

DFRS and the Licensing Act 2003

The Licensing Act 2003

The Licensing Act 2003 is a piece of primary legislation which makes provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences related to alcohol and for connected purposes.

The objectives of the Licensing Act 2003 are-

- a) The prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The public safety objective is in common with the values, aims and duties of Derbyshire Fire & Rescue Service (DFRS).

Responsible Authorities and Authorised Persons

The Licensing Act 2003 recognises Fire and Rescue Authorities (FRA) as being responsible authorities. An inspector appointed by FRA is deemed to be an authorised person. These two designations confer certain powers and positions.

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As a responsible authority, Derbyshire FRA are able to make representation on any premises licence application, review or determination. The Act also confers on officers who are authorised by DFRA with powers to inspect premises before a licence is granted.

In small, licenced premises when music entertainment is provided, DFRA are entitled to recommend to the Licencing Authority, a maximum permitted capacity level.

The Licensing Act 2003 and the Fire Safety Order 2005

DFRS Fire Inspectors will always consider what is the most appropriate process to use to maintain the safety of the public. They may be situations where the Licensing Authority are in a better position to take forward enforcements or prosecutions however the primary tool for DFRS will be the Fire Safety Order and the supporting processes that accompany it.

Working with the Licensing Authority

DFRS will work with Licensing Authorities in circumstances of mutual benefit for the advancement of public safety.

<http://www.legislation.gov.uk/ukpga/2003/17/contents>