

Dear Councillor

**LICENSING COMMITTEE - TUESDAY, 19 JULY 2016**

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item  
No.**

**3. SCHEME OF DELEGATION (Pages 3 - 22)**

To consider reports by the Head of Community Services on the Scheme of Delegation.

- (a) Scheme of Delegation to Licensing Sub Committee (Pages 3 – 9)
- (b) Scheme of Delegation to Officers (Pages 11-22).

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## HUNTINGDONSHIRE DISTRICT COUNCIL

<b>Title/Subject Matter:</b>	Licensing Committee – Scheme of Delegation to Licensing Sub-Committee
<b>Meeting/Date:</b>	Licensing Committee – 19 <sup>th</sup> July 2016
<b>Executive Portfolio:</b>	Executive Councillor for Community Resilience – Cllr Steve Criswell
<b>Report by:</b>	Head of Community - Chris Stopford
<b>Ward(s) affected:</b>	All

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### **Executive Summary:**

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing Committee, and the Licensing Sub- Committee (Table 2, Part 3).

Legal advice has recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Licensing Sub-Committee, as contained within Table 2, Part 3 of the Council Constitution.

### **Recommendation(s):**

The Licensing Committee is

### **RECOMMENDED**

- i) approve the scheme of delegation from Licensing Committee to the Licensing Sub Committee.
- ii) that the Head of Community be authorised to make minor editorial changes which by definition make no change to the powers of delegations,
- iii) that the Head of Community, in consultation with the Chair and Vice Chairman of the Licensing Committee, be authorised to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing Committee (the Committee) and the Licensing Sub-Committee (the Sub Committee). Legal advice has recommended that the Committee formally resolve this delegation of Licensing Act 2003 and Gambling Act 2005 functions from the Committee to the Sub-Committee

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Council has approved a new Constitution, which includes the responsibility for functions under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 Advice obtained from James Button, a legal 'expert' on licensing law has recommended that the Committee should formally resolve to approve a scheme of delegation between the Committee and the Sub Committee.
- 2.3 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions under the Licensing Act 2003 and Gambling Act 2005, such that decisions which fall outside of the scheme of delegation to Officers, can be determined by the Sub Committee of three Members, as opposed to having to convene a meeting of the full Committee.
- 2.4 The recommended scheme of delegation to the Sub Committee, allows the Committee to effectively reverse the delegation and determine a matter under the Licensing Act 2003 and Gambling Act 2005 if the Committee considers it necessary.
- 2.5 The scheme of delegation does not affect the requirement on Council to approve the Licensing Act 2003 Statement of Licensing Policy, and Gambling Act 2005 Statement of Principles.

**Extract from Huntingdonshire District Council Constitution 2016**  
**Part 3, Table 2 Responsibility for Council Functions**

Committee/Panel and Membership	Functions	Delegation of Functions
<p><b>Licensing Committee</b>  <b>(established in accordance with section 6 Licensing Act 2003)</b>                      12 members of the Council including at least 1 member of the Cabinet (who shall be the same as the membership of the Licensing and Protection Committee).</p>	<p>Functions of the Council as a Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (with the exception of those functions which are reserved to Council), and miscellaneous matters as set out in the Functions Regulations.</p> <p>Determining the amount of any charge to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.</p> <p>In relation to the functions set out above, determining whether and in what manner to enforce any failure to comply with any approval, licence, permission or registration granted by the Committee (or an officer acting under delegated powers) or any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.</p>	<p>See Scheme of Delegation to Officers</p>
<p><b>Licensing Sub-Committee</b>                      The sub committee shall consist of 3 members - drawn from the Licensing Committee</p>	<p>The Licensing Committee has delegated the following functions under the Licensing Act 2003 (LA03) and the Gambling Act 2005 (GA05) to a Sub-Committee established in accordance with s10 of the Licensing Act 2003, but reserves the right to determine any such matter should the Committee so resolve.-</p> <p>Licensing Act 2003</p> <p>To determine an application for a premises licence where relevant representations are received (LA03 S18)</p> <p>To determine an application for a provisional statement where relevant representations are received (LA03 S31)</p> <p>To determine an application to vary a premises licence where relevant representations are received (LA03 S35)</p> <p>To determine an application to vary a premises licence in relation to a premises supervisor where</p>	<p>See scheme of delegation to Officers</p>

