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| **REPORT TO** | **ON** | |
| **Licensing Act Committee** | **24 July 2018** | |
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| **TITLE** | | **REPORT OF** | |
| Delegation of Powers as a Responsible Authority | | Head of Licensing | |

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| Is this report confidential? | **No** |

1. **PURPOSE OF THE REPORT**

For the Committee to consider delegating the power to the Head of Legal Services, to act as

a Responsible Authority on behalf of the Licensing Authority.

**2 CORPORATE PRIORITIES**

The report relates to the following corporate priorities:

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| Excellence and Financial Sustainability | x |
| Health and Wellbeing |  |
| Place |  |

Projects relating to People in the Corporate Plan:

|  |  |
| --- | --- |
| People |  |

**3. RECOMMENDATIONS**

3.1 To delegate the power to act as a Responsible Authority on behalf of the Licensing Authority to the Head of Legal Services

3.2 If Committee are minded to approve the delegation, then forward this report to the next meeting of full Council with a recommendation for formal adoption

**4. BACKGROUND TO THE REPORT**

4.1 Section 7 of the Licensing Act 2003 makes the Licensing Committee responsible for discharging the licensing functions of the Licensing Authority. This includes the power to delegate.

4.2 Section 103 of the Police Reform and Social Responsibility Act 2011 when in force amends the Licensing Act 2003 by making the Licensing Authority a Responsible Authority. This means that the Licensing Authority itself will be able to make representations and submit applications for licence reviews. The Licensing Authority has never previously called a review on any premises and therefore this delegation was not required.

4.3 As a result of no formal delegation in place, a Standing Order 35 procedure had to be initiated and was signed off by the Chairman of the Licensing Committee on the 25th June 2018, to allow the Licensing Authority to call for a review of premises in its own right, as a Responsible Authority.

4.4 If the power to make representations is not delegated to a Council Officer then the decision making power would rest with the Licensing Committee, each time the Licensing Authority wished to call a Review.

4.5 The Head of legal Services is considered to be the appropriate officer to delegate these powers because the Licensing Service is his area of responsibility.

**5. Financial implications**

5.1 There are no direct financial implications arising from this report.

**6. LEGAL IMPLICATIONS**

6.1The guidance on the Police and Social Responsibility Act 2011, is that it is necessary for the Licensing Committee to confirm the delegation of powers on behalf of the Licensing Authority.

**7. COMMENTS OF THE STATUTORY FINANCE OFFICER**

There are no financial comments in line with paragraph 5.1 of the report.

**9. COMMENTS OF THE MONITORING OFFICER**

The legal implications are identified within Paragraph 6.1 of the report.

**10. OTHER IMPLICATIONS:**

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| * **HR & Organisational Development** * **ICT / Technology** * **Property & Asset Management** * **Risk** * **Equality & Diversity** | None  None  None  We must continue to improve further the quality of the service. A failure to continue to achieve high standards in our Licensing service could result in reputational damage.    None |

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| Report Author: | Telephone: | Date: |
| Mark Marshall | 01772 625401 | 28 June 2018 |