



**Melton
Borough
Council**

Licensing Enforcement Policy

Document Control

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy Title	Licensing Enforcement Policy
Status / Version	Approved
Author	Regulatory Services Manager
Location of Policy	Public / Website
Lead Member Responsible	Cabinet Portfolio Holder for Governance, Environment & Regulatory Services
Equality Impact Assessment Approval	In progress
Partnership Involvement (If applicable)	N/A
Final Policy Approval Route	Cabinet
Date Policy Approved	13 December 2023
Date Policy Due for Review (maximum 5 years)	November 2028

Contents

Document Control.....	2
Contents	3
1 Introduction	4
2 The objectives and key principles of licensing enforcement.....	5
3 Our Approach to Enforcement.....	6
4 Scope of works - What we deal with	7
5 Enforcement Priorities	8
6 Range of Enforcement Actions.....	11
7 Communications	13
8 Feedback, compliments, and complaints handling.....	14
9 Equality Impact Statement	14
10 Review and Monitoring	14
11 Record Keeping Protocols and Data Management.....	15
Appendix A: Reporting a Licensing Issue Procedure.....	16
Appendix B: Proactive Enforcement	17
Appendix C: Legislative Framework and Government Guidance	18
Appendix D: Factors we consider when taking enforcement action?.....	20
Appendix E: Who decides what enforcement action is taken?	22
Appendix F: Roles and Responsibilities.....	24
Appendix G: Performance Indicators	26

1 Introduction

- 1.1 Melton Borough Council is responsible for enforcing a wide range of legislation within the Borough and takes a positive, proactive, and balanced approach to ensure compliance and deal with non-compliance with legislation. This promotes an efficient and effective approach to regulatory enforcement which ensures that the Council acts in a consistent, transparent, and fair manner which improves outcomes without imposing unnecessary burden.
- 1.2 There is an expectation that each council should develop and publish a licensing enforcement strategy setting out how it will exercise its licensing enforcement responsibilities and include details of:
- how and to whom a complaint about an alleged non-compliance of licensing legislation.
 - how the council will deal with alleged non-compliance; and
 - the timescales for dealing with different types of complaint or non-compliance depending upon their severity.
- 1.3 This Licensing Enforcement Policy sets out the framework by which Melton Borough Council's authorised Officers will make decisions in respect of the Council's compliance and enforcement activities. It summarises how we prioritise our work, the enforcement tools available, and how complaints are investigated. The Council is committed to ensuring that all Officers abide by this policy.
- 1.4 The Licensing Enforcement Policy should be read in conjunction with the licence specific policies such as the Hackney Carriage and Private Hire Taxi Licensing Policy, Statement of Licensing Policy 2022 and Gambling Act Statement of Principles.
- 1.5 In Melton, the enforcement functions are carried out under the Scheme of Delegation. The Director of Growth and Regeneration has delegated authority to investigate and to take enforcement proceedings relating to many of the licensing functions unless it is a function reserved to the Licensing Committee, as set out in the Licensing Committee Functions and Procedure Rules. Where applicable, many of these functions are further delegated to Officers according to their qualifications and competency.

2 The objectives and key principles of licensing enforcement

2.1 The main objectives of this Licensing Enforcement Policy are set out below:

- To secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- To deal immediately with serious risks.
- To promote and achieve sustained compliance with the law.

2.2 Key Principles

The Legislative and Regulatory Reform Act 2006 sets out the following regulatory principles:

- a) regulatory activities should be carried out in a way that is transparent, accountable, proportionate, and consistent.
- b) regulatory activities should be targeted only at cases in which action is needed.

2.3 The Council follows the principles of the central and local government Concordat on Good Enforcement (the Concordat) and will apply the principles of the Regulators Code to promote an efficient and effective approach to licensing enforcement and improving the outcomes without imposing unnecessary burdens. The principles of the Regulators Code and Enforcement Concordat are:

Standards: to publish clear standards of service and performance.

Openness – the Council will provide clear information, guidance, and advice in plain language on the rules that we apply so that those whom we regulate can understand what is expected of them and why. Our guidance will reflect guidance and codes of practice issued by government and other relevant bodies.

