

# **METROPOLITAN BOROUGH OF WIRRAL**

## **LICENSING ACT 2003 COMMITTEE – 31 MAY 2006**

### **REPORT OF THE DIRECTOR OF REGENERATION**

#### **ENFORCEMENT PROTOCOL**

##### **1.0 EXECUTIVE SUMMARY**

1.1 The purpose of this report is to seek Members approval of a draft Enforcement Protocol between the Licensing Authority and other enforcement agencies under the Licensing Act 2003.

##### **2.0 BACKGROUND**

2.1 Under the Licensing Act 2003, the Licensing Authority and the Responsible Authorities, as defined in the Act, are required to promote the following objectives, in relation to premises and people licensed under the Act:

- Preventing crime and disorder
- Protecting public safety
- Preventing nuisance
- Protecting children from harm

2.2 The Government has recommended that Licensing Authorities establish protocols on enforcement issues. The principal relationship that needs to be defined relates to that between the Police and the Local Authority. However, other agencies also have a statutory defined role, a role that frequently overlaps between agencies. The role of these agencies is also defined within this protocol.

2.3 The aim of the enforcement protocol is to clearly establish the roles played principally by each enforcement agency in relation to inspecting premises for compliance with the requirements of the Licensing Act 2003. This protocol seeks to build upon the good working relationships that currently exist between the enforcement agencies.

2.4 All signatories to this protocol recognise the interest of both citizens and businesses and will work closely to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

2.5 This protocol 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.

2.6 The Statutory Guidance issued under section 182 of the Licensing Act makes it quite clear that offences committed by proprietors on licensed premises must be pursued by the relevant enforcement authority using the most appropriate legislation.

2.7 We seek to maintain close liaison so as to ensure consistent and transparent action by the relevant agencies as well as to ensure effective use of resources.

2.8 In respect of instigating legal proceedings, typically the split of responsibility may be as described below:

- Crime and Disorder - Merseyside Police
- Public Safety - Licensing Authority and Merseyside Fire and Rescue Service
- Public Nuisance - Licensing Authority or Merseyside Police
- Protection of Children - Merseyside Police, Licensing Authority or the Trading Standards Services

### 3.0 **FINANCIAL & STAFFING IMPLICATIONS**

3.1 None.

### 4.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

4.1 None.

### 5.0 **LOCAL AGENDA 21 IMPLICATIONS**

5.1 None.

### 6.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

6.1 None.

### 7.0 **HUMAN RIGHTS IMPLICATIONS**

7.1 None.

### 8.0 **COMMUNITY SAFETY IMPLICATIONS**

8.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

### 9.0 **PLANNING IMPLICATIONS**

9.1 None.

### 10.0 **BACKGROUND PAPERS**

10.1 None.

### 11.0 **RECOMMENDATION**

11.1 For Members to approve the Enforcement Protocol.

Alan Stennard  
Director of Regeneration

This report was prepared by Margaret O'Donnell who can be contacted on 691 8606.