

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No.

meeting date: 23 NOVEMBER 2010
 title: LICENSING - DELEGATION SCHEME
 submitted by: LEGAL SERVICES MANAGER
 principal author: DIANE RICE

1 PURPOSE

1.1 To inform Committee about changes in responsibilities for licensing following the Council's recent restructure and to ensure that the necessary delegations are in place to maximise flexibility within the section.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions - }
- Community Objectives - } The Council aims to be a well-managed Council, clear procedures contribute to this.
- Corporate Priorities - }
- Other Considerations - }

2 BACKGROUND

2.1 When the Licensing Committee was created, the Committee had responsibilities under the Licensing Act 2005.

2.2 The delegation of functions in respect of that Act was approved by Committee on 5 August 2004.

2.3 Subsequently, responsibility for taxi and private hire licensing was transferred to the Licensing Committee and the delegation scheme in respect of those responsibilities was approved by Committee on 12 June 2006.

2.4 Once the Council's restructure has taken effect, the legal services section will continue to provide the services covered by the two delegation schemes, and in addition will take on responsibility for licensing (liquor and entertainment) enforcement.

2.5 The licensing (liquor and entertainment enforcement) function is currently carried out within the environmental health section. The officer responsible has already assisted the legal services section by providing some licensing (private hire and taxi) enforcement.

2.6 There are therefore in existence two basic delegation schemes, to which additions have been made since 2006 eg in relation to the Gambling Act.

2.7 It is proposed that the most appropriate course of action when reviewing the delegation scheme would be to merge the two schemes, in order to ensure that all officers within the legal services section who carry out licensing duties are fully authorised to deal with both aspects of the Council's responsibilities, ie taxi and

private hire and liquor and entertainment and to deal with applications and enforcement.

2.8 Attached as Appendix 1 is a suggested replacement, encapsulating the previous schemes.

3 RISK ASSESSMENT

3.1 The approval of this report may have the following implications:

- Resources -
- Technical, Environmental and Legal – The new delegation scheme enhances the flexibility of the service area.
- Political -
- Reputation -

5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve the delegation scheme set out at Appendix 1 to take effect from 1 January 2011.

LEGAL SERVICES MANAGER

For further information please ask for Diane Rice, extension 4418.

Recommended Delegation of Functions - Licensing

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to objection when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Application for private hire vehicles, drivers or operators licence			All cases
Application for hackney carriage vehicle or drivers licence			All cases
Application for any of the licenses referred to at 1 or 2 where refusal is contemplated		If requested by or on behalf of the applicant	If no representations made in consultation with Chairman
Variation of conditions/review of byelaws	All cases		
Formulation and implementation of policy	All cases		
Suspension/revocation of any licence			All cases
Investigation of complaints/infringements			All cases
Enforcement action to include court proceedings and acting jointly with other enforcement			All cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
bodies			
Setting of fares and fees	All cases		
Final approval of three years licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences (gambling)		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence (gambling)		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence (gambling)		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence (gambling)		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club/gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

The following officers shall be authorised for the purposes of carrying out licensing and enforcement functions on behalf of the Committee (vehicle, operator, driver, Licensing Act and Gambling Act).

Legal Services Manager
Council Solicitors
Administration Assistant (Electoral and Licensing)
Administration And Licensing (Alcohol & Entertainment) Officer
Electoral and Licensing Officer
Licensing Enforcement Officer
Taxi Enforcement Officer
Modern Apprentice
Legal Assistant
Corporate Property Officer and Legal Officer