

DELEGATIONS

(Report by the Head of Administration)

1. INTRODUCTION

- 1.1 The Licensing Act 2003 provides that the functions of the Council as the licensing authority will be carried out by its Licensing Committee, with the exception of the statement of licensing policy. The Licensing Committee may delegate those functions to sub committees or to officers.
- 1.2 The purpose of this report is to invite the Committee to determine the delegation of functions under the Act.

2. DELEGATIONS

- 2.1 The guidance issued by the Secretary of State recommends that functions as far as possible should be delegated in the interests of speed, efficiency and cost-effectiveness, especially as many decisions are administrative in nature. The Act provides that where there are no relevant representations to the grant of a premises licence or a club premises certificate or police objections to the grant of a personal licence or to a temporary events notice, those matters should be dealt with by officers to expedite the process. Where representations are made, a hearing of a licensing sub committee must be held unless the parties concerned accept that this is unnecessary.
- 2.2 The Secretary of State's guidance recommends that the Council's statement of licensing policy should indicate how the Council intends to approach its various functions and the statement reflects the guidance as to which functions should be dealt with by sub committees and which by officers. Some minor variation to the summary of the delegations in the draft statement was made upon closer examination of the legislation in order that the statement was confirmed prior to the deadline of 7th January 2005.
- 2.3 The guidance also requires the Committee to receive regular reports on decisions made by officers so that they maintain an overview of the general licensing situation.
- 2.4 A schedule is attached which lists all of the functions proposed for delegation with recommendations as to whether these should be dealt with by the sub committees or officers.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The Committee is required to determine the process by which applications, etc will be determined under the Act and to summarise the delegations in the statement of licensing policy.

It is therefore

RECOMMENDED

- (a) that the Committee approve the attached schedule of delegations under the Licensing Act 2003; and
- (b) that the delegation of functions as set out in the attached schedule be summarised in the statement of licensing policy.

BACKGROUND PAPERS

Guidance issued by Secretary of State for Culture, Media and Sport
Draft statement of licensing policy

Contact Officer: Mr R Reeves, Head of Administration
☎ 01480 388003