

## Enforcement Policy

### 1. Introduction

This policy sets out the detailed arrangements for the Licensing Team to conduct their enforcement operations so as to achieve the aims and objectives set out below. This policy should be read in accordance with the [Departmental Enforcement Policy](#).

### 2. Aims and Objectives

- To set clear standards for licensees and applicants
- To provide understandable information and advice on request
- To consult with those affected by enforcement
- To work in cooperation with other enforcement services to improve enforcement and make compliance for licensees easier
- To deal fairly with complaints about enforcement operations
- To ensure that action taken is proportionate to the risks of non-compliance
- To take action in a fair, equitable and consistent manner
- To explain clearly the reason for any requirements made
- To confirm requirements in writing upon request
- To provide an opportunity for those affected by enforcement action to make representations
- To provide information about rights of appeal
- To ensure that only suitable trained and competent staff are engaged in enforcement activities.

### 3. Scope of Procedure

This policy applies to all types of enforcement operations under taken by the Licensing Team and includes:

- Pre-licensing checks and inspections
- Inspections to determine compliance with licensing conditions
- Inspections to establish offences under statutory provisions
- Operations to detect unlicensed activity

This policy also applies to enforcement action following enforcement operations and includes:

- Refusal to grant a licence
- Application of conditions to the grant of a licence
- Revocation of a licence
- Suspension of a licence
- Making of requirements to carry out remedial action

- Giving of advice
- Formal cautions
- Prosecution

#### 4. Enforcement Guidelines

Decisions about the type and level of action to be taken will be proportionate to the level of risk. Advice from the [Crown Prosecution Service](#) will be considered when making decisions about prosecutions

##### Granting Licences (including renewals)

- Where an **applicant meets the required standards** for a licence and there have been no objections from the public, statutory consultees or ward councillors, the licence will be granted by the appropriate member of staff.  
(see [Decision Making](#))
- Where an **applicant does not meet the required standards** they will be advised that they will not be licensed and given an opportunity to make representations to the member of staff dealing with the application. If it cannot be shown that they meet the requirements then they will be given formal notification their licence will be refused (see [Decision Making](#)). The required standard is specified within the procedure for each licence. In certain circumstances, the applicant should be offered an opportunity to make representations to Licensing Sub-Committee. (See [Representations to Licensing Sub-Committee](#) below).
- Where **objections to a licence have been received** the application will be forwarded to the Licensing Sub-Committee for determination of the application.
- Where consideration is given to **an applicant's criminal record** the application may need to be referred to the Licensing Sub-Committee. (See [Decision Making](#))

##### Non-compliance with conditions and other offences

The normal sequence of events is either:

- Inspection or other enforcement action
- Written or verbal advice given
- Prosecution if further non-compliance.

or:



- Inspection or other enforcement action
- Rectification notice or letter
- Suspension of licence if rectification not complied with.

Exceptions to the above norm are:

- Some breaches of conditions are so minor that formal action is inappropriate, even in the case of subsequent re-offending, for example soap not provided in washbasins. Breaches of conditions that could affect the safety of the public would not fall into this category.
- Breaches of conditions that could significantly affect the safety of the public may justify the immediate suspension of a licence. (see [Immediate Suspensions](#) below).
- Certain offences that place the safety of the public at risk are so serious that immediate prosecution should be instigated. (see [Immediate Prosecutions](#) below).
- Advice from the [Crown Prosecution Service](#) suggests that a prosecution is not appropriate.

#### Action against unlicensed activity

The presumption will be that where unlicensed activity is detected then the normal cause of action will be to prosecute. To do otherwise would encourage unlicensed activity and place an unreasonable demand on enforcement resources.

In exceptional circumstances advice or a formal caution may be appropriate. Such circumstances may include that it was unreasonable to expect the offender to be aware of the need for a licence and that there was minimal risk to the public by the unlicensed activity.

## **5. Immediate Suspensions**

In the following circumstances immediate suspensions will be the normal course of action:

- a. Mechanical defects to a vehicle that affect its roadworthiness
- b. Defects that affect the safety systems or in an place of public entertainment.

## **6. Immediate Prosecution**

In the following cases immediate prosecution will be the normal course of action.

- a. Blocked or locked fire exits in entertainment premises.

- b. Hackney Carriage and Private Hire Drivers working without displaying their ID badge.
- c. Unlicensed activity for which a licence is required.
- d. Overcrowding in places of public entertainment.

## **7. Seizure**

The Leicester City Council Act 2006 provides powers to an authorised officer or a constable to seize, in certain circumstances, goods being sold in the street without a street trading consent.

It will be normal practice to use these powers, where the legislation allows, whenever an authorised officer has reasonable grounds for suspecting that a person has committed a street trading offence. By adopting this practice, the City Council will ensure that a convicting court will have the full range of penalties available.

## **8. Representations to Licensing Sub-Committee**

Representations to Licensing Sub-Committee will be allowed in the following circumstances:

- a. Applications for a Hackney Carriage and Private Hire Vehicle Driver's Licence where the applicant does not meet the requirement relating to medical condition.
- b. A vehicle licence is to be revoked because of it has failed a mechanical examination.
- c. Emergency action has been taken to protect the public that would normally have been decided by the Sub-Committee.

## **9. Notification of Decisions**

Whenever a notification of revocation, suspension or refusal of a licence is issued, the appellant must be notified in writing of the decision and their rights of appeal.

## **10. Other Relevant Documents**

[Decision Making](#)  
[Record Keeping](#)  
[Planning Enforcement Operations](#)  
[Delegation of Powers](#)