

## **DERBY & DERBYSHIRE LICENSING PROTOCOL**

### **RECOMMENDATION**

- 1.1 To re-consider the information contained in the report regarding the adoption of a formalised agreement/protocol between all relevant licensing authorities in Derby and Derbyshire.
- 1.2 To approve the adoption of the protocol.

### **SUPPORTING INFORMATION**

- 2.1 Under the Licensing Act 2003, the licensing authority is required to promote the four licensing objectives:
  - Prevention of crime and disorder
  - Protection of public safety
  - Prevention of nuisance
  - Protection of children from harm
- 2.2 The government strongly recommends that licensing authorities establish protocols on enforcement issues.
- 2.3 The principle relationship is between the local authority's licensing team, trading standards team and the Police. It is only these bodies that have the power to prosecute for breaches of the Licensing Act.
- 2.4 The signatories of the protocol recognise the interests of the citizens and businesses and will work closely with them and partners to assist all licence holders to comply with the law whilst promoting of the four licensing objectives. A copy of the protocol can be accessed at <http://cmis.derby.gov.uk/CMISWebPublic/MembersLibrary.aspx>
- 2.5 The protocol recognises the need for firm and proportionate action to be taken for those who commit serious offences or those who consistently breach the legislation.
- 2.6 It is recognised that any enforcement action taken will have regard to current codes of practice.

- 2.7 The protocol clearly establishes the roles and responsibilities of each enforcement agency.
- 2.8 Acceptance of the protocol would support and complement the recommendations made during the recent Licensing Review in March 2009 by the Committee and the Scrutiny Management Commission.
- 2.9 The protocol was previously considered by Committee on 22 July 2009. At the time, clarification was sought on the following points:
- Definition of 5x5x5 – this relates to The National Intelligence Model, which is a way of assessing the quality of intelligence and how it can be disseminated. There are three areas that need completion and there are five points to each one hence 3x5x5x5. The 5x5x5 is the national intelligence form/record which allows the police and other agencies to record, evaluate and disseminate information. The use of 5x5x5 starts an audit trail and ensures consistency between enforcers and allows knowledge to be shared more easily. It can be used to assess risk of exposure to the source of the information or the use of material and therefore protects the individual or operation to which the information relates to.
  - Point 6.3, Responsibilities of the Responsible Authorities - a meeting of responsible authorities took place on 28 July 2009 and each responsible authority was informed of this requirement and their responsibilities. In addition the matter was raised at the Derbyshire Licensing Subgroup on 11 Sept 2009 and all authorities acknowledged their responsibilities.
  - Which authorities had signed up to the protocol ? – it was confirmed at the Derbyshire Licensing Subgroup on 11 Sept 2009 that all the authorities listed in the Derby and Derbyshire Licensing Enforcement Protocol had signed up to it.

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<b>Background papers:</b>	General Licensing Committee, 22 July 2009, Item 5
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial**

1. None directly arising from this report.

**Legal**

2. None directly arising from this report.

**Personnel**

3. None directly arising from this report.

**Equalities Impact**

4. None directly arising from this report.

**Corporate objectives and priorities for change**

5. The recommendation contained in this report contributes to the corporate objective of **giving excellent services and value for money.**