

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	LICENSING COMMITTEE	12 th OCTOBER 2012	6

DELEGATION OF FUNCTIONS BY LICENSING COMMITTEE

Public Item

This item is for consideration in the public part of the meeting.

Summary

Following recent changes to the Licensing Act 2003, the Committee will be requested to delegate authority to the Director of Development Services to act as the Responsible Authority on behalf of the Licensing Authority where it is deemed necessary to promote the Licensing Objectives and to suspend licences for non payment of the annual fee.

Recommendations

That the Committee:

- i) delegate authority to the Director of Development Services to act as the Responsible Authority on behalf of the Licensing Authority where it is deemed necessary to promote the Licensing Objectives;
- ii) delegate the authority to suspend licences for the non payment of the annual fee to the Director of Development Services

The item falls within the following Portfolio Holders Brief:

Community & Social Wellbeing

Councillor Cheryl Little

Report

Continued....

- 1) In April 2012 the Licensing Act 2003 (the Act) was amended by the Police Reform and Social Responsibility Act 2011. One of these amendments made the Licensing Authority a Responsible Authority under the Act. This gives the Licensing Authority the power to respond to licensing applications as a consultee and to ask for reviews of licences.
- 2) A second amendment imposes a duty on the Licensing Authority to suspend a premises licence for non payment of the annual fee.
- 3) The Act states that all functions of the Licensing Act 2003 sit with the Licensing Committee. The Licensing Committee may arrange for its functions to be discharged by an officer of the Licensing Authority.
- 4) If the delegation of the function to make representations is not approved by the Committee, to be lawful, representations and the triggering of any reviews deemed necessary by the Licensing Authority would require a resolution by the Licensing Committee. Due to the statutory timescales associated with applications and the need to act in a timely manner for reviews, this would be an impracticable method of working. It would also be undesirable, as members of the Committee would be deciding whether to make a representation on a matter that would then subsequently be determined by members of the same committee. Consequently, it is requested that Committee delegate this function as detailed within the report
- 5) It is therefore requested that the functions relating to making representations, requesting reviews and suspending licences for non payment of fees be delegated to the Director of Development Services.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	There are no legal implications. Delegation to officers is permitted under the Licensing Act 2003.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
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List of Background Papers		
Name of document	Date	Where available for inspection

Attached documents