



FACTSHEET

A stepped approach to achieving compliance



Purpose:

To advise businesses and regulators of a stepped approach to achieving compliance in licensed premises

- ➔ A stepped approach to enforcement is used to secure business compliance and bring about (where necessary) a change of behaviour towards licensing law, regulations and conditions.
- ➔ Regulators should adopt the principles of better regulation and take a stepped approach to securing compliance in a way which is:
 - *Proportionate*
 - *Accountable*
 - *Consistent; and*
 - *Transparent*
- ➔ **Transparent:**
 - *Advise licensed premises operators that inspections will be carried out. This does not mean informing them when you will be inspecting their premises.*
 - *Ensure that licence holders know what you expect from them, and what you will be looking for when inspecting the premises, and the results of your inspections.*
- ➔ **Consistent:**
 - *Be clear about the outcomes you are working towards, and how your activities will contribute to those outcomes.*
 - *Ensure that inspections are undertaken in a consistent manner, and that breaches or problems are addressed consistently from premises to premises depending on the nature and severity of the problem.*
 - *Work collaboratively with other agencies undertaking inspections to ensure greater consistency in your approaches.*
- ➔ **Accountable:**
 - *Consider risk rating premises to determine the need and frequency of premises inspections, and make your risk rating methodology publically available, while reserving the right to inspect premises in response to information or intelligence which gives sufficient cause for concern to warrant reactive action.*
 - *A risk rating of premises should show that premises which are well run and low risk will be self regulated unless issues arise.*

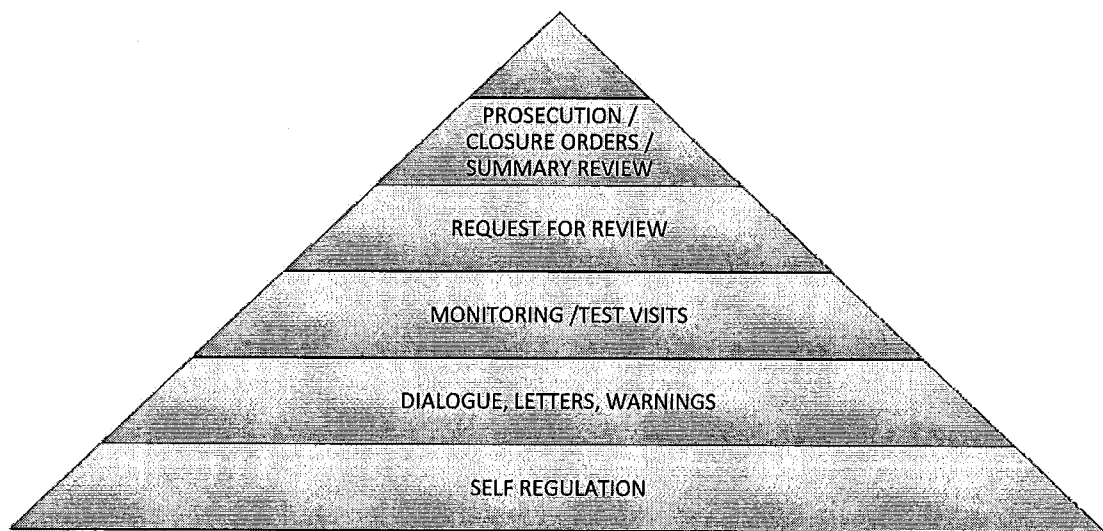


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- ➔ In many cases, licensing authorities and responsible authorities initially become aware of a potential issue through a complaint by a member of the public, or a concern raised by other regulators about possible breaches of the licence conditions.
- ➔ The authority should make a judgement based on the seriousness of the situation and respond accordingly using the minimum interference necessary to address the problem. For example, this might include dialogue with the licence holder, mediation between applicants / licence holders and residents, or a warning about future conduct of the premises.



- ➔ In more serious cases, an investigation will be necessary and this may include inspections or test purchase operations.
- ➔ In some cases the circumstances will be more serious and mediation or dialogue will not be sufficient or appropriate. In such cases, a responsible authority can request a review of the premises licence. In some cases the police can consider the use of closure powers or expedited reviews, and environmental health (under delegation from the local authority chief executive where the problem concerns noise nuisance) and trading standards have closure powers in certain circumstances. Relevant authorities can also prosecute the licence holder for offences under the Act.
- ➔ In all cases where possible the responsible authority or the licensing authority should seek to achieve compliance or resolution through mediation and informal agreement before embarking on the more formal enforcement routes.