Committee/Panel and Membership	Functions	Delegation of Functions
	<p>relevant representations are received (LA03 S39)</p> <p>To determine an application to transfer a premises licence where relevant representations are received (LA03 S44)</p> <p>To cancel an interim authority notice where an objection is submitted by the Police (LA03 S48)</p> <p>To determine an application for the review of a premises licence (LA03 S52)</p> <p>To determine an application for a summary review of a premises licence (LA03 S53A)</p> <p>To consider representations relating to interim steps on a summary review of a premises licence (LA03 S53B)</p> <p>To determine a review of premises licence following summary review (LA03 S53C)</p> <p>To determine an application for a club premises certificate where relevant representations are received (LA03 S72)</p> <p>To determine an application to vary a club premises certificate where relevant representations are received (LA03 S85)</p> <p>To determine an application for the review of a club premises certificate (LA03 S88)</p> <p>To issue a counter notice to a temporary events notice where an objection notice is submitted by the Police (LA03 S105)</p> <p>To determine an application for a personal licence with unspent convictions (LA03 S120)</p> <p>To revoke a personal licence (LA03 S124)</p>	

Committee/Panel and Membership	Functions	Delegation of Functions
	<p>To determine an objection notice from the Police in response to convictions after the grant of a personal licence (LA03 S124)</p> <p>To determine a review of a premises licence following a closure order (LA03 S167)</p> <p>Gambling Act 2005</p> <p>To determine applications for Premises Licences in respect of which representations have been made (and not withdrawn) (GA05 S163)</p> <p>To attach a condition to a Premises Licence or exclude a default condition (GA05 S169)</p> <p>To determine an application to vary a Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S187)</p> <p>To determine an application for a transfer of a Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S188)</p> <p>To reinstate a lapsed Premises Licence in respect of which representations have been made (and not withdrawn) (GA05 S195)</p> <p>To review a Premises Licence and determine action following review (GA05 S201 and 202)</p> <p>To determine application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) (GA05 S204)</p> <p>Determination of a Temporary Use Notice where there are objections (GA05 S222)</p> <p>To issue a counter notice in response to Temporary Use Notice (GA05 S224)</p>	

Committee/Panel and Membership	Functions	Delegation of Functions
	<p>To make an Order to remove exemptions from specified premises (GA05 S284)</p> <p>To determine an application for a Club Gaming Permit and a Club Machine Permit and for renewal of a permit in respect of which representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 5, 10 and 24)</p> <p>To determine an application for the variation of a Club Gaming Permit and Club Machine Permit where representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 15)</p> <p>To cancel a Club Gaming Permit and Club Machine Permit in respect of which representations have been made (and not withdrawn) (GA05 Schedule 12 – Para 21)</p> <p>To cancel Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) (GA05 Schedule 12-para 16)</p>	



**3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES**

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

**4. LEGAL IMPLICATIONS**

- 4.1 Without a formalised scheme of delegation for Licensing Act 2003 and Gambling Act 2005 functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

**5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Sub Committee. It could be considered that this actually reduces the cost of the Licensing Service as decisions can be made by the Sub-Committee of three members, rather than having to be determined by the full Committee.

**6. REASONS FOR THE RECOMMENDED DECISIONS**

- 6.1 The recommendation implements the legal advice that has been obtained as part of the Council's Constitution review

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**HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title/Subject Matter:</b>	Licensing Committee – Scheme of Delegation to Officers
<b>Meeting/Date:</b>	Licensing Committee – 19 <sup>th</sup> July 2016
<b>Executive Portfolio:</b>	Executive Councillor for Community Resilience – Cllr Steve Criswell
<b>Report by:</b>	Head of Community - Chris Stopford
<b>Ward(s) affected:</b>	All

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**Executive Summary:**

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing Committee, and the Licensing Sub- Committee (Table 2, Part 3).

