



City of Westminster

Licensing Committee

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Classification:	For General Release
Title:	Licensing Enforcement Briefing Report
Report of:	Director of Public Protection and Licensing
Wards Involved:	All
Policy Context:	Licensing Act 2003
Financial Summary:	There are no financial implications arising from the proposals in this report
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1. Executive Summary

- 1.1 This report is produced to update the Members of the Licensing Committee with information on the licencing enforcement work being carried out within the City of Westminster.

2. Recommendations

- 2.1 The Committee is asked to note the report.

3. Background

- 3.1 Licensing enforcement work is the responsibility of City Inspectors within the West End and City Operations team, which is part of the Public Protection and Licensing Department. The new role of City Inspector, and the West End and City Operations team, began on 01 April 2015 following the City Management Transformation. The West End and City Operations City Inspectors took on the responsibilities previously carried out by the Premises Licensing Inspectorate and the Street Management Team. The City Inspectors within the Residential Services team also provide support to the West End and City

Operations team.

- 3.2 The City Inspectors provide the monitoring and enforcement of the provisions contained in the Licensing Act 2003. This includes a programmed inspection regime, dealing with unlicensed activity, taking a problem solving approach to prominent premises, and responding to complaints from the public.
- 3.3 As well as being responsible for the enforcement of the provisions contained in the Licensing Act 2003, City Inspectors also have primary responsibility for carrying out the enforcement provisions of the following legislation relating to licensing:
 - City of Westminster Act 1999 (Tables and Chairs)
 - Gambling Act 2005
 - Health Act 2006 (smoke-free regulations)
 - Local Government (Miscellaneous Provisions) Act as amended 1982 (The Control of Sex Establishments)
 - London Local Authorities Act 1991 (Special Treatment Premises)
 - Scrap Metal Dealers Act 2013
- 3.4 There are 43 City Inspectors within West End and City Operations, split into five teams providing a 24/7 service across all wards in the City. In addition, there are 19 City Inspectors in Residential Services. As well as having licensing responsibilities, the City Inspectors play an important role in tackling anti-social behaviour, investigating environmental offences, and addressing street based issues.

4. Joint Working (Tasking)

- 4.1 Premises come to the attention of City Inspectors through a variety of different methods, including proactive inspections of high risk premises, complaints from the public, self-generated visits, and referrals from other agencies. Premises that are found to be problematic and require the involvement of more than one agency to find a resolution are brought to a weekly joint tasking meeting where the City Inspectors, Environmental Health, Licensing Service, Police Licensing, and London Fire consider what information each agency holds on the premises and how best to deal with them.
- 4.2 Joint tasking also considers the actions and interventions made by the police and the council each week in order to identify any trends or premises that are of interest to both the council and the police
- 4.3 Each month a report is produced for the joint tasking that highlights the crime reports at licensed premises across Westminster. The data analyst that produces this report is also working with the Business Intelligence Team to see what other information is held in council databases that could be incorporated into the monthly report and provide further insight into premises operating within Westminster.

5. Enforcement

- 5.1 As with all forms of enforcement undertaken by the City Council it is governed by an enforcement policy, which outlines how officers will approach enforcement in a consistent, fair and open way. We continue to use a Licensing Enforcement Protocol with the police, see Appendix 1. The City Councils “umbrella” enforcement policy is at Appendix 2.
- 5.2 We also have to adhere to the Enforcement Concordat, the Regulators Code of Compliance and government guidance issued under various legislation documents, including the Licensing Act 2003. The Enforcement Concordat is at Appendix 3.
- 5.3 The City Inspectors make many visits to premises to encourage good business practices, including compliance with relevant legislation and the promotion of relevant licensing objectives. In situations where premises are unwilling or unable to comply with these requirements, there are two formal enforcement options available, Reviews, under the Licensing Act 2003 ('LA03') and prosecution for offences under the various other pieces of legislation we enforce.