Helpfulness – the Council will provide help to businesses, voluntary or community groups, and the public to assist them to comply with statutory requirements and encourage them to seek advice and information to reduce the possibility of enforcement action. Applications for licences, registrations, approvals etc. will be dealt with efficiently and promptly and every effort will be made to ensure that, wherever practicable, the Council's enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays.

Accountable – the Council will provide a well-publicised, effective, and easily accessible complaints procedure. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process.

Proportionate – the Council will allow businesses and others to meet their legal obligations and enforcement requirements without unnecessary expense by ensuring that any action we require is proportionate to risk. We will consider the circumstances of the case, the harm or potential harm caused, and the attitude and history of the business or person when considering formal action. Firm action, including prosecution and other legal or enforcement action, will, however, be taken where appropriate against those who disregard or persistently fail to comply with the law and/or the relevant policies.

Consistent – the Council will carry out its duties in a fair, equitable and consistent manner. While Officers are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other enforcement bodies.

Targeted – the Council will prioritise its resources according to risk, through intelligence-led activities, and focused on those least likely to comply with the law. We will focus resources towards those whose activities give rise to the most serious risks or where there is supporting information that the activities are or likely to be poorly controlled

3 Our Approach to Enforcement

- 3.1 We recognise that most people want to comply with the law. We want to co-operate with businesses and individuals to achieve compliance. If there is a problem, we want to resolve it by communicating clearly and encouraging people to behave responsibly. We will follow the ‘4 Es’ approach to enforcement:



- 3.2 We will engage and explain how we think the person or business are not complying with licensing legislation and/or relevant policies and encourage and suggest changes in practice and behaviour in order to reduce the risk to public health, safety, welfare or to the environment.
- 3.3 Formal enforcement action is always a last resort. The Council will consider all of the relevant facts of the case and assess them against licensing legislation, local, and national policies.
- 3.4 The Council is committed to fair and objective enforcement ensuring that all its policies are applied in a non-discriminatory manner and aimed at promoting good community relations. This policy is applied in accordance with the principles of the Council’s Equality Policy.

- 3.5 Melton Borough Council is a public authority for the purposes of the Human Rights Act 1998. The Council will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Of particular importance for the policy are Article 6 (the right to a fair trial) and Article 8 (the right to respect private and family life)
- 3.6 There may be occasions where officers are required to carry out covert surveillance during an investigation. In such cases the requirements of the Regulation of Investigatory Powers Act 2000 will be complied with. In all cases the required permissions will be obtained from the authorised manager prior to undertaking any such investigation.
- 3.7 Should Melton Borough Council conclude that a provision in this policy does not apply or is outweighed by another provision, it will ensure that any decision to depart from the policy will be properly reasoned, based on evidence and documented.

4 Scope of works - What we deal with

- 4.1 The Licensing Team administers a wide range of licenses and permits. These may be mandatory, where the local authority must license certain activities, or adoptive where the Council has elected to control certain businesses, activities, or individuals through the issue of licenses and the imposition of license conditions.

The main purpose of licensing enforcement is to:

- a) Secure the health, safety, and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- b) Deal immediately with serious risks.
- c) Promote and achieve sustained compliance with the law.
- d) Set out the Council's response to complaints and response rates.

- 4.2 Exclusions

Deciding whether a complaint/enquiry is vexatious or malicious the Council will apply the Council's ["Persistent or Vexatious Customer Policy"](#).

5 Enforcement Priorities

- 5.1 To make the most effective use of available resources, the Council will investigate alleged breaches of license conditions or non-compliance with relevant licensing legislation in accordance with the priorities listed in Table 1 below.
- 5.2 The priorities consider the significance and impact of the alleged offence and assist staff to manage workloads and help to manage customer expectations through the reporting a complaints procedure in Appendix A.
- 5.3 As an investigation of a particular case proceeds, for example after the investigation has commenced, it may become necessary to change the priority level.

