



**Liquor Licensing  
Enforcement Concordat**  
Principles of good enforcement

# Introduction

South Lanarkshire Licensing Board endorses this Enforcement Policy which reflects the ethos contained in the Policy document drawn up by each Licensing Division in November 2010.

This Enforcement Policy sets out, in the Board's view, the best practice which the Licensing Standards Officers (LSOs) will employ when carrying out their duties under the Licensing (Scotland) Act 2005.

South Lanarkshire Licensing Board has two LSOs who cover the whole of the Board's area.

Licensing Standards Officers will investigate allegations of unlicensed activities, ensure that licence conditions are complied with and provide information, guidance and a mediation service. The LSOs are based within the Administration and Legal Services division of Finance and Corporate Resources.

There is a firm commitment to ensure that the LSOs are given all assistance necessary to enable them to carry out their functions efficiently and effectively including participating as members of the Local Licensing Forums.

## **The LSOs will carry out the roles and responsibilities set out under the Act, including:**

- providing guidance and information on the operation of the Act in South Lanarkshire;
- checking that licence holders are complying with the terms of the legislation and their licence conditions; and
- providing a mediation service in order to resolve disagreements and disputes between licence holders and other persons. Both LSOs are trained in mediation.

Section 15 of the Act gives LSOs power to enter and inspect licensed premises to establish compliance with the premises licence or occasional licence in respect of the premises or any other requirement of the Act. In addition, along with the Police, they also have powers under Section 137 to enter premises for the purposes of assessing the likely effect of the grant of certain applications or the effect of the sale of alcohol under the licence in relation to the licensing objectives. The Act also provides that anyone preventing LSOs from undertaking this task will be guilty of an offence.

Section 197 of the Criminal Justice and Licensing (Scotland) Act 2010 gives the LSOs the power to take copies of any documents found on the premises or a copy of any entry therein and also gives them the power to seize and remove any substance, articles or documents found on the premises.

Licence holders and those managing and working on the premises are under a duty to co-operate with and assist the LSOs in the performance of his/her functions and to provide any information or documents requested.

In addition to the powers set out above, LSOs have the power under section 14 of the Act to serve notice on the holder of a licence where they believe that any condition of the licence is being breached. Where a licence holder fails to comply with the notice to the LSO's satisfaction, the LSO may make a premises licence review application.

Without prejudice to the above paragraph, the LSOs have the power to seek a review of a premises licence where competent grounds for review exist.

The aim of the policy is to help licence holders comply with the licensing objectives and to meet their obligations under the legislation. Alongside the operation of the Policy it needs to be made clear to the licence holder that there will be circumstances when it will be appropriate for the licence holder to seek their own independent legal advice. It is recognised that if no agreement can be reached, a compliance notice will require to be served.

**1. This table summarises the options employed by the LSOs within South Lanarkshire when visiting licensed premises under the Licensing (Scotland) Act 2005 as amended.**

Principles of good enforcement		Implementation	
Policy	Procedures	Options	Aim
Standards	<ul style="list-style-type: none"> <li>Consult with business and stakeholders in setting standards for level of service and performance.</li> <li>Monitor performance</li> </ul>	<ul style="list-style-type: none"> <li>Publish openly</li> <li>Collaborative auditing</li> <li>Look for feedback</li> </ul>	<ul style="list-style-type: none"> <li>Where possible implement suggestions raised as a result of feedback</li> </ul>
Openness	<ul style="list-style-type: none"> <li>Provide information on regulations and enforcement practice</li> <li>Discuss compliance failures or problems with anyone experiencing difficulties</li> <li>Various open days arranged throughout South Lanarkshire 'Meet the LSO'</li> </ul>	<ul style="list-style-type: none"> <li>Disseminate information widely</li> <li>Be approachable to business</li> </ul>	<ul style="list-style-type: none"> <li>Accompanying inspections with helpful information</li> <li>Well researched and relevant compliance guidance</li> <li>Following up contact with businesses to avoid repeat problems</li> <li>Take part in "Meet the LSO"</li> </ul>
Helpfulness	<ul style="list-style-type: none"> <li>Clear advice confirmed in writing using Plain English</li> <li>Distinguish between best practice advice and legal requirements</li> <li>Give a clear explanation of the need for any immediate action</li> <li>Focus on preventative activity</li> </ul>	<ul style="list-style-type: none"> <li>Provide clear information on legislative requirements</li> <li>Engage with licence holders</li> <li>Meet the LSO</li> <li>Joint seminars with Police Scotland</li> </ul>	<ul style="list-style-type: none"> <li>All issued in Plain English</li> <li>Face-to-face advice and assistance</li> <li>Assisting compliance where necessary</li> <li>Regular contact with stakeholders</li> <li>Creating a higher profile for initiatives to improve awareness</li> </ul>
Complaints about service	<ul style="list-style-type: none"> <li>Explain complaints procedure at the time any formal action is taken</li> </ul>	<ul style="list-style-type: none"> <li>Collate complaints and action taken, build evidence base to guide future activity</li> </ul>	<ul style="list-style-type: none"> <li>Using a complaints/ comments database</li> <li>Joined-up complaints process</li> <li>User-friendly complaints and feedback systems</li> </ul>

Principles of good enforcement		Implementation	
Policy	Procedures	Options	Aim
Proportionality	<ul style="list-style-type: none"> <li>■ Tailor enforcement action to risks to minimise costs of compliance</li> <li>■ Bring to attention of Licensing Board when proportionate to bring serious/ repeat offenders to account and after consultation/ mediation failed</li> </ul>	<ul style="list-style-type: none"> <li>■ Target higher risk licensed premises for formal action</li> </ul>	<ul style="list-style-type: none"> <li>■ Priority planning for low-risk activities</li> <li>■ Identifying problem traders</li> </ul>
Consistency	<ul style="list-style-type: none"> <li>■ Have effective arrangements to promote consistency</li> </ul>		<ul style="list-style-type: none"> <li>■ Using an 'Enforcement Management Model'</li> </ul>

## Standards

It is important that licence holders know what to expect when dealing with the LSOs. To help achieve this, an annual 'Meet the LSO' session has been introduced. Feedback on visits carried out by the LSOs will be obtained by way of questionnaires. Consistently high levels of satisfaction appear to have been achieved.

