

Understanding the Potential of Licensing Frameworks and Teams to **Tackle Modern Slavery in the UK**



Section 2

How councils can update local licensing policies to directly address modern slavery

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Summary of Recommendations

This section provides recommendations for how local licensing policy under the Licensing Act 2003 can be utilised to strengthen modern slavery identification and prevention activities. The approaches outlined below could also be adopted across a variety of different licensing/regulatory regimes. E.g., Gambling Act 2005, Housing Act 2004, Local Government Act 1976.

✔ Recommendation 4:

Supported by the recommended changes to Section 182 Guidance accompanying the Licensing Act 2003, **local authorities should add a modern slavery section to their statement of licensing policy.**

✔ Recommendation 5:

Local licensing authorities should take proactive steps during any consultation period to **raise awareness of modern slavery with applicants and recommend the adoption of modern slavery conditions if necessary and proportionate.**

✔ Recommendation 6:

National government should update the Licensing Act 2003 Statutory Guidance to include **signposting to good practice examples of appropriate modern slavery conditions** that licensing officers can include in licences.

✔ Recommendation 7:

Local authorities should **embed modern slavery conditions within a model list of conditions** for local business.

✔ Recommendation 8:

Local authorities should **add basic modern slavery questions to inspection/audit forms** to support inspecting officers with assessing whether businesses are compliant with modern slavery provisions set out in local policy on a routine basis. If these questions reveal possible modern slavery, supplementary questions should then be asked, and external partners involved.

✔ Recommendation 9:

Local authorities should take a whole council approach to tackling modern slavery and **should consider adding content on licensing and environmental health to modern slavery statements.** This could be written by relevant departments and include confirmation of a designated lead who is responsible for monitoring implementation of such activities.

2 Local Policy and Implementation

This report explores how local licensing policies can better incorporate modern slavery considerations.

2.1 Local Licensing Policy

Since the Modern Slavery Act 2015 came into force, some local authorities have embedded prevention of modern slavery into relevant licensing policies during policy reviews.¹ Modern slavery content embedded in licensing policies tends to include information on: 1) context, 2) indicators, 3) council commitment to tackling the issue, 4) how to mitigate risks to workers, including via the use of third-party agencies or providers, and 5) reporting concerns.

Despite this progress, the current ad hoc approach to adding prevention of modern slavery measures into licensing policies has its drawbacks. For the most part, prevention of modern slavery has still not been embedded in most council licensing policies.

There could be several reasons for this:

- Licensing teams could be waiting for their next review period before they include modern slavery wording in their policy.
- Many local authorities do not have the right expertise to know what specific prevention of modern slavery provisions should be included within local licensing policies.²
- The Licensing Act 2003 is focused around four licensing objectives to which each decision or condition must related. Many local authorities appear reluctant to link modern slavery to the prevention of crime and disorder.
- There is a significant amount of case law stating that licensing authorities should only act if there is evidence, and they should not duplicate requirements of other legislation. It appears that some local authorities feel that they cannot consider modern slavery abuses, as it would lead to duplication. Section 182 Guidance revision advising them that they can and should, would help.
- The policies set out in the Licensing Act 2003 (and Gambling Act 2005) are only effective if the licensing authority uses its discretion, which may happen if a responsible authority makes a representation to apply modern slavery prevention to the policy. It is also unclear which authority should take the lead in addressing issues related to modern slavery. Licensing authorities should clarify this in their policy reviews and specify which body will take the lead. This could be the Licensing Authority itself or another authority such as the police.

¹ Hertsmere Borough Council included a section on modern slavery in their [Statement of Licensing Policy 2023-2028](#). Around a third of stakeholders (n=8 out of 28) that contributed to this project confirmed that they had embedded prevention of modern slavery measures within at least one licensing policy. A further 4 project stakeholders expressed an interest in doing so in the future.

² This was cited as a challenge by just over 40% of (n=5 out of 12) project stakeholders who had either embedded modern slavery measures within their local licensing policy or expressed an interest in doing so.

