

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing Committee – 19th July 2016

Executive Portfolio: Executive Councillor for Community Resilience – Cllr Steve Criswell

Report by: Head of Community - Chris Stopford

Ward(s) affected: All

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 & Protection Committee, and the Licensing & Protection 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 & Protection 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 & Protection Committee, be authorised to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions
- iv) that the Head of Community be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to him

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee). Legal advice has recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the licensing and registration functions, and health and safety at work functions contained with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council has approved a new Constitution, which includes the responsibility for functions under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 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 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, such that decisions in defined instances can be made by Officers of the Council, rather than having to be determined by Licensing & Protection Committee, or Licensing & Protection 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 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended if the Committee considers it necessary.

POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION COMMITTEE

(Reviewed 19th July 2016)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Head of Community	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire and hackney carriage vehicle licences, private hire and hackney carriage driver's licences, and private hire operators licences	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage driver's licences, and private hire operators licences.	Head of Community	23.01.79	Refusal, suspension and revocation provisions to be exercised in consultation with the Chairman and Vice-Chairman of the Committee.
Local Government (Miscellaneous Provisions) Act 1976	To refuse, suspend or revoke private hire and hackney carriage vehicle licences	Head of Community	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To review the penalty points system for private hire operators, proprietors and drivers in light of changes to legislation	Licensing Manager	09.06.11	
Local Government (Miscellaneous Provisions) Act 1976	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager	09.06.11	After consultation with the Chairman and Vice-Chairman of the Committee.

Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine permits for street collections and charity stalls	Head of Community	04.10.83	After consultation with Cambridgeshire Constabulary where appropriate
Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended)	To determine applications for house to house collections within the District	Head of Community	17.01.84	After consultation with Cambridgeshire Constabulary where appropriate
Local Government (Miscellaneous Provisions) Act 1976 (Part II)	To make the necessary arrangements for the inspection and testing of Hackney Carriage and Private Hire vehicles	Head of Community	15.01.85	
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To determine applications for the grant, renewal, variation or transfer of licences for sex shops, sex cinemas and sexual entertainment venues	Head of Community	24.06.14	In the event of objectors being received, the Licensing and Protection Sub Committee of the Panel be authorised to determine the application
Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	To grant licences for street trading	Head of Community	11.03.85	
Local Government (Miscellaneous Provisions) Act 1982	To instigate proceedings in the Magistrates' Court in respect of street trading	Head of Community	11.03.85	
Local Government (Miscellaneous Provisions) Act 1982	To determine applications for street trading licences and to revoke licences	Head of Community	02.12.09	Where the Head of Community is minded to refuse an application for a licence or to revoke an existing licence and the

					application or licence holder, as appropriate, indicates that he wishes to submit representations, the Licensing and Protection Sub Committee be authorised to determine the application or revoke the licence respectively after hearing the representations submitted.
Local Government (Miscellaneous Provisions) Act 1982	To instigate proceedings through the courts for contravention of the street trading legislation contained in the Act	Head of Community	02.12.09	After consideration with the Chairman or Vice-Chairman of the Committee.	
Local Government (Miscellaneous Provisions) Act 1976	To instigate proceedings for contravention of any legislation relating to the licensing functions falling within the purview of the Licensing and Protection Panel	Head of Community	Licensing Panel 13.12.93	After consultation with the Chairman of the Committee.	
Prevention of Damage by Pests Act 1949 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Scrap Metal Dealers' Act 1964 Refuse Disposal (Amenity) Act 1978	To enter on to land or premises for the purposes of inspection etc	Head of Community, Environmental Health Officers, Enforcement Officers	29.01.74		

Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of the Act	Pest Control Officers and Environmental Health Officers	29.01.74	
Game Act 1831 Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963 Riding Establishments Act 1964	Licensing of animal boarding establishments, riding establishments, caravan sites, game dealers, persons keeping pet animals	Head of Community	29.01.74	
Pet Animals Act 1951 Caravan Sites and Control of Development Act 1960 Animal Boarding Establishments Act 1963	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75 (as amended 16.01.79)	After consultation with the Chairman and Vice-Chairman of the Committee.
Riding Establishments Act 1964	To authorise prosecutions for alleged contraventions under this legislation	Head of Community	07.01.75	After consultation with Chairman and Vice-Chairman of the Committee.
Public Health Act 1936	To deal with licensing of movable dwellings and camping sites	Head of Community	17.06.75	
Dangerous Wild Animals Act 1976	The Powers of the Council under the Act including licensing of individuals to keep specific animals	Head of Community	18.01.77	
Highways Act 1980 (S.179)	To issue consent or to serve such notices as may be considered appropriate in relation to construction under streets in accordance with S.179 of the Act	Head of Operations	12.10.82	After consultation with the Chairman of the Committee.
Local Government	To undertake all necessary action arising	Head of Community	04.06.85	

(Miscellaneous Provisions) Act 1982 Part VIII	from the adoption of this legislation with regard to the registration of tattooists				
Local Government (Miscellaneous Provisions) Act 1982 Part VIII	To undertake all necessary action arising from the adoption of the legislation in relation to acupuncture, ear-piercing and electrolysis	Head of Community		11.03.86	
Food Safety Act 1990	(a) To institute legal proceedings for contraventions of the Act and any re-enactment, amendment or modification thereof or any regulations made thereunder	Head of Community		18.09.90	After consultation with the Chairman and Vice-Chairman of the Committee.
	(b) To authorise, in writing, Environmental Health Officers and any other persons he/she may determine to act as authorised officers either generally or specifically in matters arising under the Act	Head of Community			
Environmental Protection Act 1990	To undertake duties, serve Notices and institute legal proceedings for non-compliance with Statutory Notices under Part III of the Act	Head of Community, Environmental Health Officers		15.01.91	
Zoo Licensing Act 1981	To appoint Inspectors and to act for and on behalf of the Council in all matters arising from the Act except in those cases where objections to the grant or renewal of a licence are received or consideration is being given to the revocation of a licence	Head of Community		04.06.91	
Zoo Licensing Act 1981	To act for the Council in cases involving an objection to the grant or renewal of a licence	Head of Community		04.06.91	After consultation with the Chairman and Vice-Chairman of the Committee.

Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To undertake prosecutions for contravention	Head of Community	17.09.91	After consultation with the Chairman and Vice- Chairman of the Committee.
Slaughter of Poultry Act 1967 (as amended by Animal Welfare Act 1984)	To appoint suitably qualified persons to act as Welfare Supervisory Officers	Head of Community	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To grant, renew, modify, refuse, suspend or revoke a licence for the slaughter of poultry	Head of Community	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To institute legal proceedings for alleged contraventions	Head of Community	03.12.91	After consultation with the Chairman and Vice- Chairman of the Committee.
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To determine applications in respect of loud- speakers in streets between 9 pm and 8 am	Head of Community	01.03.94	After consultation with the Chairman and Vice- Chairman of the Committee.
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To appoint contractors to act as agents for the Council in towing away vehicles and equipment causing a nuisance and impounding them until reclaimed	Head of Community	01.03.94	
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To sign noise abatement notices on behalf of the Council	All officers authorised under the Environmental Protection Act 1990 to take action in respect of statutory nuisances	01.03.94	
Animal Boarding Establishments Act 1963	To adopt the new model licence conditions compiled by the British Veterinary Association and RSPCA and published by the Institute of Environmental Health Officers	Head of Community	19.09.95	

		as the conditions to be attached to licences granted for cat and dog breeding establishments in the District			
Animal Boarding Establishments Act 1963		To exercise discretion in enforcing compliance with the new model licence conditions to enable dog and cat boarding establishment owners a reasonable time to comply with the new requirements	Head of Community	19.09.95	
Environmental Protection Act 1990		To appoint authorised persons under the Act	Head of Community	17.09.96	
Environment Act 1995		To institute legal proceedings for offences under the Act	Head of Community	17.09.96	After consultation with the Chairman and Vice-Chairman of the Committee.
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990		To appoint, in writing, an Environmental Health Officer and any other person as he may determine to act as authorised Officers either generally or specifically in matters arising under the Regulations	Head of Community	17.09.91	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995		To exercise the powers of entry, inspection and investigation and to serve notices	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995		To exercise powers and duties under the Act	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A)		To maintain a public register of the Council's regulatory activity	Head of Community	20.09.00	
Environmental Protection Act 1990 (Part 11A)		To institute legal proceedings under the Acts	Head of Community	20.09.00	After consultation with

