

Appendix J

Enforcement Actions/Options

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| 1 | <p>The initial contact between the licensing authority and licence holder/business will normally be informal with the provision of advice, guidance and support.</p> |
| 2 | <p>Enforcement action can include the following progressive approach to achieve compliance:</p> <ul style="list-style-type: none"> • verbal advice which may be documented • written advice • verbal warning which will be documented • written warning • statutory notice • formal caution • prosecution <p>The individual circumstances of the breach of the legislation will determine the appropriate level of enforcement. In the case of a premises licence, the council or a responsible authority or other person may apply for a review.</p> <p>All actions will be considered in accordance with the requirements of the Human Rights Act 1998 and considered on its individual merits.</p> <p>On conviction of a relevant offence magistrates may endorse, suspend or revoke a personal licence.</p> <p>Council officers, police or crown prosecution service may relating to such a conviction remind the Magistrates of their power to endorse, suspended or revoke a personal licence.</p> |
| 3 | <p>When prosecution is being considered, the relevant enforcement bodies will on a case-by-case basis decide which is the lead authority to prosecute the offence.</p> <p>Regard will be taken of the code of practice made under Section 10 of the Prosecution of Offences Act 1985 and issued by the Crown Prosecution Service. Due consideration will be given to any guidance and/or advice issued by government, local authority, association and other professional and technical bodies.</p> <p>Statements will be provided as regard to evidence from one agency to another as necessary.</p> <p>Before deciding whether to prosecute the following factors will be considered:</p> <ul style="list-style-type: none"> • the seriousness of the alleged offence • the history of the person/business concerned • the willingness of the business/individual to prevent a reoccurrence of the problem and the level of cooperation with council officers, police and/or other agencies • whether it is in the public interest to prosecute • the realistic prospect of conviction • whether any other action (including a formal caution) would be appropriate • the views of the complainant and other parties with an interest in prosecution. <p>The licensing authority takes a proactive stance towards proper regulation of, and</p> |

enforcement of the provisions of the legislation.

The licensing authority will normally take the lead on issues including:

- noise
- production and display of relevant licences and documents
- unauthorised licensable activities in relation to the provision of regulated entertainment
- breaches of conditions of Premises Licences
- breaches of requirements under Temporary Events Notices
- exposing and keeping alcohol for unauthorised sales.

Other breaches of the Act will be dealt with either directly or jointly as indicated above. The licensing authority will give full cooperation to any other agency in carrying out their investigations.