6. Reviews under LA03

- 6.1 At any stage, following the grant of a premises licence, a Responsible Authority may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 6.2 Responsible Authorities include the Police, Environmental Health, Licensing Authority, Fire authority, and Planning.
- 6.3 City Inspectors may apply for a review of a premises licence as a responsible authority, namely the Westminster Licensing Authority.
- 6.4 Government guidance suggests that licence holders should be provided with early warning of concerns about problems identified at the premises, and this is consistent with the Enforcement policy. If officers identify issues with licensed premises they will initially work with premises in order to help them promote the licensing objectives. However, if the premises fail to achieve a resolution to the problem identified then it may result in a review.
- 6.5 Since 01 April 2015 there have been 11 applications for review submitted to the Licensing Authority under the Licensing Act 2003. A further 2 applications for review were submitted to the Licensing Authority under the Gambling Act

2005.

6.6 The applications for review were submitted in relation to the prevention of crime and disorder, prevention of public nuisance, and public safety. The review applications that have been determined have resulted in the following outcomes:

- a) Revocation of the licence (x 4)
- b) Modification of the premises licence to reduce the hours (x 1)
- c) Modification of the premises licence by adding new conditions (x 6)

6.7 Other outcomes that can be considered by the Licensing Authority when determining a review application include removing the designated premises supervisor, excluding a licensable activity, and suspending the licence for a period not exceeding three months.

7. Prosecutions

7.1 City Inspectors can prosecute for offences under the LA03. Although there are a number of potential offences, the outcome of previous prosecutions can mean they are not much of a deterrent. As one of the outcomes of a review application is the revocation of licence, the review process is considered to be a much better way of encouraging problematic premises to comply with relevant conditions and promote the licensing objectives.

7.2 In some cases it may be appropriate for a responsible authority to apply for a review at the same time as taking a prosecution. Such decisions are made on a case by case basis e.g. prosecutions have been undertaken under LA03 where shops have sold to alcohol to children in addition to calling a review.

7.3 The designated premises supervisor for 7 Seas Grocery Store, 332 Kilburn Lane, W9, was prosecuted by City Inspectors under Section 136 of the Licensing Act for persistently selling alcohol outside permitted hours. He was fined a total of £2500 (£500 for each offence). He was also ordered to pay costs of £2933 and a victim surcharge of £50. The City Inspectors also applied for a review of the premises licence, which resulted in revocation of the licence. The full set of documents can be found on the Licensing Register at: <http://idoxpa.westminster.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

7.4 City Inspectors have taken forward more prosecutions under other legislation, most notably the Health Act 2006. Since 01 April 2015 City Inspectors have brought the following prosecutions for offences under the Health Act (failure to prevent smoking) including:

Palms Palace, 84 Edgware Rd W2	£1200 Fine & £1378.67 Costs
Al Deewan, 11 Sale Place W2	£1000 Fine & £1989 Costs

7.5 Due to the ongoing offences at Al Deewan, 11 Sale Place, the City Inspectors

also applied for a review of the premises licence in relation to crime and disorder and public safety. This resulted in revocation of the licence. The full set of documents can be found on the Licensing Register at:

<http://idoxpa.westminster.gov.uk/online-applications/advancedSearchResults.do?action=firstPage>

APPENDIX 1



LICENSING ENFORCEMENT PROTOCOL

LICENSING ACT 2003

BETWEEN:

1. The Licensing Authority for the Westminster City Council
2. The Metropolitan Police

Introduction

This protocol has been established in furtherance of the Government's recommendation contained in Guidance issued by the Department of Culture, Media and Sport under section 182 of the Licensing Act 2003.

The terms of this protocol are not intended to be restrictive or binding and it is recognised that departure from its terms may be appropriate and necessary in the individual circumstances.

This protocol will be subject to continuous review.

The Act integrated six separate licensing regimes into a single system. The new regime deals with the sale or supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.

The Act requires the promotion of four statutory objectives, which must be addressed when licensing functions are undertaken. These are —

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

Each objective is of equal importance.

Government guidance promotes delivery of the objectives by working in partnership between licensing authorities, the police, the fire authority, Crime and Disorder

Reduction Partnerships, town centre managers, local business, performers and their representatives, local people, local transport authorities, transport operators and those involved in child protection.

