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## Licensing Act Enforcement

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Licensing Act 2003

## The Licensing Act 2003

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**il**

## Licensing Act Enforcement

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Licensing Act Enforcement

**Licensing Act 2003**

- Part 2 – the Licensing Authorities
- S. 4: Must carry out functions with a view to promoting the licensing objectives



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Licensing Act Enforcement



**General Principles of Enforcement**

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Licensing Act Enforcement

**General Principles of Enforcement**

Many things to consider:

- Licensing Act is a 'permissive' process
- Local Authorities own aims to support business and protect the public
- Government regulatory agenda

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Licensing Act Enforcement



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003  
April 2018

**Section 14 – Enforcement:**

- Two Paragraphs

14.16 Licensing Authorities should work with the Police

14.17 Target Activities at High Risk Premises as per the Regulators Code and ensure premises train their staff!

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Licensing Act Enforcement

General Principles of Enforcement

Government regulatory agenda

- Regulators Code



Department for Business Innovation & Skills

Better Regulation Delivery Office

Regulators' Code

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Licensing Act Enforcement

General Principles of Enforcement

- Regulators Code

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

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Licensing Act Enforcement

**Regulators Code**

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

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Licensing Act Enforcement

**Regulators Code**

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

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Licensing Act Enforcement

**Regulators Code**

3. Regulators should base their regulatory activities on risk

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Licensing Act Enforcement

**Regulators Code**

**4. Regulators should share information about compliance and risk**

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Licensing Act Enforcement

**Regulators Code**

**5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**

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Licensing Act Enforcement

**Regulators Code**

**6. Regulators should ensure that their approach to their regulatory activities is transparent**

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Licensing Act Enforcement

General Principles of Enforcement  
Government regulatory agenda

- Live Music Act 2012
- Deregulation Act 2015
- 'Pragmatism' during pandemic
- Business and Planning Act 2020

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Licensing Act Enforcement



General Principles of Enforcement  
Government regulatory agenda

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Licensing Act Enforcement

General Principles of Enforcement  
Government regulatory agenda

- VAWG agenda




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Licensing Act Enforcement



General Principles of Enforcement  
Government regulatory agenda



- Alcohol related harm

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Licensing Act Enforcement

General Principles of Enforcement

- Licensing Authorities duty to carry out functions to promote Licensing objectives
- Licensing made a RA in 2012 with aim to be able to respond quickly to concerns

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Licensing Act Enforcement

General Principles of Enforcement

- Targeted activities based on risk and resource – Fees?
- Resourcing pressures from other RAs increasing expectation on Licensing
- Expectations from members, residents

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Licensing Act Enforcement

## Inspections



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Licensing Act Enforcement

Licensing Act 2003 Inspections

- No statutory duty to inspect, unlike other regimes
- However still a general duty to promote the licensing objectives and target interventions based on risk
- Also helpful to be seen to conduct inspections with a view to supporting business and providing reassurance to others

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Licensing Act Enforcement

Inspections

How to determine what to inspect?

- There is no right answer about which premises should be inspected and when
- Inspections need to be determined by local circumstances and risks

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Licensing Act Enforcement

Inspections  
How to determine what to inspect?

- Risk based
- New premises
- Transfers/DPS changes
- Premises where no changes for some time...

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Licensing Act Enforcement

Inspections  
How to determine what to inspect?

- Complaints
- Police reports
- Food business changes
- Planning changes

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Licensing Act Enforcement



- Risk Based Inspection System
- Locally based inputs used to provide a 'risk' rating
- Rating will determine frequency of visit

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Licensing Act Enforcement

The image shows a screenshot of a spreadsheet on the left and a document cover on the right. The spreadsheet has columns for 'Licence type', 'No. Lic.', 'No. Premises', and 'Value of Licences'. The document cover is for 'GUILDFORD BOROUGH COUNCIL' and is titled 'Licensing Act 2003 Best Practice Guidance Document and Templates for Licensed Premises'. It includes a date of 'November 2021'.

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Licensing Act Enforcement

Inspections

- Post inspection – record visit
- Follow up dependent on circumstances
  - Sharing of information
  - Written letter
  - Revisit
  - Prosecution
  - Review

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Licensing Act Enforcement

Section 182 Guidance on Review and Serious crime

- Sale/distribution of drugs/firearms
- Evasion of copyright
- Prostitution/grooming young children/pornography
- Purchase /consumption by minors which impacts health, education, prospects
- Organising gang/racist activity
- for employing illegal immigrants
- for unlawful gambling for the sale or storage of smuggled tobacco and alcohol.

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Licensing Act Enforcement

- Reviews – Advantages
  - Opportunity for any person to make representation to add to original grounds
  - Can be used to address any licensing objective
  - Potentially serious implications for licence holder
- Review – Disadvantages
  - Time
  - Action determined at a hearing
  - Decision comes into effect after 21 days or appeal dealt with

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Licensing Act Enforcement

- Prosecutions – Advantages
  - Visible sanction
  - Deter non-compliance
  - Criminal record
- Prosecutions – Disadvantages
  - Time
  - Cost
  - Still left with a potentially unchanged licensed premises afterwards

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Licensing Act Enforcement

- Enforcement doesn't necessarily involve using the 'stick' all the time
- Consider ways to encourage compliance through initiatives which will benefit i.e. the 'carrot':

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Thank you

Any Questions?

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