



Licensing Act 2003 Joint Enforcement Statement between the Local Authorities Coordinators of Regulatory Services (LACORS), the Local Government Association (LGA) and the Association of Chief Police Officers (ACPO)

The Licensing Act 2003 has streamlined and modernised a number of disparate pieces of legislation relating to the sale and supply of alcohol, public entertainment and the provision of late night refreshment and brought them into one single framework that is administered by local (licensing) authorities. Licensing authorities are required to promote the Act's four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The protection of children from harm
- The prevention of public nuisance

Since the 7th February 2005, all premises that need a licence to operate under the new regime have had the opportunity to apply for their new licence. For some, this has just meant converting their old licence into a new one with no changes. For others, it has meant applying for a licence that would allow them to operate in a different way.

On the 24th November 2005, the full provisions of the Licensing Act 2003 come into effect and from that day, all premises that undertake licensable activities as defined by the Act will need to be operating under the authority of a new licence. All existing licences will cease, regardless of the dates of expiry. Inevitably there will be number of premises that will not have a new licence in place. Estimates vary across the country but the numbers in particular authorities could be anything between 0 and 10% of premises that appear to need a licence but do not have one.

General Principles

LACORS, the LGA and ACPO have agreed, on behalf of local authorities and police forces in England, a framework in relation to dealing with unlicensed premises, as well as the longer-term approach to inspection and enforcement action. This will be focused around contravention of the licensing objectives set out above. Local authorities and police forces in Wales have also adopted a similar enforcement agreement in relation to unlicensed premises.

Central to the enforcement strategy is local partnership working between licensing authorities and police forces. Any action to be taken must be decided on a case-by-case basis. However, acknowledging that already limited resources will be stretched further to deal with enforcement activity arising from this new Act, LACORS, the LGA and ACPO recognise that adopting a blanket approach to enforcement will not be appropriate.

Local authorities' and police forces' ultimate aim is to have a properly regulated licensed trade, which contributes to safe and sustainable communities to live and work in.

Enforcement in relation to unlicensed premises

With the underlying principle that all premises should have a licence and should operate in accordance with the law, there will be a variety of reasons why premises will not have a new licence, not all of them wilful. Reasons could range from administrative issues such as the licence not yet having been issued, to the premises not realising they had to apply and, in extreme cases, those that have simply not bothered.

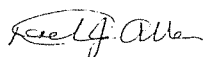
Discussions should therefore take place, if they have not already, in the run up to 24th November between licensing authorities and the police (involving other responsible authorities where appropriate) to identify and prioritise unlicensed premises to be targeted, as well as agree who is best placed to take the lead on any action that may be taken. For example, a joint licensing authority/police letter could be sent to relevant premises setting out the agreed local enforcement strategy and the action that may be taken against unlawful activity.

LACORS, the LGA and ACPO encourage a proportionate and risk assessed targeted approach to those premises operating without a licence:

- Licensing authorities, as the body responsible for issuing licences and keeping records, will be in the best position to take the lead on 'administrative' actions before formal enforcement is taken, supported by partners where appropriate.
- Premises that have applied for a licence and are operating on the basis of their old licence would not generally be targeted unless levels of crime, disorder, nuisance or anti-social behaviour are of concern.
- The steps a premise has taken to become licensed should be taken into account when considering any necessary enforcement activity.
- Premises which benefit from a Temporary Event Notice and exceed the limits for qualifying events, for example by holding an event for more than 500 people, will be regarded as unlicensed premises.
- Levels of crime and disorder and anti social behaviour in and around unlicensed premises will be the key priorities for the police.

Enforcement in relation to licensed premises

Contravention of one or more of the Act's four licensing objectives will be the trigger for enforcement activity, both formal and informal, to be taken in relation to licensed premises, particularly in relation to levels of crime and disorder, nuisance and anti-social behaviour. Local flexibility in respect of enforcement decisions is key and LACORS, the LGA and ACPO promote joint strategies between relevant agencies. Information from responsible authorities, test purchasing data and contraventions of the Private Security Industry Act 2001 (in relation to requirements for licensed door supervisors) will all contribute to prioritising premises to be targeted for action. Breaches, such as failure to display a licence which, although granted, has not yet been issued by the licensing authority, will be regarded as technical breaches.



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