Legal advice has recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Council's Officers.

**Recommendation(s):**

The Licensing Committee is

**RECOMMENDED to**

- i) approve the scheme of delegation from Licensing Committee to Officers
- ii) that the Head of Community be authorised to make minor editorial changes which by definition make no change to the powers of delegations,
- iii) that the Head of Community, in consultation with the Chair and Vice Chairman of the Licensing Committee, be authorised to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions
- iv) that the Head of Community, and Head of Development (with regards to Licensing Act 2003, Section 13(4)(d)), be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to them

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing Committee (the Committee). Legal advice has recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the Licensing Act 2003 and Gambling Act 2005.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Council has approved a new Constitution, which includes the responsibility for functions under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 Advice obtained from James Button, a legal 'expert' on licensing law has recommended that the Committee should formally resolve to approve a scheme of delegation between the Committee and the Council's Officers.
- 2.3 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions under the Licensing Act 2003 and Gambling Act 2005, such that decisions in defined instances can be made by Officers of the Council, rather than having to be determined by Licensing Committee, or Licensing Sub Committee.
- 2.4 The recommended scheme of delegation to the Officers, allows the Committee to effectively reverse the delegation and determine a matter under the Licensing Act 2003 and Gambling Act 2005 if the Committee considers it necessary.
- 2.5 The scheme of delegation does not affect the requirement on Council to approve the Licensing Act 2003 Statement of Licensing Policy, and Gambling Act 2005 Statement of Principles.

## POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING COMMITTEE

(Reviewed 19<sup>th</sup> July 2016)

Source	The Power Delegated	Delegated to	Date of Original Delegation	Remarks
Licensing Act 2003	To make changes to the proceedings adopted for hearings of the Licensing Sub Committees	Head of Community	19.01.05	After consultation with the Chairman and Vice-Chairman of the Licensing Committee
Licensing Act 2003, Section 120	To determine applications for personal licences where there is no objection from the Police	Head of Community or, in his absence, the Licensing Manager	19.01.05	
Licensing Act 2003, Section 18	To determine an application for a premises licence where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	
Licensing Act 2003, Section 31	To determine an application for a provisional statement where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	
Licensing Act 2003, Section 35	To determine an application to vary a premises licence where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	
Licensing Act 2003, Section 39	To determine an application to vary a premises licence in relation to a premises supervisor where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	

Licensing Act 2003, Section 41	To determine a request to be removed as a designated premises supervisor	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 41A	To determine an application for a minor variation of a premises licence	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 41B	To decide whether to consult other responsible authorities on minor variation applications	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 41D	To determine an application to vary a premises licence at community premises to include alternative licence condition where there is no objection from the Police	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 41D	To determine an application to vary a premises licence at community premises to include alternative licence condition where there is no objection from the Police	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 44	To determine an application to transfer a premises licence where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05
Licensing Act 2003, Section 47	To cancel an interim authority notice where no objections have been submitted	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 55A	To suspend a premises licence for non-payment of annual fee	Head of Community or, in his absence, the Licensing Manager	23.10.12
Licensing Act 2003, Section 72	To determine an application for a club premises certificate where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05