Table 1: Enforcement Priorities

Priority	Type of Breach
Priority 1 – Very High	<ul style="list-style-type: none"> • Incidents that are occurring at the time of the complaint which are resulting in (or may result in) an imminent or serious risk to the health and/or safety of the public. • These must be dealt with immediately and take priority over other work. <p>Examples:</p> <ul style="list-style-type: none"> • Licensing: Reports of an unlicensed taxi driver with supporting evidence which shows they are currently operating or plying for trade. • Environment: Reports of a permitted premises release of pollution which is ongoing and presents a serious risk of environmental pollution.
Priority 2 – High	<p>Potential incidents that may result in significant harm</p> <ul style="list-style-type: none"> • Incidents that are, or may have, impacts beyond the local authority's boundary • Incidents where there have been numerous complaints from different sources <p>Examples:</p> <ul style="list-style-type: none"> • Licensing: reports of unfit vehicle and/or driver but no supporting evidence. • Licensing: reports of an unlicensed activity being carried out where there is the high risk of public safety implications or high animal welfare concerns but further investigation is required.
Priority 3 - Medium	<ul style="list-style-type: none"> • A complaint where the local authority has a mandatory duty to investigate. • Repeated or multiple complaints from more than one source <p>Examples:</p> <ul style="list-style-type: none"> • Licensing: reports of a breach of conditions on license such as operating hours but there is medium risk but further investigation is required. • Licensing: technical offence of an unlicensed activity being carried out where there is medium risk of public safety or animal welfare concerns but further investigation is required.
Priority 4 - Low	<ul style="list-style-type: none"> • A potential one-off incident with no history of complaints and no evident risk to public health/safety • A request relating to a matter that is discretionary for the local authority. <p>Examples</p>

Priority	Type of Breach
	<ul style="list-style-type: none"> • Licensing: reports of technical breaches of license conditions with no potential for harm • Licensing: reports of a technical offence of an unlicensed activity being carried out where there is minimal risk of public safety or animal welfare concerns.

5.4 Upon receipt of a complaint, as set out in Appendix A, the Council will endeavor to instigate the investigation in accordance with the priorities listed in table 1 and within the timescales detailed in Table 2 (below).

Table 2 – Anticipated site inspection timescales

Priority	Response	Timeframe for initial response
Priority 1 – Very High	Acknowledge receipt of complaint Pass directly to case officer and notify most senior officer available. Most appropriate available officer(s) attend and action.	Within 1 working day
Priority 2 – High	Acknowledge receipt of complaint Pass directly to case officer or most appropriate available officer. Officer attends and actions.	Within 2 working days
Priority 3 – Medium	Acknowledge receipt of complaint and if necessary, send diary sheets and other supporting documents. Commence investigation by phone or visit where appropriate.	Within 3 working days Within 4 working days
Priority 4 - Low	Acknowledge receipt of complaint and if necessary, send diary sheets and other supporting documents. Commence investigation by phone of visit where appropriate.	Within 5 working days Within 10 working days

5.5 Officers will make visits out of normal working hours where it is appropriate and considered necessary to do so.

6 Range of Enforcement Actions

- 6.1 External agencies including Leicestershire Police, Leicestershire Fire and Rescue Service, Leicestershire County Council also have an interest in the enforcement of licensing legislation. Where there is a shared enforcement role, the Council's Licensing service will liaise with the appropriate body to ensure effective co-ordination.
- 6.2 Enforcement officers must seek to secure compliance with the law. Most of the time this will be conducted informally, by offering information, advice, and support, both verbally and in writing. They may also use formal mechanisms, as set out in law, including the service of notices, suspension of vehicle licences, or ultimately prosecution.
- 6.3 A decision on enforcement action will be taken on its own merits and after full consideration of the implications and consequences of the action. While fair and effective enforcement is essential to the maintenance of law and order, a breach of criminal law may not necessarily result in enforcement action.