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Case Study (various local authorities across Hertfordshire): Local licensing officers had been working with the Hertfordshire Modern Slavery Partnership (HMSP) for some time. The Partnerships Coordinator reminded the officers when relevant policies were up for review and supported them with embedding modern slavery content within the licensing policies during the consultation window. Hertsmere Borough Council³, Dacorum Borough Council⁴ and East Hertfordshire District Council⁵, all updated one or more of their licensing policies to include definitions of modern slavery, statistics, identification and reporting protocols, details of labour market infringements and the forms of modern slavery relevant to their business. However, not all local authorities have this dedicated resource and so opportunities to incorporate modern slavery into local licensing policies can be missed.

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Given low awareness of the potential role of licensing in tackling modern slavery, referencing modern slavery in the Section 182 guidance accompanying the Licensing Act would be a helpful way of raising awareness (see Section 1 on National Policy and Legislation for further information on this.) Any changes made to the Licensing Act 2003 statutory guidance could then be promptly reflected in local policy. This would ensure that prevention of modern slavery is added to local licensing policies in a timely and consistent fashion.

 **Recommendation 4:**

Supported by the recommended changes to Section 182 Guidance accompanying the Licensing Act 2003, **local authorities should add a modern slavery section to their statement of licensing policy.**

2.2 Practical Implementation of Local Policy

The practical implementation of local licensing policy is supported by several different tools, including licence applications⁶, licence conditions, inspections, audits and enforcement. These tools ensure that licence holders and licensed premises are more likely to pay due regard to local policy, with adverse consequences if they fail to uphold these policies in the operation of their licence. Modern slavery is a crime that could benefit from greater oversight through this infrastructure. As a result, these tools need to be fit for purpose to facilitate effective prevention and addressing this issue at the local level.

Modern slavery is a crime that could benefit from greater oversight through this infrastructure

3 Hertsmere Borough Council – ‘Statement of Licensing Policy 2023-2028’. [Accessed 20 June. 2023].

4 Dacorum Borough Council – ‘Taxi and Private Hire Licensing Policy’. [Accessed 20 June. 2023].

5 East Hertfordshire District Council – ‘Draft Statement of Licensing Policy 2021 - 2026’. [Accessed 20 June. 2023].

6 Licence applications are explored in detail in Section 1.

2.2.1 Licence Conditions⁷

Conditions can cover a wide range of areas and must relate to one of the four licensing objectives. These should be appropriate, precise, enforceable, unambiguous, clear, and proportionate.⁸ Examples that licence conditions cover include instructions on policies being implemented, training for staff and displaying appropriate signage.⁹



The setting of additional conditions is particularly common for those individuals applying to run licensed venues which are considered at a high risk for modern slavery offences, such as nail bars, clubs, hotels etc. Guidance urges partnership working in promotion of the licensing objectives, so that conditions are agreed with the applicant. Once conditions have been agreed with applicants and attached to a licence, local authorities have the right to follow up on those conditions with a list of standard inspection questions to check compliance.

These conditions are not standard and cannot be applied to every business (as each business must be assessed on its own merits). The review process can take place before a licence is granted or retroactively if a business is thought not to be promoting the licensing objectives in their operations.

Failing to fulfil any conditions set out within a licence is an offence under the relevant legislation and can lead to enforcement action being taken. Enforcement action is taken as a stepped approach which may include some or all of the following: i) an informal warning; ii) a formal warning; iii) a site visit; iv) a licence review (options at review can include amending the licensing conditions, suspending the licence or revoking the licence).

Case Study (Westminster City Council): Westminster City Council has a list of approximately 90 model conditions for licensed premises in their local policy document, which a licence applicant may consider adding to their application to promote the licensing objectives. Any changes to these model conditions goes through the same process as changes to other aspects of local policy – namely a formal consultation and report to the licensing sub-committee. These model conditions focus on several different areas ranging from CCTV system requirements to door supervisor and customer ID scan requirements to seasonal timings.¹⁰ It is worth noting that model conditions can be perceived as somewhat controversial as it can encourage more conditions to be added onto licence applicants.

7 Home Office (2018) – ‘Revised Guidance issued under section 182 of the Licensing Act 2003’, para 8.69 - 8.71. [Accessed 20 June 2023].