Licensing Act 2003, Section 85	To determine an application to vary a club premises certificate where no relevant representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	
Licensing Act 2003, Section 86A	To determine an application for a minor variation of a club premises certificate	Head of Community or, in his absence, the Licensing Manager	23.10.12	
Licensing Act 2003, Section 90	To withdraw a club premises certificate where a club ceases to be a qualifying club	Head of Community or, in his absence, the Licensing Manager	23.10.12	After consultation with the Chairman or Vice-Chairman of the Committee
Licensing Act 2003, Section 92A	To suspend a club premises certificate for non-payment of annual fee	Head of Community or, in his absence, the Licensing Manager	23.10.12	
Licensing Act 2003 Various	To determine that a hearing is unnecessary where representations are received	Head of Community or, in his absence, the Licensing Manager	19.01.05	After consultation with the Chairman or Vice-Chairman of the Committee
Licensing Act 2003 Various	To determine whether a representation is frivolous, vexatious etc.	Head of Community or, in his absence, the Licensing Manager	19.01.05	After consultation with the Chairman or Vice-Chairman of the Committee
Licensing Act 2003 Various	To instigate proceedings for the contravention of the provisions of the Act	Head of Community or, in his absence, the Licensing Manager	19.01.05	After consultation with the Chairman or Vice-Chairman of the Committee
Licensing Act 2003, Section 13(4)(Za)	To act on behalf of the Licensing Authority as a Responsible Authority and to decide whether to make representations when the Licensing Authority is the relevant Licensing Authority	Head of Community or, in his absence, the Licensing Manager	23.10.12	

Licensing Act 2003	To make representations under S13(4)(d) of the Act (on behalf of local planning authority)	Head of Development or, in his absence, the Planning Policy Manager (Development Management)	18.06.08	
Licensing Act 2003	To act on behalf of the environmental health authority under S13(4)(e) of the Act	Head of Community	18.06.08	
Licensing Act 2003	To determine a minor variation application to vary a club premises certificate (S86)	Head of Community or, in his absence, the Licensing Manager	16.09.09	
Licensing Act 2003	To determine a minor variation application to vary a premises licence (S41)	Head of Community or, in his absence, the Licensing Manager	16.09.09	
Licensing Act 2003	To determine an application for the mandatory alcohol condition requiring a designated premises supervisor in respect of a premises licence to be disapplied (S19)	Head of Community or, in his absence, the Licensing Manager	16.09.09	
Licensing Act 2003	To determine requests to amend the classifications of films by the BBFC and to classify films that have not been classified which are intended for public exhibition in the District.	Head of Community or, in his absence, the Licensing Manager.	20.10.15	After Consultation with the Chairman and Vice-Chairman of the Licensing Committee) or nominated representatives.
Gambling Act 2005, Section 157(a)	To act on behalf of the licensing authority	Head of Community or, in his absence, the Licensing Manager	18.06.08	
Gambling Act 2005, Section 157(g)	To act on behalf of the environmental health authority	Head of Community	18.06.08	
Gambling Act 2005, Section 163	To determine applications for Premises Licence where no relevant representations received	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Section 162	To decide whether a representation is vexatious, frivolous, or would certainly not influence the authority's determination of an	Head of Community or, in his absence, the Licensing Manager	13.06.07	After consultation with Chairman or Vice-Chairman of the



	application				Licensing Committee
Gambling Act 2005, Section 187	To determine an application to vary a Premises Licence in respect of which no representations have been received	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 188	To determine an application for transfer of a Premises Licence where no representations received	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 193	To revoke a Premises Licence for failure to pay an annual fee	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 194	To determine that a Premises Licence has lapsed	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 195	To reinstate a lapsed Premises Licence where no representation has been received	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 198	To reject an application for a review of a Premises Licence on various grounds	Head of Community or, in his absence, the Licensing Manager	13.06.07		After consultation with the Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Section 200	To initiate review of Premises Licence	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 201	To determine that representation about a review of a Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Head of Community or, in his absence, the Licensing Manager	13.06.07		After consultation with the Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Section 204	To determine application for provisional statement in respect of which no representations have been received	Head of Community or, in his absence, the Licensing Manager	13.06.07		
Gambling Act 2005, Section 205	To decide whether to disregard representations made in respect of an	Head of Community or, in his absence, the Licensing Manager	13.06.07		After consultation with the Chairman or Vice-