In arriving at a decision, the Licensing Service will consider:

- a) The seriousness of the offence.
 - b) The individual or duty holder's past history.
 - c) Confidence in management.
 - d) The requirements of the legislation.
 - e) The consequences of non-compliance; and
 - f) The likely effectiveness of the various enforcement options.
- 6.4 Where enforcement is being considered, the options available to the Council vary depending on the licensable activity/premises and the relevant legislation associated with that activity. However, the Licensing service can choose one or more of the following options:

A) Informal Action

- **Information/Advice**

For minor breaches of the law verbal advice will generally be given to the offender. Officers will clearly identify the contraventions of the law and give advice on how to put them right and include a deadline by which this must be done. Sometimes officers will advise offenders about 'good practice' but will clearly distinguish between what they must do to comply with the law and what is advice only.

- **Informal Warnings**

For some contraventions officers will send the offender a firm but polite letter clearly identifying the contraventions, giving advice on how to put them right and including a deadline by which this must be done.

- **Penalty Points**

The Hackney Carriage and Private Hire Licensing Policy 2021 includes a penalty points policy which may be applied when there has been a breach. Further details of the Penalty Points Policy can be found in the [Hackney Carriage and Private Hire Licensing Policy](#)

Failure to comply with any informal action could result in an escalation of enforcement action. The time allowed must be reasonable but must also consider public safety considerations.

B) Formal Action – Such action may involve:

Legal Notices

Serving a Statutory Notice where legislation allows, including:

- o Improvement Notice
- o Prohibition Notice
- o Emergency Prohibition Notice
- o Closure Notice

Statutory Action and Decision Making

May result in:

- the suspension of a licence
- the revocation of a licence
- the refusal to grant or vary a licence.
- The closure of the premises in line with the relevant legislation

To warrant suspension/refusal/variation/revocation of a licence one of the following criteria must apply to the licensed individual or organisation: -

- No longer a fit and proper person.
- Deliberately or persistently breached legal obligations, which were likely to cause material loss or harm to others.
- Deliberately or persistently ignored written warnings or formal notices.

- Endangered, to a serious degree, the public safety or well-being of people, animals, or the environment.
- Obstructed an officer undertaking their duties.
- Deliberate or persistent breach of licence conditions or by laws

Subject to the relevant Scheme of Delegation such action will either be an officer decision or be referred to the Licensing Sub Committee.

C) Use formal cautions - Enforcement Officers will consider issuing a formal caution as an alternative to prosecution. Where there is a criminal offence, but the public interest does not warrant a prosecution, a formal caution may be an appropriate course of action.

D) Prosecution. A prosecution will normally ensue where one of the following criteria are met by the individual or organisation: -

- The contravention/breach is a particularly serious one.
- There has been a blatant disregard of the law.
- Previous action has not had the desired effect.

Determining whether a prosecution or formal caution is viable or appropriate.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Service to Legal Services for a decision to be made in accordance with the Code of Crown Prosecutors.

The Council applies two 'tests' to determine whether a Prosecution or Simple Caution is viable and appropriate and follows guidance set by the Crown Prosecution Service when applying the tests:

- **The Evidential Test** - There must be sufficient evidence to provide a 'realistic prospect of conviction' against any defendant charged.
- **The Public Interest Test** - There may be public interest factors which are in favour of or are against prosecution. These must be considered before a decision regarding the final enforcement action (caution or prosecution) is taken., prosecutions and injunctions, appeals must be made through the Courts.

7 Communications

7.1 Depending on the nature of the complaint or alleged non-compliance, the investigation may take several days or weeks to be concluded, however officers

will endeavour to keep complainants regularly updated on the progression of the investigation.

- 7.2 Once the investigation has been completed, officers will determine the appropriate action in accordance with the criteria set out in Appendix D.
- 7.3 Following the conclusion of an investigation and any enforcement action completed, the Council may report the outcome through appropriate media methods.

8 Feedback, compliments, and complaints handling

- 8.1 If you consider that the enforcement action we take or propose does not follow the principles set out in this enforcement policy, you should raise your concerns with the relevant enforcement officer. If the officer is not able to sort out your problem, your complaint will be passed to the Service Manager. If you are not happy with the outcome of your complaint you can escalate your concerns using our complaints procedure, details of which can be found in the [Council's Complaints Policy](#)
- 8.2 The Council promotes positive conduct towards its officers. The Council is committed to ensuring that its Officers can carry out their work safely and without fear and will use legal action to prevent abuse, harassment, or assaults on Officers.

