

2 WHAT THIS POLICY IS FOR

3 SCOPE OF THE POLICY



6 NOTIFYING ALLEGED OFFENDERS

7 ENFORCEMENT ACTION

An Overview of the enforcement actions available

Deciding what level of action is appropriate

Failure to discharge a FPN and/ or a PCN

Removal or Seizure

Injunctive Actions and Other Civil Sanctions

Public Space Protection Orders

Premises Licences (Gambling Act 2005)

Simple Caution

Civil Penalty

Prosecution

12 PROTECTION OF HUMAN RIGHTS

13 REVIEW OF THE ENFORCEMENT POLICY

14 Appendices

Appendix 1 – Enforcement Policy Risk Matrix

Appendix 2 – Civil Penalties Charging Policy

Appendix 3 – Equality Assessment

APPENDIX 1

RISK MATRIX FOR REGULATION AND ENFORCEMENT - ENFORCEMENT POLICY

| <u>REGULATION AND ENFORCEMENT</u> <u>ACTIVITY</u> | <u>ACTIVITY</u> | <u>SCORE</u> |
|--|------------------------|---------------------|
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|--|--|--|
| People are safe and their wellbeing and safety are assured | | |
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| Direct or indirect economic implications to legitimate businesses | | |
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|---|--|--|
| People are safe and their wellbeing and safety are assured | | |
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| Direct or indirect economic implications to consumers or the wider public | | |
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| Reputation (risk to the local authorities' reputation) in taking no action | | |
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| Likelihood that the infringing activity could have been easily ascertained (for example: the size of the business may be a factor when making this assessment or | | |

| People are safe and their wellbeing and safety are assured | | |
|---|-------------------|---------------------|
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| | | |
| <u>KEY</u> | <u>ASSESSMENT</u> | <u>SCORE RATING</u> |
| | | |
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APPENDIX 2

Birmingham City Council Civil Penalty Charging Policy

- Private Rented Sector

1. Determining the amount of a penalty charge

2. Legal powers

| Offence | Relevant legislation |
|----------------|-----------------------------|
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5. Level of penalty charge

| Seriousness of the offence | Starting level |
|----------------------------|----------------|
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6. Imposing a civil penalty

9.3. Stage 1- Breach of licence conditions – Sections 72(3) and 95(2) Housing Act 2004

| Regulation | Starting Level | |
|------------|----------------------|---------------------|
| | Additional Licensing | Mandatory Licensing |
| | | |
| | | |

14.0 Stage 6 – review of the penalty

19.0 Review of policy