

14 Enforcement protocol

14.1 Licence reviews

To maintain a degree of consistency and transparency in decision-making, the Licensing Panel will be referred to the guidelines in appendix 1 when considering a review of a premises licence or club premises certificate. Each application for a review will be considered on its own merits and the Panel may depart from the guidelines should they have good reason to do so. The licensing authority reserves the right to amend and republish these guidelines in the light of operational experience.

14.2 Other enforcement powers

The licensing authority will work with other enforcement agencies and take a proportionate, risk-led approach to proactive and reactive enforcement.

14.3 Whilst the licensing authority will investigate complaints about unlicensed activities or licensed premises, it will also encourage self-resolution, mediation or referral to other agencies if that is more appropriate.

14.4 Complaints against licensed premises will be investigated promptly, having regard to feasibility. It must be noted that the licensing officers have limited statutory powers and that complete satisfaction to all parties may not be achieved. Regard will be given to all the events and wishes, and a resolution will be sought that is proportionate in the circumstances. The requirements of one individual cannot take precedence over others. Any decision taken on enforcement will be guided by our corporate enforcement policy and will not be driven by the wishes of any individual or group.

14.5 In most cases, advice or a written warning will be given for first and minor breaches. The table below is *indicative* of our approach to ensuring compliance and enforcing the Act in relation to first or single contraventions:

NATURE OF CONTRAVENTION	INDICATIVE RESPONSE(S)
Activities at premises likely to undermine the licensing objectives	<ul style="list-style-type: none"> • Action Plan • Notice under section 19, Criminal Justice & Police Act 2001 • Request to submit minor variation and/or review application
First contravention of administrative issues eg failure to display summary of the licence, a "refusals" book or incident book in breach of a condition	<ul style="list-style-type: none"> • Written warnings
Breach of other condition	<ul style="list-style-type: none"> • Action Plan • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution and/or review application
Conducting unlicensed activities	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Failure to maintain safety systems eg CCTV, panic buttons in breach of condition	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001

	<ul style="list-style-type: none"> • Caution/prosecution
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NATURE OF CONTRAVENTION	INDICATIVE RESPONSE(S)
Management failure leading to serious injury of any person	<ul style="list-style-type: none"> • Action Plan • Caution/prosecution and review application
Providing licensable activities in breach of licensable hours	<ul style="list-style-type: none"> • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Sustained disturbance to neighbouring properties in breach of condition	<ul style="list-style-type: none"> • Informal mediation • Action Plan • Caution/prosecution and/or review application
Sustained disturbance to neighbouring properties not in breach of condition	<ul style="list-style-type: none"> • Informal mediation • Action Plan • Review application
Unauthorized alteration to premises layout	<ul style="list-style-type: none"> • Warning and/or request to submit variation application • Notice under section 19, Criminal Justice & Police Act 2001 • Caution/prosecution
Underage sales	<ul style="list-style-type: none"> • Warning and/or request to submit variation application to adopt Brent & Harrow Trading Standards' Responsible Trader Manual

NB: Enforcement of underage alcohol off-sales is the responsibility of Brent & Harrow Trading Standards Service who will utilise their own enforcement policy

APPENDIX 1

Licence review guidelines

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions 	<ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol
	Aggravating factors	Mitigating factors
Application for review after other	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation

<p>enforcement action taken by responsible authorities</p>	<ul style="list-style-type: none"> • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
<p>Range of likely responses available to the Licensing Panel</p>	<ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate 	