Act 1990 (Part 11A) and Environment Act 1995					the Chairman and Vice-Chairman of the Committee.
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To carry out urgent remedial action under the Acts where there is an imminent danger of serious harm in that circumstances exist which are likely to endanger life or harm or cause pollution of controlled waters	Head of Community		20.09.00	After consultation with the Chairman and Vice-Chairman of the Committee.
Pollution Prevention and Control Act 1999	To carry out the following functions under the Act - (i) the determination of applications for the grant, variation and transfer of permits and accompanying conditions; (ii) the collection of fees as determined by the DETR; (iii) the suspension and revocation of permits and service of notices; and (iv) the variation and enforcement of permit conditions, taking of samples and the taking of remedial action at the expense of the permit holder	Head of Community		20.09.00	
Pollution Prevention and Control Act 1999	To appoint suitably qualified persons to exercise the powers and duties conferred by the Act	Head of Community		20.09.00	
Environment Act 1995	To exercise powers of entry under Section 108(4) of the Act	Appointed Officers		20.09.00	
Pollution, Prevention and	To institute legal proceedings under the Act	Head of Community		20.09.00	After consultation with

Control Act 1999	and Regulations				the Chairman and Vice-Chairman of the Committee.
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To appoint suitably qualified Officers to carry out the duties specified under the legislation	Head of Community		20.03.02	
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To institute legal proceedings for contravention of the Regulations	Head of Community			After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Meat (Enhanced Enforcement Powers) Regulations 2000	To appoint suitably qualified Officers to carry out the duties specified under the Regulations	Head of Community		20.03.02	
Deer Act 1991	To appoint suitably qualified Officers to undertake the duties specified under the legislation	Head of Community		20.03.02	
Deer Act 1991	To institute legal proceedings for contravention of the Regulations	Head of Community			After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To appoint suitably qualified Officers as Inspectors to carry out the duties specified	Head of Community		20.03.02	

under Section 19 of the Act

Health and Safety at Work (etc) Act 1974 (S19 and 20)	To exercise discretion as to the extent of the powers granted to individual inspectors under Section 20 in accordance with the statutory guidance issued by the Health and Safety Commission	Head of Community	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To authorise other persons to accompany duly authorised Officers appointed under Section 19 and Section 20 (2)(c)(1) of the Act, where necessary, on inspections for the purposes of the Act	Officers appointed under Section 19 of the Health and Safety at Work (etc) Act 1974	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Magistrates Court under any of the relevant statutory provisions defined in the Act	Inspectors appointed under Section 19 of the Health and Safety at Work (etc) Act 1974 following the approval of the Head of Community or the Corporate Director, (Delivery)	After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Crown Court for contraventions of the Health and Safety at Work (etc) Act 1974 and any re-enactment, amendment or modification thereof and any Regulations made thereunder	Head of Community	After consultation with the Chairman, (or in his absence, the Vice-Chairman) of the Licensing and Protection Committee.
Regulation of Investigatory Powers Act 2000 (RIPA)	To designate appropriate Officers to discharge the powers and duties of the Council as set out in the Act and any Codes of Practice and Regulations made thereunder	Corporate Director (Delivery) or, his absence, the Legal Services Manager	17.09.02
Transmissible Spongiform Encephalopathies (England) Regulations	To designate appropriate Officers to discharge the duties and powers of the Council as set out in the Regulations	Head of Community	24.06.03