Purpose and aims

The purpose of this Protocol is to clarify the roles and responsibilities of the signatory services in enforcing the provisions of the Act.

The principle aims of the protocol are to:

- promote the Licensing Objectives
- promote partnership working
- clarify the lines of responsibility
- clarify the procedure for calling for reviews of licences

Sharing Information

Information will be shared in accordance with the existing Data Sharing Protocol, to which the signatories to this protocol are a party.

Licensing Tasking Meeting

A weekly licensing tasking meeting will be held to identify issues associated with premises contravening one or more of the licensing objectives and/or contravening licence conditions and to agree upon the most effective enforcement.

Joint inspections will be undertaken whenever an objective reason for such an inspection is identified at the licensing tasking meeting.

Inspections

Government guidance states that, “the police remain key enforcers of licensing law”. The signatories to this Protocol support this view.

The Act does not require inspections to be undertaken, though government guidance suggests that a light touch should be applied to compliant premises and that resources should be targeted towards problem premises. Therefore, routine inspections will not be undertaken, save as part of targeted project work.

City Inspectors – West End and City Operations

Following the issue of a ‘Premises Licence’ by the Licensing Service, a ‘desktop’ risk rating exercise will be undertaken by the West End and City Operations team (Public Protection and Licensing department) to identify licensed premises which are at a higher risk of not promoting the licensing objectives. Higher risk premises will be inspected for the purpose of ensuring operation in accordance with the licence conditions and to provide advice, assistance and guidance to the management of these premises so that they may promote the licensing objectives.

There are four categories, which will be used to determine the level of risk for each licensed premises and the risk level will determine the need for a licensing inspection.

The four 'desktop risk factors are -

- a) the primary use to which the premises will be used;
- b) the overall permitted capacity;
- c) the terminal hour, and
- d) whether the premises is located within a stress area

Following the licensing inspection an assessment will be made taking into account following additional factors namely -

- e) compliance with the licence conditions;
- f) promotion of the licensing objectives, and
- g) confidence in the management of the premises

The outcome will determine the length of time or frequency of future inspection of the premises.

In addition to the 'risk rated' inspections outlined above, premises will also receive licensing visits as a result of information / intelligence provided by other responsible authorities or by way of complaints received from other interested parties with regard to non-compliance with a licence condition or one or more of the four licensing objectives. These 'reactive' visits are intended to quickly resolve the issues of concern in co-operation with the management of the premises and, at the same time, provide long-term solutions designed to prevent re-occurrence in the future.

Environmental Health Consultation Team

The Environmental Health Consultation Team is the Responsible Authority for the Environmental Health Service under the Licensing Act.

Any applications for a new premises licence or variation to a premises licence will be assessed to ensure the licensing objectives are promoted, as well as assessing applications in line with the Council's Licensing Policy. This will normally result in a visit to the premises to assess the general arrangements of the premises and suitability for the proposed licensable activities. Regard will be had to the location of the premises in relation to stress areas, residential properties, or other noise sensitive buildings.

The Environmental Health Consultation Team may carry out reviews of premises licenses where evidence has been obtained that the licensing objectives have been breached.

Westminster Police Licensing Team

The primary role of the Police Licensing team is to ensure that premises within Westminster are properly managed. Where serious criminal offences are committed

the team will investigate the circumstances surrounding the offence to ensure that the licensing objectives and any conditions on the premises license are being adhered to. This investigation will commence within 48 hours of the offence coming to the attention of the officers on the Police Licensing team. The Police Licensing team will also undertake to investigate the impact on the licensing objectives of any criminal offence which takes place within licensed premises in Westminster. These investigations may take longer to implement and should be discussed at the tasking meeting unless this would, in the opinion of the officer involved, be unnecessary or inappropriate.

The secondary role of the unit is to facilitate the work of the other enforcement agencies, where appropriate. This will involve joint visits and the use of Police powers to facilitate the investigations of other partner agencies.