8 As set out in Paragraph 1.16 of the Section 182 Licensing Act 2003 Statutory Guidance

9 These conditions fall into three main categories: 1) volunteered conditions suggested by the licence applicant; 2) imposed conditions as standard and mandated by national legislation and 3) conditions offered by the licensing authority.

10 Westminster City Council (2021) – ‘Model conditions: Licensing Act 2003 and Gambling Act 2005’. [Accessed 12 Aug. 2022].

Some stakeholders on this project suggested that modern slavery conditions should be added to local council model condition lists. Given that each licensing officer must demonstrate that conditions are directly applicable and proportionate for a license application, it would be possible to either utilise a modern slavery model condition from a list or design an appropriate modern slavery condition in collaboration with the applicant. Having a modern slavery condition, where appropriate, ensures that licence holders would have to demonstrate how they are complying with the agreed modern slavery conditions and licensing officers would have a mechanism to hold license holders to account if they were in breach of such conditions.¹¹

Licensing officers involved in this project also emphasised the importance of setting clear, unambiguous, and enforceable conditions. Some raised concerns that a modern slavery condition runs the risk of being unenforceable, if not designed well. A council licensing officer gave the following example: 'If you had a condition attached to a licence that states, for example, "the licence holder will follow modern slavery guidance", this condition is not enforceable as it would be difficult for the local authority to measure whether [the licence holder] is actually complying with it or not. [... Local authorities] don't want to [just] put an informative condition on a licence, we want it to have substance'.¹²

A modern slavery condition runs of the risk of being unenforceable, if not designed well

The need to produce clear, unambiguous, and enforceable modern slavery conditions and deliver training on modern slavery will be crucial to enabling licensing officers to set appropriate, measurable and enforceable modern slavery conditions.

Blanket and standardised conditions are unlawful, and any conditions must be tailored to the application whether they come from a model condition list or not. They must be appropriate for the promotion of the licensing objectives in that individual case.¹³ The table below provides some examples of how modern-slavery related conditions may be worded, but is not intended to replace the practice of crafting tailored conditions for each prospective licence holder:



11 Suggestions made by stakeholder during interview.

12 Ibid

13 Section 1.16 of the section 182 guidance

No.	Modern Slavery Condition	Evidence
1	The premises licence holder must display a modern slavery poster on the premises. This should be in a language understood by the workers and cover the main aspects of exploitation. It should sign post where help is available. ¹⁴	<ul style="list-style-type: none"> • Check public display of relevant posters during the inspection • Check that the content of the posters covers the main aspects of exploitation during the inspection.
2	The premise licence holder and their staff must undergo modern slavery training, which covers the main aspects of exploitation. The training must be coupled with a knowledge test, with recorded outcomes/pass marks. This training must be logged and made available for inspection, on reasonable request by an authorised officer.	<ul style="list-style-type: none"> • Check modern slavery training logs during the inspection. • Check that content of modern slavery training covers the main aspects of exploitation during the inspection. • Check that knowledge test was completed and passed during the inspection. • Check employees on the premises align with the list of names and their record of training during an inspection.
3	The premises licence holder must have a safeguarding policy (which includes modern slavery, child sexual exploitation etc) in place, due to the unique risks posed by the business. This policy must be made available for inspection, on reasonable request by an authorised officer.	<ul style="list-style-type: none"> • Check the licensed business has a safeguarding policy (which includes modern slavery, child sexual exploitation etc) during an inspection.
4	The premise licence holder must record any safeguarding concerns or confirmed reports. This includes, but is not limited to, modern slavery and child sexual exploitation. This record must be made available for inspection, on reasonable request by an authorised officer.	<ul style="list-style-type: none"> • Check the licence holder has an incident log and/or recorded any incidents during an inspection.
5	The Licence holder will ensure that all contractors and external parties have a safeguarding policy, which includes, but is not limited to, modern slavery, child sexual exploitation. They must also have all contractors and external parties sign a declaration stating that all staff they are using to fulfil the event have undergone right to work checks. The licence holder must record and keep these documents, which must be made available for inspection, upon reasonable request, to an authorised officer.	<ul style="list-style-type: none"> • Records being kept and available for inspection.