2002

Pollution and Prevention Control (England and Wales) Regulations 2000	To respond to statutory consultation under the Regulations	Head of Community	01.08.03	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.
European Communities Act 1972	To appoint suitably qualified Officers to carry out the duties conferred upon the Council in the Act and Regulations	Head of Community	15.10.03	
European Communities Act 1972	To institute legal proceedings for offences arising from the Act and Regulation	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.
Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To appoint appropriate Officers to discharge the powers and duties under the Regulations	Head of Community	15.10.03	
Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.
The Imported Food Regulations 1997	To appoint appropriate Officers to carry out duties and powers under the Regulations	Head of Community	15.10.03	
The Imported Food Regulations 1997	To institute legal proceedings under the Regulations	Head of Community		After consultation with the Chairman, or in his

				absence, the Vice-Chairman of the Licensing and Protection Committee.
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To appoint appropriate Officers to carry out the duties and other matters conferred upon the Council by the Regulations	Head of Community	17.02.04	
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To institute legal proceedings under the Regulations and any further amendments thereto	Head of Community		After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection Committee.
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To appoint Officers to investigate complaints of night time noise and to issue warnings or fixed penalty notices	Head of Community	12.05.04	
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To institute legal proceedings under the Act for failure to comply	Head of Community	12.05.04	After consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing and Protection

Health Act 2006	To appoint suitably qualified, experienced and trained Officers to carry out the duties and other matters arising under Part 1 of the Health Act 2006 and associated Regulations	Head of Community	13.06.07	Committee.
Health Act 2006	To institute legal proceedings under the Act and associated Regulations	Head of Community	13.06.07	After consultation with the Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding of Dogs Act 1973 and 1991	To appoint persons and to act for and on behalf of the Council in all matters arising from the Acts in circumstances where consideration is being given to the revocation of a licence	Head of Community	19.01.06	
Breeding of Dogs Act 1973 and 1991	To act for the Council in cases involving revocation of a licence	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding of Dogs Act 1973 and 1991	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Breeding and Sale of Dogs (Welfare) Act 1999	To appoint persons and to act for and behalf of the Council in all matters arising from the Act	Head of Community	19.01.06	
Breeding and Sale of Dogs (Welfare) Act 1999	To authorise prosecutions for alleged contraventions under the Act	Head of Community	19.01.06	After consultation with Chairman (or in his absence, the Vice-

					Chairman) of the Committee.
Food Hygiene (England) Regulations 2006	To appoint suitably qualified officers	Head of Community	19.01.06		
Food Hygiene (England) Regulations 2006	To institute legal proceedings for contravention of the Regulations	Head of Community	19.01.06		After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Official Food and Feeds Controls (England) Regulations 2006	To appoint suitably qualified, experienced and trained officers to carry out duties under the Regulations	Head of Community	19.01.06		
Official Food and Feeds Controls (England) Regulations 2006	To institute legal proceedings under the Regulations	Head of Community	19.01.06		After consultation with Chairman (or in his absence, the Vice-Chairman) of the Committee.
Environmental Damage (Prevention and Remediation) Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Regulations	Head of Community	19.03.09		
Environmental Damage (Prevention and Remediation) Regulations 2009	To initiate prosecutions under the Environmental Damage (Prevention and Remediation) Regulations 2009	Head of Community	19.03.09		After consultation with the Chairman of the Licensing and Protection Committee (or in his absence, the Vice-Chairman)
Ozone Depleting Substances (Qualifications)	To appoint Environmental Health Officers and Environmental Protection Officers as	Head of Community	27.10.09		

2009		'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009			
Ozone Depleting Substances (Qualifications) 2009	To initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Fluorinated Greenhouse Gases Regulations 2009	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09		
Fluorinated Greenhouse Gases Regulations 2009	To initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009	Head of Community	27.10.09	With prior agreement of the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Regulatory Enforcement Sanctions Act 2008	To review the Food Safety Enforcement Policy and Health and Safety Enforcement Policy as appropriate	Head of Community	27.10.09	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.	
Regulatory Enforcement Sanctions Act 2008	To review enforcement policies with regard to the Act and to introduce necessary changes to policies as appropriate	Relevant Heads of Service	27.10.10	After consultation with the relevant Executive Councillor	
Health and Social Care Act 2008	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Regulations and to make applications to the Magistrates Court as appropriate	Head of Community	16.06.10		

