



Ribble Valley  
Borough Council

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# **LICENSING ENFORCEMENT POLICY**

## Policy administration

### Policy ownership

For any queries about this policy, please contact the plan owner.

<b>Department</b>	Legal and Democratic Services		
<b>Owner</b>	Head of Legal and Democratic Services	<a href="mailto:mair.hill@ribblevalley.gov.uk">mair.hill@ribblevalley.gov.uk</a>	01200 425111
<b>Committee</b>	Licensing Committee & Health and Housing Committee		

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

### Version control and review date

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1.0	January 2025	Approve policy for consultation	Licensing Committee 28 January 2025	25 March 2025
V1.1			Health and Housing Committee 5 June 2025	

This policy will be reviewed, as a minimum, every 5 years. However, consideration will be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

### Equality implications

	Action	Yes / No
An Equality Impact Assessment (EIA) has been completed		Yes
<b>EIA Hyperlink</b>		

### Supporting documents or legislation relating to this policy

Please include any supporting documents / legislation	
1.	Equality Act 2010
2.	Licensing Act 2003
3.	Local Government (miscellaneous provisions) Act 1976
4.	Town Police Clauses Act 1847
5.	Scrap Metal Act 2013
6.	Local Government (miscellaneous provisions) Act 1982
7.	Public Health Act 1936
8.	Animal Welfare (Licensing of Activities Involving Animals) (England) 2018
9.	Animal Welfare Act 2006
10.	Dangerous Wild Animals Act 1976
11.	House to House Collections Act 1939
12.	Charitable Collections (Transitional Provisions) Order 1974
13.	Mobile Homes Act 2013
14.	Caravan Sites (Control of Development) Act 1961
15.	Housing Act 2004
16.	Pollution Control Act 1999

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# 1. Introduction

- 1.1 Ribble Valley Borough Council is responsible for enforcing a wide range of legislation relating to different licensing regimes within the Borough and takes a positive, proactive, and balanced approach to ensure compliance with that legislation. This promotes an efficient and effective approach to regulatory enforcement which is consistent, transparent, and fair.
- 1.2 This Licensing Enforcement Policy sets out the framework by which the Council will take decisions in respect of licensing enforcement. It summarises how the Council will prioritise its work, the enforcement tools available, and how complaints will be investigated. The Council is committed to ensuring compliance with this policy.
- 1.3 The Licensing Enforcement Policy should be read in conjunction with the licence specific policies such as the Private Hire and Hackney Carriage Licensing Policy, Statement of Licensing Principles, Gambling Act Statement of Principles, Scrap Metal Licensing Policy, Sexual Entertainment Venue Licensing Policy, Licensing Policy for Houses in Multiple Occupation and Animal Welfare Enforcement Policy.

## 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 which all bodies must follow when considering how to take enforcement action and in setting their policies on enforcement:

- 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

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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, the Council 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. The Council will focus resources on 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 The Council recognises that most people want to comply with the law. It will co-operate with businesses and individuals to achieve compliance. If there is a problem, the Council will seek to resolve it by communicating clearly and encouraging people to behave responsibly. The Council will follow the '4 Es' approach to enforcement:



- 3.2 The Council will engage and explain how it considers that the person or business are not complying with licensing legislation and/or relevant policies and encourage and suggest changes in practice and behaviour to reduce the risk to public health,

safety, welfare or to the environment.

- 3.3 Formal enforcement action is always (save for where there is a immediate risk of serious harm) a last resort. The Council will consider all the relevant facts of the case and assess them against the relevant 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 Duty.
- 3.5 The 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 to this 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, the relevant codes of practice and the Council's RIPA policy will be complied with.
- 3.7 Should the 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 Council 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.
- 4.2 The main purpose of licensing enforcement is 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.
  - Deal immediately with serious risks.
  - Promote and achieve sustained compliance with the law.

### **Exclusions**

- 4.3 The Council will not deal with anonymous complaints unless there is a potential serious or imminent risk to the public or users of a licensed premises. If you give your name, address, or any other details this will be in the strictest confidence so far as legislation permits.
- 4.4 The Council may also not deal with a complaint which it deems to be persistent, vexatious or malicious. When deciding whether a complaint/enquiry is vexatious or malicious the Council will apply the Council's policy for managing unreasonable actions by complainants.

