The aim of the Licensing Team is to ensure premises within the city of Derby that fall under the jurisdiction of the Licensing Act 2003, are correctly licensed for the relevant activities taking place within those premises. Licensing officers must ensure licensed premises comply with the Licensing Act 2003. This includes promotion of the four licensing objectives:

- protecting public safety
- preventing public nuisance
- preventing crime and disorder
- protecting children from harm

This enforcement work aims to protect those people who live, work, or are visiting the City.

Inspections can be carried out as part of a routine inspection programme, or as part of reactive work. Other potential inspections are advisory visits, generated from requests made by potential applicants at the pre-application stage.

If inspections are undertaken as part of a routine inspection programme, the time period between each inspection is generated through the Council’s risk rating scheme. The risk rating forms part of the APP software system used throughout the Environmental Health and Trading Standards Division. The risk rating produces inspection time periods between six months and five years. Areas such as risk of activities, history of compliance, suitability of the structure and occupancy levels are considered in the rating scheme to produce the next suggested inspection date.

Other visits are also made after complaints are made concerning alleged breaches in licence conditions or unlicensed activities are being conducted at premises.

The licensing officers offer advice to licence holders at the time of the inspection. They also offer advice to residents on licensing issues and the licensing procedure as and when requested. Officers regularly attend various trade meetings to educate attendees on current licensing issues.

Inspectors hold recognised licensing qualifications and have regular in-house and/or external training in licensing and enforcement issues.
INSPECTIONS/VISITS

Visits may be unannounced or pre-arranged. Unannounced visits may be more appropriate and more effective following complaints concerning potential breaches in licensing conditions or reports of unlicensed activity.

Inspections or visits to Club premises must be pre-arranged, giving at least 48 hours notice to the relevant person.

Inspections may be linked to the routine inspection programme or may entail visiting to check a single licensing condition. Visits may also be linked to a specific initiative if the need arises.

If there are areas of non-compliance the officer should tell the local manager or relevant person that a re-visit will be carried out and a time period should be arranged before leaving the premises. The officer should also explain verbally, the consequences of any non-compliance when re-visiting the premises.

Following the visit a letter confirming the inspection/visit, or outlining any contraventions or advice will be sent to the licence holder and the local manager (if appropriate) or the relevant person. The letter should contain details of the possible consequences of any non-compliance when the officer re-visits.

Letters should be typed by the inspecting officer and sent within 10 working days. Officers should ensure all correspondence is placed in the appropriate box for Admin to scan into the file plan on Sharepoint.

REVISITS

Premises may be re-visited at the discretion of the licensing officer. Time periods will be at the discretion of the officer and will be dependent on the severity of non-compliance.

If the contraventions identified by the officer have not been complied with and the licence holder or relevant person has mitigating circumstances or has begun to address some of the required works, then extra time may be given. This is at the officer’s discretion. The officer should again explain the consequences of non-compliance and arrange another time period for revisit.

Dependent on severity of non-compliance officers could consider legal proceedings.

LEGAL ENFORCEMENT

Methods of enforcement available under the Licensing Act 2003 are:-

- Formal caution
- Prosecution
Before using either of these methods officers should discuss the case with the Group Leader or Senior Officer.

Generally, officers should use the means listed above in order to rectify any contraventions in the licensing legislation before taking formal enforcement action. However, if the non-compliance is of a serious nature, officers can take immediate legal action.

Such instances may include unlicensed activities, or serious breaches in licence conditions i.e. those affecting public safety.

Officers may also consider more formal action if the previous history of the licence holder suggests that an informal approach would not have the desired effect.

Where there are serious breaches or there is a history of non-compliance then consideration would be given to pursuing a prosecution or formal caution. The decision making process laid down in the Division’s Enforcement Policy would be used to guide this process. It is at the officer’s discretion to identify and justify their course of action. It is not necessary to follow the guidance in a consecutive manner. The officer’s decision/action must reflect the seriousness of the contravention.
LICENSING ENFORCEMENT FLOWCHART

Visit

Licensing Contraventions Identified

Inspection Letter (formal) Sent

Agree a Completion Date

Revisit

Works Not Completed

Formal Letter to Licence Holder

Compile Prosecution File

Court Hearing

No Licensing Contraventions Identified

Informal / Advisory Letter Sent

Update APP Close Record

Advisory

Agree a 2nd Revisit Date

Revisit

Works Completed

Letter to Licence Holder

Update APP Close Record