Health and Social Care Act 2008		To initiate prosecutions for offences under the Regulations	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.
Private Water Supply Regulations 2009		To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Act	Head of Community	16.06.10	
Private Water Supply Regulations 2009		To initiate prosecutions under the Act	Head of Community	16.06.10	After consultation with the Chairman or Vice-Chairman of the Licensing and Protection Committee.
Sunbeds (Regulations) Act 2010		To appoint Environmental Health Officers and Environmental Health Protection Officers as 'authorised persons' to enforce the provisions of the Act	Corporate Director (Delivery)	09.06.11	
Sunbeds (Regulations) Act 2010		To initiate prosecutions under the Act	Head of Community	09.06.11	After consultation with the Chairman of the Committee.
Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011		To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Environmental Protection (Controls on Ozone Depleting Substances) Regulations 2011	Head of Community	26.10.11	
Environmental Protection (Controls on Ozone		To initiate prosecutions under the Environmental Protection (Controls on Ozone	Head of Community		After consultation with the Chairman and Vice-

Depleting Substances) Regulations 2011	Depleting Substances) Regulations 2011				Chairman of the Licensing and Protection Committee.
Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847	To determine whether a DSA driver's assessment for private hire or hackney carriage or future equivalent test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence with each case considered on its merits	Head of Community		26.10.11	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To appoint Environmental Health Officers and Environmental Health Protection Officers as authorised persons to enforce the provisions of the Regulations 2006	Head of Community		25.01.12	
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To initiate prosecutions under the Regulations	Head of Community		25.01.12	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Committee.
Local Government Act 1972	To convene meetings of the Applications Sub-Group comprising four Members of the Panel to determine such matters in the case of an individual licence or application which have not been delegated to Officers	Elections and Democratic Services Manager		13.06.07	

Food Safety and Hygiene (England) Regulations 2013	To appoint suitably qualified and competent persons to act as authorised persons to enforce the provisions of the Regulations	Head of Community	28.01.14	
Food Safety and Hygiene (England) Regulations 2013	To initiate prosecutions under the Regulations	Head of Community		After consultation with the Chairman and Vice-Chairman of the Committee.
Mobile Homes 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	28.01.14	
Mobile Homes Act 2013	To initiate prosecutions under the Act	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Committee.
Mobile Homes Act 2013	To publish a fees policy, determine fees and undertake an annual review	Head of Community	28.01.14	After consultation with the Chairman and Vice-Chairman of the Committee.
Anti-Social Behaviour Crime and Policing Act 2014	To create and maintain policies and procedures arising from the Public Space Protection Orders under the 2014 Act	Head of Community	6.11.14	After consultation with the relevant Executive Councillor.
Food Information Regulations 2014	To create and maintain policies and procedures under the Regulations.	Head of Community	6.11.14	After consultation with the relevant Executive Councillor
Food Information Regulations 2014	For the purposes of enforcement of the Food Information Regulations 2014, to appoint such other officers as considered appropriate to initiate legal proceedings for offences under the Regulations.	Head of Community	6.11.14	After consultation with the Legal Services Manager.
Energy Act 2003, Smoke and Carbon Monoxide Alarm (England) Regulations 2015	For the purposes of enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Head of Community	21.6.2016	
Energy Act 2003, Smoke and Carbon Monoxide	For the publishing and review of a statement of principles governing the application of the	Head of Community	21.6.2016	After consultation with the relevant Executive

Alarm (England) Regulations 2015	penalty charge regime				Councillor
Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of enforcement of the Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	Head of Community		21.6.2016	
Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of determining the value of the penalty charge for failure of a business to be a member of an approved scheme	Head of Community		21.6.2016	After consultation with the relevant Executive Councillor

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

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