Prosecution

Section 186 of the Act provides that proceedings for offences under the Act may be instituted by:

- the Licensing Authority
- the Director of Public Prosecutions
- Trading Standards (for offences under Sections 146 and 147)

The signatories to this Protocol will, wherever reasonably practicable, make their officers available to give evidence on behalf of the relevant prosecuting authority.

Prosecution action will be considered in line with the Code for Crown Prosecutors. In addition, enforcement action and prosecutions by Westminster City Council will be undertaken in line with its Corporate Enforcement Policy and the Enforcement Concordat.

A list of the offences under the Licensing Act 2003 and the authorities that can take prosecution action is attached as Appendix 1A.

A copy of the Corporate Enforcement Policy is attached as Appendix 2.

A copy of the Enforcement Concordat is attached as Appendix 3.

Prosecutions Instituted by the DPP

Prosecutions undertaken by the Police are at the behest of the Director of Public Prosecutions (DPP) under s 186 of the Act.

Reviews

At any stage, following the grant of a premises licence, a Responsible Authority may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the

magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

The following are Responsible Authorities —

- the licensing authority
- the police
- the fire authority
- the health and safety authority
- the environmental health authority
- the planning authority
- the social services authority (child protection committee)
- Trading Standards

Government guidance suggests that licence holders should be provided with early warning of concerns about problems identified at premises. Save in exceptional circumstances early warning will be given before those parties who are a signatory to this Protocol request a review.

In some cases it may be appropriate for a responsible authority to apply for a review at the same time as taking formal enforcement action. Such a decision will be made on a case by case basis.

A local resident, residents' association, and local business or trade association may also make a request to the Local Authority, for a review. Upon receipt of such a request the Council will notify the Metropolitan Police.

Temporary Event Notices

The police and Environmental Health may serve an objection notice to a temporary event notice, where they are of the opinion that any of the 4 licensing objectives would be undermined.

The supervision of TEN's falls jointly on Police and the Local Authority to ensure compliance with the legislation.

Underage Sales

Test purchases of alcohol by children will be undertaken with due regard to the Guidance issued by LACORS and endorsed by The Home Office.

Signed

Date.....

[NAME]

Licensing Authority

Signed

Date.....

[NAME]

Appendix 1A - A list of the offences under the Act and the authorities that can take prosecution action

Key:

LA = Licensing Authority

CPC = Club Premises Certificate

DPS = Designated Premises Supervisor

PLH = Premises Licence Holder

AO = Authorised Officer

Section	Offence	Authority
33 (6)	Failure to notify LA of change of name or address PLH or DPS	LA
40 (2)	Failure to notify existing DPS of variation to premises licence to exclude them	LA
41(5)	Failure to provide premises licence to LA upon removal of DPS	LA
46 (4)	Failure to notify DPS of application for transfer of premises licence	LA
49 (5)	Failure to notify DPS of grant of interim authority notice	LA
56 (3)	Failure to provide premises licence at request of LA for amendment	LA
57 (4)	Failure to keep or display premises licence on premises	LA
57 (7)	Failure to produce premises licence to an AO for examination	LA
59 (5)	Obstruction of an AO entering premises to inspect before grant of a licence, review or a statement	LA
82 (6)	Failure to notify of change of name or alteration of rules of a club	LA
83 (6)	Failure to notify of a change of registered address of club	LA
93 (3)	Failure to produce CPC for amendment within 14 days of LA request	LA:
94 (5, 6, 9)	Duty to keep, display and produce club premises certificate at premises	Police or LA
96 (6)	Inspection of premises before grant etc of club premises certificate	LA
108 (3)	Obstruction of an AO in inspecting temporary event premises	LA or Police
109 (4)	Failure to keep or display temporary event notice on premises	Police or LA