14 Supporting Example (Hammersmith and Fulham): Lessons can be learnt from The London Local Authorities, Act 1991 and the work of The London Borough of Hammersmith and Fulham's Licensing Team as their officers engage with licensed special treatment businesses. Section 5 (Modern Slavery) of the London Borough of Hammersmith and Fulham's Standard Licence Conditions for Premises Offering Special Treatments includes a definition of modern slavery and highlights how premises can report modern slavery, including signposting to the Modern Slavery and Exploitation Helpline. Section 5c also states the following condition to be met by premises offering special treatments: 'Licence holders shall ensure a [STOP THE TRAFFIK](#) poster is on display in a prominent position where therapists and staff can see it'. Section 5c is an example of a condition that is clear, unambiguous and enforceable because any licensing officers inspecting a special treatment premise in Hammersmith and Fulham can actively look for evidence of the [STOP THE TRAFFIK](#) poster being displayed. If they can easily find it, then it is also clear that any employed therapists and staff can see it as well. If either the poster was not on display or the chosen area of display was hard to find, then a licensing officer could certainly demonstrate that the premise is breaching the condition.

Interviewed licensing officers also suggested that it is better for local authorities to agree modern slavery conditions with an applicant before a licence has been granted (i.e., during the consultation period) rather than after. Attempting to agree additional conditions with the applicant retrospectively is significantly more difficult and would likely involve a review of the licence (a process which would be time consuming for all parties involved).



Setting modern slavery conditions on a licence is an effective way for local authorities to utilise the existing licensing infrastructure to proactively raise awareness of modern slavery among licence holders and contribute to prevention efforts. However, as not all local licensing officers have sufficient expertise to create appropriate modern slavery conditions on their own, it would be useful for any updates to the relevant statutory guidance to signpost to good-practice examples of suggested modern slavery conditions. Local authorities could use these good practice examples to create a model list of conditions within their local policy, which can be drawn upon on a case-by-case basis, if necessary and proportionate.

✔ Recommendation 5:

Local Licensing authorities should take proactive steps during any consultation period to **raise awareness of modern slavery with applicants and recommend the adoption of modern slavery conditions if necessary and proportionate.**

✔ Recommendation 6:

National government should update the Licensing Act 2003 Statutory Guidance to include **signposting to good practice examples of appropriate modern slavery conditions** that licensing officers can include in licences.

✔ Recommendation 7:

Local authorities should **embed modern slavery conditions within a model list of conditions** for local business.

2.2.2 Implementation of Local Policy: Inspections and Audits

Licensing authorities conduct inspections and audits of licensed premises to ensure compliance with relevant licensing policies, licence conditions and national law. This covers a breadth of premises. Engaging with these premises on preventing modern slavery using the existing regulatory infrastructure would increase awareness of the issue among local businesses and ensure greater oversight, leading to increased modern slavery prevention.¹⁵

2.2.2.1 Inspection/Audit Forms and Conduct

Local authorities should add questions relating to modern slavery and exploitation to inspection form checklists. This would ensure that inspection officers (who may or may not have had modern slavery training) will have a standard of questions on modern slavery that they can refer to for every routine visit. These basic questions would better support officers to look out for the signs of modern slavery exploitation and provide a consistent record of concerns to support with analysis of local data on the prevalence of the issue.

Basic questions to be added to the inspection/audit form could include:

- ➔ Is there evidence of someone living on site? (Y/N) If yes, please explain. (Comment Box)
- ➔ Do any workers appear unkempt/malnourished/frightened? (Y/N) If yes, please explain. (Comment Box)
- ➔ Do all workers have a basic understanding of English? (Y/N) If no, are there relevant health and safety and workers' rights materials provided or displayed in their own language? (Y/N)

If, based on answers to these basic set of questions, concerns are identified then inspection officers should be signposted to the councils' pathways for sharing information and sharing concerns. This should include an overview of the NRM and how it works. Similar question frameworks can be adapted and added to the licensing inspection frameworks for specific sectors and other licensing frameworks.¹⁶ With training support, this would help officers to identify possible modern slavery indicators linked to the relevant licensed activity (see Section 3 on Internal Awareness Raising for further information on this).