## 5. Complaints

- 5.1 Licensing complaints can be reported to the Council by contacting the Council's contact centre on 01200 425111, attending the offices in person, in writing or by Email:
- [licensingenforcement@ribblevalley.gov.uk](mailto:licensingenforcement@ribblevalley.gov.uk) (for Alcohol, entertainment, gambling, scrap metal, house to house collections, charitable collections, scrap metal & sexual entertainment venues)
  - [taxilicensing@ribblevalley.gov.uk](mailto:taxilicensing@ribblevalley.gov.uk) (for Hackney Carriage and Private Hire Licences)
  - [Environmentalhealth@ribblevalley.gov.uk](mailto:Environmentalhealth@ribblevalley.gov.uk) (in relation to all other licences including housing (HMO's), tattoo, piercing and electrolysis, caravan sites, street trading and animal welfare)
- 5.2 The Council will make any reasonable adjustments in accordance with the [Reasonable Adjustments Policy](#) to ensure that anyone wishing to make a complaint can do so.
- 5.3 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 of this 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.
- 5.4 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.
- 5.5 The Council 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.
- 5.6 To avoid the unnecessary use of resources in responding to hoax or malicious allegations; anonymous reports of suspected breaches of licensing 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.
- 5.7 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.

## 6. Enforcement Priorities

- 6.1 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.

**Table 1: Enforcement Priorities**

Priority	Type of Breach
Priority 1 – Very High	<ul style="list-style-type: none"> <li>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.</li> <li>These must be dealt with immediately and take priority over other work.</li> </ul> <p><b>Examples:</b></p> <ul style="list-style-type: none"> <li>Licensing: Reports of an unlicensed taxi driver with supporting evidence which shows they are currently operating or plying for trade.</li> <li>Environment: Reports of a permitted premises release of pollution which is ongoing and presents a serious risk of environmental pollution.</li> </ul>
Priority 2 – High	<p>Potential incidents that may result in significant harm</p> <ul style="list-style-type: none"> <li>Incidents that are, or may have, impacts beyond the local authority's boundary</li> <li>Incidents where there have been numerous complaints from different sources</li> </ul> <p><b>Examples:</b></p> <ul style="list-style-type: none"> <li>Licensing: reports of unfit vehicle and/or driver but no supporting evidence.</li> <li>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.</li> </ul>
Priority 3 - Medium	<ul style="list-style-type: none"> <li>A complaint where the local authority has a mandatory duty to investigate.</li> <li>Repeated or multiple complaints from more than one source</li> </ul> <p><b>Examples:</b></p> <ul style="list-style-type: none"> <li>Licensing: reports of a breach of conditions on license such as operating hours but there is medium risk, but further investigation is required.</li> <li>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.</li> </ul>



Priority 4 - Low	<ul style="list-style-type: none"> <li>A potential one-off incident with no history of complaints and no evident risk to public health/safety</li> <li>A request relating to a matter that is discretionary for the local authority.</li> </ul> <b>Examples</b>
<b>Priority</b>	<b>Type of Breach</b> <ul style="list-style-type: none"> <li>Licensing: reports of technical breaches of license conditions with no potential for harm</li> <li>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.</li> </ul>

- 6.2 Upon receipt of a complaint, as set out in Section 5 of this policy, the Council will endeavour 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 and enforcement officer to attend site.	Within 1 working day
Priority 2 – High	Acknowledge receipt of complaint and enforcement officer to attend site.	Within 2 working days
Priority 3 – Medium	Acknowledge receipt of complaint and commence investigation by phone or site visit where appropriate.	Within 4 working days
Priority 4 - Low	Acknowledge receipt of complaint and commence investigation by phone or site visit where appropriate.	Within 5 working days

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

## 7. Range of Enforcement Actions

- 7.1 External agencies including Lancashire Police, Lancashire Fire and Rescue Service, Lancashire 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.
- 7.2 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.

- 7.3 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 will not always result in enforcement action.

In arriving at a decision, the Council will consider:

- 7.3.1 The seriousness of the offence.
- The individual or duty holder's regulatory history.
- Confidence in the current management of the licensed premises.
- The requirements of relevant legislation.
- The consequences of non-compliance; and
- The likely effectiveness of the various enforcement options.

- 7.4 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. A non- exhaustive list of the potential actions available to the Council are set out below.

## **Informal Action**

### Information/Advice

- 7.5 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

- 7.6 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

- 7.7 The Private Hire and Hackney Carriage Licensing Policy includes a penalty points policy which may be applied when there has been a breach.
- 7.8 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.

## **Formal Action**

## Legal Notices

7.9 Serving a Statutory Notice where legislation allows, including:

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

## **Statutory Action and Decision Making**

7.10 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

7.11 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

7.12 **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.

7.13 **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

7.14 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.

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7.15 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.

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

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

7.17 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 Police, Fire and Rescue Trading Standards, VOSA etc.

## **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

## **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 presented at the meetings of Licensing & Health & Housing Committee.

## **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.