9 Equality Impact Statement

- 9.1 The Licensing Enforcement Policy has been subject to an equality assessment to ensure that the objectives and actions contained in the policy fully consider outcomes on the grounds of any of the protective characteristics including age, disability, gender, race, religion/belief, sexuality, and socio-economic circumstances.
- 9.2 If you need this policy in large print, Braille or another language please telephone 01664 502502 or email contactus@melton.gov.uk

10 Review and Monitoring

- 10.1 This policy will be reviewed and updated with changes in legislation, guidance or other circumstances which may impact on the principles set out in this document. It will be routinely reviewed every five years.
- 10.2 The performance of the Licensing Enforcement Policy will be monitored in accordance with the Council's performance management framework. Quarterly

updates will be provided to the Cabinet on corporate measures and an annual update will be presented at the meetings of Licensing Committee as well as the Council on the performance of agreed indicators.

11 Record Keeping Protocols and Data Management

- 11.1 In accordance with the General Data Protection Regulation (and Data Protection Act 2018), Freedom of Information Act 2000 and Environmental Information Regulations 2004, the Council will not disclose any information relating to the identity of a complainant. Should an investigation result in prosecution, complainants may be required to provide witness statements which will be presented to the Courts. Whilst during the investigation, complainant details will not be divulged it is possible that an individual or business subject of an investigation will make their own assumptions as to who may have informed the Council.

Appendix A: Reporting a Licensing Issue Procedure

1. Licensing requests for service or allegations of non-compliance can be reported to the Council by contacting our Customer Service Centre on 01664 502502, or Email: licensing@melton.gov.uk.
2. Depending on the priority of the matter, the Council will endeavour to acknowledge receipt of the complaint in accordance with the timeframes set out in Section 6.4 of the Licensing Enforcement Policy. The acknowledgement will either be by letter, e-mail or telephone and will provide the name and contact details of the investigating officer and a case reference number and details of the priority given to the complaint and response timeframes. If necessary, diary sheets and other supporting information will be sent to the complainant.
3. If on initial receipt of a request for service or complaint about a property/business, it is obvious that it is not a licensing matter the complainant will be notified. If the reported breach relates to a function or activity enforced by another Council service (e.g., fly tipping or statutory nuisance, planning enforcement) the complaint will be forwarded to the relevant department.
4. We will update the complainant as our investigation is progressing. This may be to explain that a licensing application is going to be made, that we are monitoring the situation or that we are considering taking formal action.
5. To avoid the unnecessary use of resources in responding to hoax or malicious allegations; anonymous reports of suspected breaches of planning control will only be pursued where an initial site visit reveals clear licensing contraventions. All other anonymous reports will not be pursued beyond an initial site visit.
6. When a complaint is made, it is treated in confidence and the details of the complainant are not shared. If, however, the breach is serious enough that we decide to prosecute, we would need to name the complainant at that point. We would contact the complainant where this is necessary.

Appendix B: Proactive Enforcement

The Council will develop and undertake an annual programme of proactive inspections and interventions including: -

- Spot checks on licensed premises to ensure conditions attached to licenses have been complied with
- Proactive monitoring of events and festivals
- Test purchases
- Targeted interventions based on risk.

Investigation Officers will use local intelligence and complaint data to develop the annual plan, along with any planned joint interventions with other enforcing agencies such as the Police, Fire and Rescue, Trading Standards, VOSA etc.

Appendix C: Legislative Framework and Government Guidance

Local Licensing Authorities have powers within various legislation to grant and administer licenses and investigate alleged unlicensed activity or breaches of licensing conditions and have powers to remedy non-compliance by statutory and other means.

