is essential to the maintenance of law and order and as such, the decision to prosecute is a serious one.

- 13.2 Parties to this protocol will have regard to the Code for Crown Prosecutors when considering such action.
- 13.3 Each case will be judged on its own merits and if necessary, will be subject to the evidential test and the public interest test.

**14. Protocol Review**

- 14.1 The parties to this protocol understand the importance of maintaining effective and relevant policies enabling effective joint working. This protocol will therefore be reviewed as and when necessary although this will not override the formal arrangement to review the protocol on an annual basis.

# Appendix 1

The parties to this protocol agree that the prime responsibility for enforcing offences under the Licensing Act 2003 should normally lie as follows:

Abbreviations are “P” for the Police as a responsible authority and “LA” for the Licensing Authority.

Other abbreviations include:

DPS – Designated Premises Supervisor

AO – Authorised Officer

PLH – Premises Licence Holder

CPC – Club Premises Certificate

PC – Police Constable

Section	Offence	Authority
33 (6)	Failure to notify LA of change of name or address in case of PLH or DPS	LA
40 (2)	Failure to notify existing DPS of variation to premises licence to exclude them	LA
41(5)	Failure to provide premises licence to LA upon removal of DPS.	LA
46(4)	Failure to notify DPS of application for transfer of premises licence	LA
49(5)	Failure to notify DPS of grant of interim authority notice	LA
56(3)	Failure to provide premises licence at request of LA for amendment	LA
57(4)	Failure to keep or display premises licence on premises	LA
57(7)	Failure to produce premises licence to an AO for examination	LA
59(5)	Obstruction of an AO entering the premises to inspect before grant of a licence, review or a statement	LA
82(6)	Failure to notify of change of name or alteration of club rules	LA
83(6)	Failure to notify of a change of registered address of club	LA
93(3)	Failure to produce CPC for amendment within 14 days of LA request	LA
94(5,6,9)	Duty to keep, display and produce CPC at premises	LA
96(6)	Inspection of premises before grant, etc. of CPC	LA
108(3)	Obstruction of an AO in inspecting temporary event premises	LA / P
109(4)	Failure to keep or display temporary event notice on premises	LA
109(8)	Failure to produce temporary event notice to an AO	LA
123(2)	Failure to notify LA of conviction for relevant offence during application or renewal period	LA
127(4)	Failure to notify LA of change of name or address of personal licence holder	LA
128(6)	Failure to notify court of personal licence or “notifiable event” when being dealt with for a relevant offence	P / LA
132(4)	Failure to notify LA of conviction for relevant or foreign offence	LA
134(5)	Failure to produce personal licence within 14 days to LA for updating	LA
135(4)	Failure to produce personal licence to AO whilst on premises to sell or authorise sale of alcohol	LA / P
136(1)	Allowing licensable activities otherwise than in accordance with an authorisation	LA / P

137(1)	Unauthorised exposure for retail sale of alcohol	LA / P
138(1)	Unauthorised possession of alcohol with intent to sell or supply	LA / P
140(1)	Allowing disorderly conduct on licensed premises	P / LA
141(1)	Sale or supply of alcohol to person who is drunk	P / LA
142(1)	Obtaining alcohol for a person who is drunk	P / LA
143(1)	Failure to leave licensed premises following a request from a PC or AO	P
144(1)	Keeping unlawfully imported goods on relevant premises	P / C & E
145(1)	Allowing unaccompanied children under 16 on relevant premises when alcohol is being supplied	LA / P
146(1,2,3)	Sale or supply of alcohol to children under 18	LA / P / TS
147(1,3)	Allowing sale or supply of alcohol to children under 18	LA / P / TS
148(1,2)	Sale or supply of liqueur confectionery to children under 16	LA / P
149(1,3,4)	Purchase or supply of alcohol by or on behalf of children under 18	LA / P
150(1,2)	Consumption on relevant premises of alcohol by children under 18, or knowingly allowing it to occur	LA / P
151(1,2,4)	Delivering or permitting others to deliver alcohol to children under 18	LA / P
152(1)	Sending a child under 18 to obtain alcohol for consumption	LA / P
153(1)	Permitting children under 18 to sell or supply alcohol to children	LA / P
156(1)	Sale of alcohol in or from a moving vehicle	P
158(1)	False statement in connection with a licensing application	LA
160(4)	Keeping premises open in contravention of an area closure order	P / LA
161(6)	Permitting premises to be open in contravention of a premises closure order	P / LA
165(7)	Permitting premises to be open in contravention of a Magistrates closure order	P / LA
179(4)	Obstructing entry by a PC or an AO to premises to check on the carrying out of licensable activity	Relevant RA

# Appendix 2

<b>Signatory List</b>
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## Rossendale Borough Council

Signed: .....

Date: .....

*Protocol approved by the Licensing Committee on [date to be inserted].*

## Lancashire Constabulary

Signed: .....

Date: .....