

**LICENSING ACT 2003 – DELEGATION OF FUNCTIONS  
(Report by the Head of Legal and Democratic Services)**

**1. INTRODUCTION**

- 1.1 At a licensing committee meeting on 26 October 2011, members were provided with an overview of the effects of the Police and Social Responsibility Act 2011 and the implications it would have on the Licensing Act 2003 (the Act).
- 1.2 On 25 April 2012, certain provisions of the Police Reform and Social Responsibility Act 2011 came into effect, bringing about a number of amendments to the Licensing Act 2003 and imposing additional duties on the Licensing Authority.
- 1.3 With the exception of the determination of the Statement of Licensing Policy, which is a matter for the full council, the Act delegates matters relating to the discharge of its licensing functions to the licensing committee, who may in turn delegate functions to the sub-committee or officers.
- 1.4 The purpose of this report is for committee to consider and approve the delegated authority table as detailed in Appendix A, amended to incorporate the new legislation and taking into account Government Guidance, recommending delegation to officers.

**2. BACKGROUND INFORMATION**

- 2.1 The Council has performed its statutory duties under the Act since the Act came into operation in August 2005.
- 2.2 On 25 April 2012 the Police and Social Reform Act amended the Act as follows:
  - Doubling the fine for under age sales;
  - The licensing authority and local authority responsible for public health become responsible authorities;
  - Lowering the evidence threshold from 'necessary' to 'appropriate';
  - Allowing licensing authorities to suspend licences due to non-payment of fees;
  - Removing the 'vicinity' test;
  - Replacing 'interested parties' by 'other persons';
  - Reforming the system of Temporary Event Notices to allow environmental health bodies to object and extending the grounds to all four licensing objectives, extending the period to 168 hours and allowing a limited number of late notices submitted up to five days before an event;
  - Changing the frequency for publication of licensing policy statements from three to five years; and
  - Adding offences to the list of relevant offences for the grant of personal licences.

2.3 It would therefore be appropriate to update the delegated powers to reflect the changes.

### 3. **CONCLUSION**

3.1 The Council has a statutory duty to carry out its licensing functions, taking into account Government Guidance. The proposed table of delegated functions will ensure that these functions are carried out efficiently, cost effectively and within legislative timeframes.

### 4. **RECOMMENDATION**

4.1 It is RECOMMENDED

that the Committee approve the attached schedule of delegations under the Licensing Act 2003 as detailed in Appendix A.

### **BACKGROUND INFORMATION**

Police Reform and Social Responsibility Act 2011

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