

If both tests are satisfied, the investigating officer must satisfy the Head of Registration and Records that prosecution is the most appropriate enforcement option. Throughout the entire process there is close liaison with the Council's solicitors even when the decision to prosecute has been made. It is kept under constant review and may be changed right up until the court hearing if an alternative method of securing compliance can be achieved.

Who can you go to for more advice?

Any of our licensing staff will be happy to help you. If they cannot give the advice you need themselves, they will put you in touch with a colleague who can.

A reference copy of the more detailed Enforcement Policy Statement is available in Reception at the Town Hall.

More information about the Council's Licensing service can be found on the internet at

 www.bedford.gov.uk/licencing


Complaints procedure


The Council has a published complaints procedure which you are able to use if you are concerned or unhappy about any aspect of its enforcement policy or any activities undertaken by its staff. The complaints procedure may be obtained from Reception at Borough Hall or Town Hall, or by contacting any officer or Councillor.


Useful contact details


We are always keen to hear your comments about our Service. If you have a comment, good or bad, then please contact us.


You can do this in a variety of ways:

 At the Town Hall, St. Paul's Square,
Bedford MK40 1SJ

 01234 221742

 licencing@bedford.gov.uk

 01234 221606

 To the address above and marked for the
attention of the Licensing Team

 www.bedford.gov.uk/licencing


What do you think of this Enforcement Policy?

Please let us know if you feel we have missed anything or got something wrong.

Whilst we cannot guarantee that we will change things, we will give all comments our consideration and contact you with our decisions.

Thank you in anticipation of your contribution.

Replies to:

 Licensing Team
Registration and Records Unit
Bedford Borough Council
Town Hall
St. Paul's Square
Bedford MK40 1SJ

 licencing@bedford.gov.uk

Licensing Enforcement Policy

Registration & Records



Enforcement Policy Statement

The Borough Council seeks to implement an enforcement policy which has strong emphasis on enabling local businesses and individuals to comply with relevant laws to make sure Bedford has a thriving, clean, pleasant, healthy and safe environment.

The Council is committed to carrying out its enforcement duties in respect of its Licensing work in accordance with Government guidelines, namely "the Regulators Compliance Code".

The guiding principles of the Regulators Compliance are:

Proportionality - When seeking compliance with the law the enforcement option selected will be proportionate to the risk to the health, safety or harm to be caused or envisaged.

Consistency - As far as possible, the Council will be consistent in its enforcement actions after taking account of the risk involved, the harm likely to be caused and the history of compliance.

Targeting - The Council will ensure that inspection and thereby enforcement is directed towards those activities which give rise to the most serious risks.

Transparency - The Council will be fair, clear and open in its dealings with those who have to comply with environmental health law.

What is meant by enforcement?

It is the process of:

- assessing whether or not licensing law is being complied with, by un-announced visits programmed to cover all areas of our work on a "worst first and most often" basis.

- taking action against those found to be ignoring or breaking the law.

What action can be taken when the law is broken?

Action can range from a letter warning that the law has been broken through to prosecution in the Courts. It largely depends on the nature and severity, in terms of risk to health, safety and/or harm, and upon the powers given to the authority by the relevant legislation.

What are the enforcement options?

- **Written Warning** - minor breaches may be dealt with by no more than a letter pointing out the problem. Letters are kept on file for future reference.
- **Formal Notice** - A Notice can be served, this is a formal statutory document which states a requirement for specified actions to be taken, within a time limit. In most cases there is a Right of Appeal against the Notice. Subject to any Appeal decision (decided in Court), it is an offence to fail to comply with a Notice.
- **Emergency Notices/Orders** - A situation where there is "imminent risk of harm". There is a need to act quickly to remedy the situation by prohibiting an activity or use of premises.
- **Formal Caution** - A course of action which may be offered as an alternative to prosecution. The offender admits guilt and, if further offences are committed, the Caution may be taken into account by a Court when prosecution action is taken at a later date.
- **Prosecution** - This is reserved for more serious or repeated offences. In some cases prosecution action may be taken straight away, whereas in other situations it can only

be taken if a formal Notice has been served and insufficient remedial work taken.

- **Suspension/Revocation/Variation** - If a Licence or Authorisation is needed to operate a business, this may be suspended, revoked or varied if the conditions are breached. There is usually a Right of Appeal.

What is the process of enforcement?

If an informal approach is unsuccessful in gaining compliance with legal requirements, then a formal approach will be adopted. Before such formal action is started, an opportunity will be given to discuss the circumstances of the case and if possible, resolve points of difference UNLESS immediate action is required due to health, safety or risk of harm

The Council will make all enforcement decisions on an assessment of risk and based on two criteria:

- **The Evidential Test** - The strength of the evidence will be tested. Prosecution will not take place without a reasonable prospect of success.
- **The Public Interest** - A number of factors will be considered to determine if prosecution is in the public interest e.g. number of people affected; associated risk or harm caused; history and attitude of the alleged offender; likelihood of offence being repeated; malice or harassment.