The following sets out the legislative framework applicable to licensable activities in the following Acts of Parliament and any Orders and Regulations made under the principal Acts:

Taxi and Private Hire

Local Government (Miscellaneous Provisions) Act 1976,
Public Health Act 1936,
Deregulation Act 2015
Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
Town Police Clauses Act 1847
Taxi and Private Hire Vehicles (Safeguarding and Road Safety Act) 2022

Licensing Act

Licensing Act 2003
Policing and Crime Act 2009
Police Reform and Social Responsibility Act 2011
Live Music Act 2012
Deregulation Act 2015

Gambling Act

Gambling Act 2005,

Animal Welfare

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 as amended.
Animal Welfare Act 2006
Dangerous Wild Animals Act 1976

Animal Welfare Act 2006

Other licences

House to House Collections Act 1939

Police, Factories, etc. (Miscellaneous Provisions) Act 1916, (as amended by the Local Government Act 1972)

Charitable Collections (Transitional Provisions) Order 1974

Caravan Sites and Control of Development Act 1960

Mobile Homes Act 2013

Business and Planning Act 2020

Scrap Metal Dealers Act 2013

Local Government (Miscellaneous Provisions) Act 1982

Housing Act 2004 (as amended)

Pollution Prevention and Control Act 1999

This list is not exhaustive and is subject to change.

In addition to the legislative framework guidance and advice from Central Government, other professional bodies and local policies on various licensing functions including enforcement will also be considered by officers when determining the appropriate cause of action.

Appendix D: Factors we consider when taking enforcement action?

Officer(s) will carry out investigations/inspections. This can be in response to a complaint or request for assistance, as part of routine planned inspections of business premises or survey work.

Investigating Officer discovers evidence and is satisfied that a **criminal offence** may have been committed or is about to be committed. This is called *Prima facie* evidence.

Investigating Officer considers a range of factors before taking enforcement action including:

- Previous History - whether any similar situation has been found before.
- Seriousness of the alleged offence(s), including:
 - Risks to the public or the environment
 - Any intent or recklessness of the person(s) committing the offence.
 - Any obstruction of the Investigating Officer
 - Whether the alleged offence(s) are considered a special area of priority by Central Government and/or Melton Borough Council
- Is there enough evidence to provide a realistic prospect of conviction?
- Would any further action be in the public interest?

For **LESS SERIOUS infringements** of the law and/or where there is no previous history of offences/non-compliance with legislation the following options are considered:

- Offering advice
- Verbal warnings and requests for action
- The use of warning letters setting out the potential consequences of any future non-compliance.
- Serving formal Notice

In all cases we will advise the alleged offender what he/she needs to do in order to comply with the law.

For **MORE SERIOUS offences** the following options will also be considered:

- **Review of Licence** – the outcome of a review of a licence could result in
 - Revocation of the licence
 - Suspension of the licence
 - Excluding a licensable activity from the scope of the licence
 - Modifying the conditions attached to the licence.
 - Closure of premises
- **Serving Formal Notice** where option is available in legislation
- **Simple Caution** – a Simple Caution is an alternative to prosecution and can only be issued if strict criteria are met. The Home Office of Central Government sets these criteria. A Caution stays on public record for three years.
If a Simple Caution is offered to an offender, but he/she refuses to accept it then we may prosecute instead.
- **Prosecution proceedings** – legal proceedings are taken against the offender that results in the offender being summonsed to appear in Court. Any decision to prosecute is based upon guidelines set by the Crown Prosecution Service

In all cases the alleged offender will be informed of the matters under investigation and invited to attend a formal interview in accordance with the Police and Criminal Evidence Act 1984.

Appendix E: Who decides what enforcement action is taken?

Decision Making Area	Determination of matter or authorised officers to act	Officers who must be consulted for authority to act
<p>Determine of licensing functions when representations have been received or application falls outside of relevant policy.</p> <p>Review Hackney Carriage and Private Hire Driver Licences when applicant exceeds the Penalty Points policy.</p>	Licensing Committee or sub committee	Not applicable
Informal action and formal letters	<p>Director of Growth and Regeneration</p> <p>Legal Services Manager</p> <p>Head of Regulatory Services</p> <p>Team Leader Regulatory Services</p> <p>Licensing Enforcement Officer</p>	
<p>Statutory Action including:</p> <ul style="list-style-type: none"> • Suspension of License • Serving of Notice 	<p>Director of Growth and Regeneration</p> <p>Head of Regulatory Services</p> <p>Team Leader Regulatory Services</p>	Legal Services
Formal Caution	<p>Director of Growth and Regeneration</p> <p>Legal Services Manager</p> <p>Head of Regulatory Services</p> <p>Team Leader Regulatory Services</p>	<p>Legal Services</p> <p>Director of Growth and Regeneration</p>
Prosecution	<p>Director of Growth and Regeneration</p> <p>Legal Services Manager</p>	Legal Services

