

**NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE****LICENSING ACT 2003****SERVICE LEVEL AGREEMENT
BETWEEN
NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE
AND
THE NORTHAMPTON BOROUGH LICENSING AUTHORITY****1. TITLE**

Service Level Agreement between the Northamptonshire Fire and Rescue Service and the Northampton Borough Council Licensing Authority for applications received under the provisions of the Licensing Act 2003.

2. SCOPE

This Agreement sets out the working arrangements between the Northamptonshire Fire and Rescue Service and the Northampton Borough Council Licensing Authority being the Licensing Authority under the provisions of the Licensing Act 2003.

3. PREAMBLE

The partners to this protocol will ensure that they incorporate in the work undertaken in respect of this protocol, all reasonable aspects of best practice in accordance with the Enforcement Concordat and with Government guidance and best practice used with their sector of work or their profession.

4. PARTNER PROMISES

Each partner will ensure that the primary aim of promoting the licensing objectives in licensed premises is pursued at all reasonable times and that, as a secondary aim, contraventions under the Licensing Act 2003 (The Act) are addressed and in doing so will:

- (a) Focus primarily on premises/activities that are perceived to pose the greatest risk taking into account the licensing objectives;
- (b) Ensure that all correspondence is written in plain English and where possible in a language or format as requested by the applicant;
- (c) Highlight those matters that are legal requirements to separate them from matters that are recommendations of good practice;
- (d) Provide information to applicants in a timely manner;



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- (e) Ensure that responsible persons are not required to undertake work that is unreasonable in terms of being duplicated with other legislation, cost/benefit, available technology or consistency in application and that enforcement action is proportionate to risk in each case.
- (f) Attend meetings, on a frequency to be determined, to review the effectiveness of this Service Level Agreement.

5. DEFINITIONS

The Licensing Act 2003 requires that licensing authorities promote the Licensing Objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Act lists four areas that are to be regulated and which constitute licensable activities. These are:

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late night refreshment

A licensable activity may be carried out, under and in accordance with any: -

- Premises Licence
- Temporary Event Notice or
- Club Premises Certificate

6. LICENSING AUTHORITIES UNDERTAKING

The Licensing Authority will undertake to provide the Fire and Rescue Authority with the following:

1. By e-mail, notification of applications for Premises Licences, Club Premises Certificates, Large Outdoor Events (for over 500 people), Variations and Provisional Statements.
2. All enquiries relating to large outdoor events (over 500 people) to be notified with the contact details of the person organising the event.
3. Details of any appeal lodged within seven days in relation to a licence refused as a result of any representations made by the Fire and Rescue Authority.



7. FIRE AND RESCUE AUTHORITY'S UNDERTAKING

The Fire and Rescue Authority will receive copy applications of the following types from licence applicants for the purpose of determining the adequacy of the fire provisions and making representations to the Licensing Authority where appropriate:

- Premises licence
- Provisional statement where premises are being built etc.
- Club premises certificate
- Variation to premises licences/club premises certificates

And may receive representation from Authorised Persons, Interested Parties and Responsible Authorities for the following matters:

- Licence reviews
- Revocations
- Breach of condition
- Any other offence under the Licensing Act 2003 or regulations or order made there under

The Licensing Authority will be kept informed of any such representations.

During the consultation period the Fire and Rescue Authority undertakes to:

- (a) Notify the Licensing Authority of any copy applications that have omissions or additions or of any that have not been received, in relation to e-mails received from the Licensing Authority
- (b) Notify the Licensing Authority of any key information missing that would prevent an assessment of the fire provisions.

Key documentation would be:

- Application form
 - Operating Schedule
 - Required plans that indicate the fire strategy for the premises
 - Schedule of works where alterations are involved
 - Any other detail required for the consultation process as described in the Act or Regulations made there under
- (c) Commence entering into discussion with the applicant on the proposals if not satisfied with the fire provisions. (Regulatory Reform (Fire Safety) Order 2005).
 - (d) Visit the premises as necessary.
 - (e) Provide written notification to the Licensing Authority and the applicant of any representation within 20 working days of receipt of the copy application. Representations will include a supporting substantiating statement of evidence.



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- (f) Attend licensing sub-committee as required where the licence application is referred to that committee or panel as part of the determination process and provide evidence to support the representation made.
- (g) Attend Magistrates Court as required where a decision made by the licensing authority has been appealed in respect of representations from the Fire and Rescue Authority. Evidence will be provided as necessary to support the representations made.
- (h) Deal appropriately with any complaint made in respect of a licensed premises, as it appears to fall within the scope of the Fire and Rescue Authority's responsibility. (Regulatory Reform (Fire Safety) Order 2005).

8. ENFORCEMENT

The Fire and Rescue Authority undertakes to carry out the following enforcement duties as part of this protocol agreement with the licensing authority: -

- Provide details and written correspondence of any enforcement action taken under the remit of the Fire and Rescue Authority. (Regulatory Reform (Fire Safety) Order 2005).
- Attend a Licensing Forum with a view to sharing information, concerns and best practice in relation to the enforcement of the Act.



9. THE PROCESS FOR LICENCE APPLICATIONS

Below is the process diagram outlining the stages through which an application for a licence or certificate under the Licensing Act 2003 will pass when submitted to Northamptonshire Borough Council Licensing Authority and copied by applicants to the Northamptonshire Fire and Rescue Service.