Gambling Act 2005, Section 218	application for a Premises Licence after issue of a provisional statement To issue counter notice to Temporary Use Notice where the number of permitted days are exceeded	Head of Community or, in his absence, the Licensing Manager	13.06.07	Chairman of the Licensing Committee
Gambling Act 2005, Section 221	To object to a Temporary Use Notice	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Section 284	To make an Order to remove exemptions from specified premises where no representations have been received	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Section 346	To institute criminal proceedings in respect of an offence under the provisions of the Act	Head of Community or, in his absence, the Licensing Manager	13.06.07	After consultation with the Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Schedule 10, Paragraph 8	To determine an application for a Family Entertainment Centre Gaming Machine Permit	Head of Community or, in his absence, the Licensing Manager	13.06.07	Refusal to be exercised only after consultation with Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Schedule 10, Paragraphs 14 and 15	To notify a lapse of a Family Entertainment Centre Gaming Permit	Head of Community or, in his absence, the Licensing Manager	13.06.07	After consultation with the Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Schedule 11, Paragraph 44	To register a society for the small society lottery	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 11, Paragraphs 47 and 48	To refuse an application for the registration of a society for the small society lottery	Head of Community or, in his absence, the Licensing Manager	13.06.07	After consultation with the Chairman or Vice-Chairman of the Licensing Committee

Gambling Act 2005, Schedule 11, Paragraph 50	To revoke the registration of a society for the small society lottery	Head of Community or, in his absence, the Licensing Manager	13.06.07	After consultation with the Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Schedule 11, Paragraph 54	To cancel the registration of a society for a small society lottery for non-payment of annual fee	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 12, Paragraphs 5, 10 and 24	To determine an application for a Club Gaming Permit and Club Machine Permit and for renewal of a permit where no representations have been received	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 12, Paragraph 15	To determine an application for the variation of a Club Gaming Permit and Club Machine Permit where no representations received	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 12, Paragraph 21	To cancel a Club Gaming Permit and Club Machine Permit where no representations have been received	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 12, Paragraph 22	To cancel a Club Gaming Permit and Club Machine Permit for failure to pay an annual fee	Head of Community or, in his absence, the Licensing Manager	13.06.07	
Gambling Act 2005, Schedule 13, Paragraphs 4, 15 and 19	To determine an application for grant, variation or transfer of a Licensed Premises Gaming Machine Permit	Head of Community or, in his absence, the Licensing Manager	13.06.07	Refusal and limitation on number of machines only after consultation with Chairman or Vice-Chairman of the Licensing Committee
Gambling Act 2005, Schedule 13, Paragraph 17	To cancel Licensing Premises Gaming Machine Permit and variation of number or category of machine where no	Head of Community or, in his absence, the Licensing Manager	13.06.07	

representations have been received

Gambling Act 2005,  
Schedule 13, Paragraph 17 To cancel Licensed Premises Gaming Machine Permit for failure to pay annual fee Head of Community or, in his absence, the Licensing Manager 13.06.07

Gambling Act 2005,  
Schedule 14, Paragraphs 9 and 18 To determine applications for a Prize Gaming Permit and applications for the renewal of Permits Head of Community or, in his absence, the Licensing Manager 13.06.07

Refusal only after consultation with Chairman or Vice-Chairman of Licensing Committee

Gambling Act 2005,  
Schedule 14, Paragraph 15 To determine that Prize Gaming Permit has lapsed Head of Community or, in his absence, the Licensing Manager 13.06.07

Scrap Metal Dealers Act 2013 To appoint suitably qualified and competent persons to act as 'authorised persons' to determine and issue licences and enforce the provisions of the Act Head of Community or, in his absence, the Licensing Manager 13.11.13

To determine the licensing fees and to review them annually and as appropriate Head of Community or, in his absence, the Licensing Manager

To initiate prosecutions under the Act Head of Community or, in his absence, the Licensing Manager

After consultation with the Chairman and Vice-Chairman of the Committee

**3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES**

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

**4. LEGAL IMPLICATIONS**

- 4.1 Without a formalised scheme of delegation for Licensing Act 2003 and Gambling Act 2005 functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

**5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Officers. It could be considered that this actually reduces the cost of the Licensing Service as decisions can be made by Officers rather than having to be determined by the full Committee.

**6. REASONS FOR THE RECOMMENDED DECISIONS**

- 6.1 The recommendation implements the legal advice that has been obtained as part of the Council's Constitution review

**CONTACT OFFICER**

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