“These basic questions would better support officers to look out for the signs of modern slavery and exploitation.”

Embedding standard questions on modern slavery within an inspection or audit form would have a far-reaching positive impact in terms of ensuring that frontline officers will have due regard to the

¹⁵ See Appendix 11 for an example of how local fire and rescue services might inspect a local HMO.

¹⁶ The Royal Borough of Kensington and Chelsea Council's Licensing Team asks managers and therapists a list of questions when visiting premises suspected of selling sex. While no question explicitly mentions modern slavery, responses to certain questions can help indicate if modern slavery is potentially present. Some of the questions they include in their inspection framework includes: can you show me records of salary payments to the therapists? Have checks been done on the immigration status of employees as required by the Home Office? Do you have copies of passports/visas/documentation providing employees' entitlement to work? Are you working here of your own free will?

issue, ensures vital evidence is not lost and provides an opportunity to collect robust data on the crime. Without this addition as a prompt, it is likely that some inspectors may not remember to think about the possible signs, particularly if they have not received formal training or it has been a while since their training has been refreshed.

✓ Recommendation 8:

Local authorities should **add basic modern slavery questions to inspection/audit forms** to support inspecting officers with assessing whether businesses are compliant with modern slavery provisions set out in local policy on a routine basis. If these questions reveal possible modern slavery, supplementary questions should then be asked, and external partners involved.

2.3 Local Policy: Modern Slavery Statements, Strategies and Policies

There are 333 local authorities in England and 22 local authorities in Wales that have broad procurement responsibilities across many areas where modern slavery could be identified. Since 2015, around 47% of local authorities (n=166) have published modern slavery statements. Out of 48 local Fire and Rescue Services (FRS) in England and Wales, just under a third services (n=13) have made submissions.¹⁷



Where local authorities have modern slavery statements, they publicly demonstrate a commitment to tackling modern slavery, senior leadership buy-in and ensure greater oversight of council anti-modern slavery activities. Statements also act as a point of leverage or reference to support with implementation of anti-modern slavery activities and practices by the whole council. While it isn't currently the norm, consulting with licensing teams when writing modern slavery statements, policies and strategies could provide local councils with a good opportunity to enhance accountability by listing relevant activities within their modern slavery statement.

Interestingly, out of the 28 organisations that contributed to the project, 50% (n=14) have modern slavery statements. 2 out of the 14 refer to licensing or environmental health within those statements. Given the scope of licensing and environmental health teams to contribute to tackling modern slavery through their existing regulatory frameworks, it would be beneficial for these departments to actively contribute to the drafting of local council modern slavery statements. The government's commitment to expand Section 54 of the Modern Slavery Act 2015 to include public sector organisations also creates an opportunity to include more information on what content should be included within a statement.¹⁸ It is important to strengthen capacity, elevate awareness among license holders, and foster collaborative partnerships within law enforcement. These elements are indispensable in addressing modern slavery risks.

¹⁷ Local Government Association – 'Local authorities' modern slavery statements'. [Accessed 20 June 2023].

¹⁸ Home Office (2020) – 'Transparency in supply chains Government Response'. [Accessed: 9 May 2022]

✔ Recommendation 9:

Local authorities should take a whole council approach to tackling modern slavery and **should consider adding content on licensing and environmental health to modern slavery statements**. This could be written by relevant departments and include confirmation of a designated lead who is responsible for monitoring implementation of such activities.

Section 2: Summary

The collaborative efforts of licensing authorities, licence holders, and law enforcement agencies, as outlined in this section, have the potential to create a robust and proactive approach in preventing and combating modern slavery. Utilising the local licensing infrastructure, integrating modern slavery content into policies, and conducting thorough inspections increases awareness of modern slavery and outlines expectations on local businesses. These measures contribute to the development of a vigilant and informed society that is committed to eradicating modern slavery.