Decision Making Area	Determination of matter or authorised officers to act	Officers who must be consulted for authority to act
	Head of Regulatory Services	Director of Growth and Regeneration

Appendix F: Roles and Responsibilities

Responsible Person – Team Leader Environmental Health

Duties including

- Overall responsibility for the management and delivery of licensing service in accordance with the Council's policies and procedures.
- Overall responsibility for the prioritisation of requests for service or complaints in line with Section
- Provide professional leadership of the Council's Licensing and Environmental Health Teams ensuring a level of quality assurance.
- Signing enforcement notices in accordance with the constitution / scheme of delegation
- Determination of the priority rating for licensing requests for service.
- Monitoring and reporting on performance indicators to Senior Leadership Team and Licensing Committee
- Responsible for preparation, implementation, monitoring, reporting, and reviewing of the licensing enforcement policy.
- Ensuring training, qualifications, and resource requirements for the team to enable the implementation of the policy.

Competent Persons

Licensing Enforcement or Environmental Health Officers

Duties including

- Responsible officer for investigating relevant unlicensed premises or activities.
- Investigate licensing complaints, identifying appropriate courses of actions ensuring all relevant legislation is considered and followed.
- Updating customers, managers and members as appropriate
- Maintaining accurate and up to date records
- Taking necessary action where non-compliance has been identified.
- Gathering evidence for prosecution / legal action
- Attending briefing and committees as and when required and giving evidence in court.
- Assisting the Team Leaders for Environmental Health with data collection and monitoring in respect of key performance indicators
- Keep the qualifications, CPD and training records updated.

Licensing Officers

Duties including

- Assisting the Licensing Enforcement Officer where necessary, for instance in site visits where the site is known to the Officer.
- In the absence of enforcement officer, perform all the above-mentioned duties of the planning enforcement officer as directed by the managers.
- Liaising where appropriate with the Licensing Enforcement Officer or Environmental Health Officer to ensure that recommended conditions are enforceable.
- Advising customers how to make complaints.

Licensing Technician

Duties including

- Receipt and acknowledgement of incidents, notifications of complaints
- Registration and allocation of cases
- Maintaining accurate and up to date records
- Updating customers as appropriate
- Assist the planning enforcement officers and planning officers in undertaking responsibilities for minor cases as directed.
- Assisting the Team Leader Environmental Health with data collection and monitoring in respect of key performance indicators

Legal Officers

Duties including

- Providing support with expert advice and guidance regarding complex enforcement issues
- Provide direction to ensure compliance with the Council's governance policies.
- Ensure prosecution files meet court standards.
- Present prosecution files via the court system

Senior Leadership Oversight

Director of Growth and Regeneration

Duties including

- Signing enforcement notices in accordance with the constitution / scheme of delegation
- Providing strategic oversight of the service.

Appendix G: Performance Indicators

Service level indicators: (reported to licensing committee on annual basis)

Performance Indicators	Target
% of Personal Licences Processed within two weeks of valid application	90%
Average length of time to process an application from date of validation to issue date for new and variation of premises (not Designated Premises Supervisor) applications for Licensing Act 2003	8 weeks
Number of Enforcement checks completed in accordance with the annual programme	N/A
Average length of time from validation* to issue of Hackney Carriage vehicle licence	15 working days
Average length of time from validation* to issue of Private Hire vehicle licence	15 working days
Average length of time from validation* to issue of Dual driver licence	15 working days
Average length of time from validation* to issue of Private Hire Operator licence	15 working days
% of requests for service/complaints responded to in accordance with the prioritisation schedule set out in the Licensing Enforcement Policy	90%

*Validation means when a complete application has been submitted with all supporting information and appropriate training completed.