109 (8)	Failure to produce temporary event notice to an AO	Police or LA
123 (2)	Failure to notify LA of conviction for relevant offence during application or renewal period	LA
127 (4)	Failure to notify LA of change of name or address of personal licence holder	LA
128 (6)	Fail to notify court of personal licence or “notifiable event” when being dealt with for a relevant offence	Police or LA
132 (4)	Failure to notify LA of conviction for relevant or foreign offence	LA
134 (5)	Failure to produce personal licence within 14 days to LA for updating	LA
135 (4)	Failure to produce personal licence to an AO whilst on premises to sell or authorise sale of alcohol	LA or Police
136 (1)	Allowing licensable activities otherwise than in accordance with an authorisation	LA or Police
137 (1)	Unauthorised exposure for retail sale of alcohol	LA or Police
138 (1)	Unauthorised possession of alcohol with intent to sell or supply	LA or Police
140 (1)	Allowing disorderly conduct on licensed premises	Police or LA
141 (1)	Sale or supply of alcohol to person who is drunk	Police or LA
142 (1)	Obtaining alcohol for a person who is drunk	Police or LA
143 (1)	Failure to leave licensed premises following a request from a PC or AO	Police
144 (1)	Keeping unlawfully imported goods on relevant premises	Police or Customs and Excise
145 (1)	Allowing unaccompanied children under 16 on relevant premises when alcohol is being supplied	LA or Police
146 (1, 2, 3)	Sale or supply of alcohol to children under 18	Trading Standards, LA or Police
147 (1, 3)	Allowing sale or supply of alcohol to children under 18	Trading Standards, LA or Police
147A (1)*	Persistently selling alcohol to children under 18	Trading Standards, LA or Police
148 (1, 2)	Sale or supply of liqueur confectionery to children under 16	LA or Police
149(1,3,4)	Purchase or supply of alcohol by or on behalf of children under 18	LA or Police

150 (1, 2)	Consumption on relevant premises of alcohol by children under 18,~ or knowingly allowing it to occur	LA or Police
151 (1, 2,4)	Delivering or permitting others to deliver alcohol to children under 18	LA or Police
152 (1)	Sending a child under 18 to obtain alcohol for consumption	LA or Police
153 (1)	Permitting children under 18 to sell or supply alcohol children	LA or Police
156 (1)	Sale of alcohol in or from a moving vehicle	Police
158 (1)	False statement in connection with a licensing application	LA
160 (4)	Keeping premises open in contravention of an area closure order	Police or LA
161 (6)	Permitting premises to be open in contravention of a premises closure order	Police or LA
165 (7)	Permitting premises to be open in contravention of a Magistrates' closure order	Police or LA
179 (4)	Obstructing entry by a PC or an AO to premises to check on the carrying out of licensable activity	Relevant responsible authority

Appendix 2

ENFORCEMENT POLICY

Introduction

Local Councils enforce legislation to protect the individual and the community as a whole. Council Enforcement Services carry out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. The purpose of this policy is to publicly summarise the Council's enforcement policies adopted to seek such compliance. It is ultimately the responsibility of individuals and businesses to comply with the law.

The policy is an "Umbrella" policy intended to apply to all service areas, though it should be noted that various additional service-specific requirements apply to specific enforcement activities in certain services, i.e. health & safety, food safety, trading standards.

Detailed service-specific policies and procedures, where needed, are held, updated, audited and reviewed by the service departments. Information on these may be obtained from the Director's office of the relevant department.

Council aims and objectives

Westminster City Council has set out its strategic aims and objectives and the enforcement services of the Council carry out their duties in support of these aims. The specific aims and objectives that relate to enforcement services are found in:

- Council and Cabinet Policy and Strategy decisions
- The City Plan, that reflects the partnership approach and activities to improve quality of life and wellbeing in Westminster
- Relevant Council initiatives that apply from time to time, e.g. at the present time the City Council is pursuing the Civic Renewal Programme, which is currently up-dated each year in the Leader's Speech.
- The Departmental Service Plans, which reflect the above priorities and the core enforcement activities of the services.

