

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Licensing Committee – Scheme of Delegation to Officers

Meeting/Date: Licensing Committee – 25 January 2024.

Executive Portfolio: Executive Councillor for Customer Services – Councillor Stephen Ferguson

Report by: Interim Licensing Manager – Michelle Bishop

Ward(s) affected: All.

Executive Summary:

In 2023, Council approved an updated 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 recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Council's Officers.

These updates are required due to a change in management.

Recommendation(s):

The Licensing Committee are

RECOMMENDED to

- i) approve the scheme of delegation from Licensing Committee to Officers**
- ii) that the Community Services Manager be authorised to make minor editorial changes which by definition make no change to the powers of delegations,**
- iii) that the Community Services Manager, in consultation with the Chair and Vice Chair of the Licensing Committee, be authorised**

to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions

iv) that the Community Services Manager, 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 2023 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's Constitution includes the responsibility for functions under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 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.
- 2.3 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.
- 2.4 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.

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 previously been obtained as part of the Council's Constitution review

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