Feedback obtained will be published and action plans prepared (if necessary) and acted upon.

## Openness (publication)

- Questionnaires available on our website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)
- Enforcement policy on our website
- Feedback will also be requested from the trade via our annual liquor licensing newsletter which is sent out to all of our liquor licensing customers
- Meet the LSO: meetings introduced to raise awareness of compliance issues.

## Helpfulness

Licensing Standards Officers will provide a courteous and efficient service. Our LSOs will carry official Council identification at all times and will identify themselves by name.

- A contact telephone number and email address for further dealings or information will be provided.
- Any guidance information will be written in plain English and will be available in a number of mediums for example, emails, website and larger print
- A section of our website contains a "question and answer" column detailing some of the most frequently asked questions by our customers and answers supplied by our LSOs.
- A 'self-help' list is issued to our licence holders as per appendix 1
- All licence holders will be given the opportunity to attend one of our 'Meet the LSO' meetings
- All licence holders will be given the opportunity to attend any joint seminars run in conjunction with Police Scotland.

## Complaints about Service

- The Licensing and Registration team have their own bespoke complaints procedure which sits alongside the Council's Corporate Complaints Procedure
- Standards of Service booklets now include details of how to complain if standards not met
- Our Complaints Charter explains that complaints and comments are actively welcomed and seen as a way of improving our service
- Each complainer is written to at the end of the complaints process to get their views on the process and the outcome
- Complaints are made in turn to staff by way of a 'complaints newsletter' and roadshow.
- Staff member involved in complaint will receive a note of the outcome.

## Proportionality

The Licensing Standards Officers' response will be proportionate to the situation/circumstances. The Officers' response to most enforcement situations will be to co-operate with licence holders to achieve compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance issues. The overall aim of the team is to ensure the highest possible levels of compliance with the Licensing (Scotland) Act 2005 and other legislation coupled with proportionate enforcement, in which applications for review of a premises licence is reserved for the most serious offenders.

We will ensure that action is proportionate to the seriousness and persistence of the infringements and will take the minimum action necessary to ensure future compliance

# Consistency

It is important that the LSOs carry out their duties in a fair, equitable and consistent manner.

Although our LSOs are expected to exercise judgement in individual cases, the Team has arrangements in place to promote consistency of approach.

The LSOs attend the Licensing Standards Officers' networking group, called the Regional LSO Group, several times per year. This group enables LSOs to discuss issues of interest or concern with LSOs in neighbouring authorities.

A benchmarking exercise will be undertaken every two years to ensure that our standards are monitored and assessed objectively.

In order to provide clarity, the LSOs will divide licensed premises/licence holders into three categories:-

**High Risk** – defined as premises/licence holders which have been the subject of two or more applications for review of a premises licence which have been found by the Board to have been substantiated to any extent.

**Medium Risk** – defined as premises/licence holders which have been the subject of one application for review of a premises licence which has been found by the Board to have been substantiated to some extent. This category also includes premises which have been the subject of complaints.

**Low Risk** – defined as premises which have not been the subject of an application for review before the Board/where the application for review has not been substantiated. This category also includes premises where there have been no complaints and who do not operate on a regular basis, for example, masonic halls, village halls, bridge clubs. It is anticipated that premises which come under the Low Risk category would be inspected on an annual basis, where possible, unless the licence holder requested assistance on any matter.

# Appendix 1 - Self help list

## Identified Non-Compliance with the Licensing (Scotland) Act 2005 and Alcohol Etc (Scotland) Act 2010

Requirement	Yes/No	Remedy
Premises licence on the premises		Original or certified copy to be kept on premises. If premises licence is lost it must be reported to the Police and a replacement obtained from the local council office.
Summary of Licence displayed on premises		All pages of the Summary can be stapled together and displayed in a prominent position. If summary is lost it must be reported to the Police and a replacement obtained from the local council office.
Section 110 notice displayed (18 offence notice )		To be displayed at each point of sale, for example at each bar or till area.
Personal licences to be on the premises when working.		Personal licence on person.
Staff Training Records		To be kept on the premises when staff member is working.
On-Sale premises only- Statement regarding terms of access to the premises for CH/YP's or no under 18 access. Question 6 of operating plan		To be displayed as an A4 notice at the point of entry.  Mandatory condition 11 of premises licence.
Sign In Book for Members Clubs		Guests to be signed in by a member with date and name and address of members and their guest.
Refusal Book (not mandatory but best practice to keep one)		Sales of alcohol to be recorded in a refusal book as best practice in the premises.
Challenge 25 Policy		Under 25's must be asked for ID. Website below; <a href="http://www.challenge25.org">www.challenge25.org</a>
Drink promotion restrictions. Location of drinks promotions.  Alcohol displayed in layout plan area.		Alcohol must be displayed in layout plan area only. Only soft drinks allowed to be mixed with alcohol. Drinks promotion only allowed in alcohol display areas, this includes posters and flyers.
Price of alcohol restrictions (Off Sales)		All alcohol to be sold the same price individually as it would be packaged together. For clarification the following are not permitted <ul style="list-style-type: none"><li>■ Buy one get one free</li><li>■ Three for the price of two</li><li>■ Three bottles of wine for £10</li></ul>



If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

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