Council aims and objectives have been drawn up in consultation with the public. Details of the consultation is available from the Policy and Communications Department and on the City Council's website www.westminster.gov.uk

Compliance

A range of activity is used to ensure compliance with legislation. Enforcement services carry out inspections of premises on a routine, programmed basis and as a response to complaints and enquiries from the public about businesses and individuals. They also carry out education and intelligence-based activities. Some

enforcement services have officers patrolling the streets. Where non-compliance is discovered, options to seek/promote compliance include:

- Explaining legal requirements and, where appropriate, the means to achieve compliance
- Providing an opportunity to discuss points in issue where appropriate
- consideration of reasonable timescales to achieve compliance
- Service of advisory letters, warnings, statutory notices or prohibitions detailing non-compliance
- Enforcement actions including, but not limited to, seizure of documents or goods, closure of premises, caution, prosecution or injunction.

Enforcement actions

The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with this and any other more specific policies which may be relevant. The action taken, which may be immediate, will be proportionate to the gravity of the non-compliance. Factors that will be taken into consideration include, but are not limited to:

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals
- Evidence that suggests that there was pre-meditation in the commission of an offence
- The alleged offence involves a failure to comply in full or in part with the requirements of a statutory notice or order
- There is a history of previous warnings/cautions, or the commission of similar offences
- Aggravated circumstances such as obstruction of an officer or aggressive behaviour towards the public
- The offence, although not serious itself, is widespread in the area where it is committed
- There has been reckless disregard of health and safety requirements
- False information has been supplied wilfully, or there has been an intent to deceive

Legal and Policy context

Enforcement actions are taken within the context of a legal and policy framework. Council enforcement services will carry out their enforcement-related work with due regard to the Enforcement Concordat. This Concordat arises from a central government initiative and was adopted by the City Council in December 1998. The Concordat lays out the principles of good enforcement. These are:

- Publishing clear standards, setting out the level of service and performance that the public and businesses can expect to receive
- Dealing with the public and the business in an open and honest way
- Providing a courteous, efficient and helpful service
- Responding promptly and positively to complaints about the service
- Ensuring that enforcement action is proportionate to the risks to the public
- Carrying out duties in a fair, equitable and consistent manner

A full version of the Enforcement Concordat is available by visiting the Cabinet Office Web site at <http://www.cabinetoffice.gov.uk/reputation/DstlenfOrce/index.asp>.

Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors, which details considerations to be taken into account before commencing prosecution proceedings. A full copy of the code is available from

The Crown Prosecution Service London

50 Ludgate Hill

London EC4M 7EX

Tel: 020 7796 8000

Web: <http://www.cps.gov.uk/Home/CodeForCrownProsecutors>

Enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act
- The Crime and Disorder Act
- Equal rights and anti-discrimination legislation
- Service specific legislation
- All other relevant legislation applicable from time to time

If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies. Any such action will be undertaken in compliance with the Data Protection Act 1998.

Authorisation of Officers

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of this enforcement policy to ensure a consistent approach to their duties. Officers are required to show their authorisations on demand.

Status and Review

This policy was endorsed and adopted by the City Council's Cabinet on 17th March 2008.

Complaints concerning the application of this enforcement policy are dealt with in accordance with the Council's customer complaints procedure.

Appendix 3

ENFORCEMENT CONCORDAT

The Principles of Good Enforcement:

Policy and Procedures

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Principles of Good Enforcement: Policy

STANDARDS

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and businesses can expect to receive. We will publish these standards and our annual performance against them. The standards will be available to businesses and others who are regulated.

OPENNESS

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary

organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

HELPFULNESS

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

COMPLAINTS ABOUT SERVICE

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained with details of the process and the likely time-scales involved.

PROPORTIONALITY

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

CONSISTENCY

We will carry out our duties in a fair, equitable and consistent manner. While inspectors exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

PRINCIPLES OF GOOD ENFORCEMENT: PROCEDURES

Advice from an officer will be put clearly and simply, and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale and making sure that legal requirements are distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide circumstances of the points of difference, unless immediate action is required (for example, in the interests of health and safety or prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are on rights of appeal against formal action, advice the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

If you have any queries about this report, please contact Andrew Ralph on 0207 641 2706, email address aralph@westminster.gov.uk