

**Wiltshire Council**

**Licensing Committee**

**28 May 2012**

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## **Change to Scheme of Delegation**

### **Executive Summary**

This report informs members of the additions and amendments necessary to the scheme of delegation specifically to licensing in the Constitution due to changes in the primary legislation.

This report seeks councillors' views on these changes before approval is sought from Council.

### **Proposal**

That the Licensing Committee approve the additions and amendments to the scheme of delegation as detailed within this report and recommends them to Council for its approval.

### **Reason for Proposal**

To ensure that all licensing functions of the Council are appropriately covered in the Constitution.

**Maggie Rae**

**Corporate Director of Public Health and Public Protection**

## **Change to Scheme of Delegation**

### **Purpose of Report**

1. To invite Members to approve additions and amendments to the scheme of delegation in relation to the Licensing Act 2003 and the Town Police Clauses Act 1847 as amended by the Local Government (Miscellaneous Provisions) Act 1976

### **Background**

2. The current scheme of delegation specific to licensing was last approved by members of the Council on the 01 December 2010
3. The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011 to give amongst other measures the status of Responsible Authority to the Licensing Authority, thus enabling the Licensing Authority itself to make representations on new applications made in accordance with Section 17 of the Act; to make representations on variations to licenses made in accordance with Section 34 of the 2003 Act and also to call a review of an existing licence in accordance with Section 51 of the 2003 Act.
4. The Licensing Authority has always been a Responsible Authority in respect of the Gambling Act 2005 and that function is delegated to Officers of the Council specifically the Public Protection Licensing Manager. It is proposed that the function for the 2003 Act should also be so delegated but should also include the Senior Licensing Officers to allow the service to continue in the Managers absence.
5. The other amendments to the scheme include the power to suspend, revoke or refuse to renew licences under the Town Police Clauses Act 1847 as amended by the Local Government (Miscellaneous Provisions) Act 1976 it is proposed to delegate these powers to the public Protection Licensing Manager. A full scheme of delegation including the proposed additions and amendments is appended at **Appendix A.** for the attention of Members.
6. Further amendments to the scheme of delegation will be required in September 2012 when additional changes to the Licensing Act 2003 will be enacted.

## **Environmental Impact**

7. There is minimal environmental impact of these proposals.

## **Equality and Diversity**

8. The impact of these proposals is assessed as `low` against the Council statutory responsibilities.

## **Risk Assessment**

9. If the proposed amendments and additions are not made to the scheme of delegation the efficiency of the licensing service could be reduced.

## **Financial Implications**

10. There are no implications

## **Legal Implications**

11. Amendment of the scheme of delegation will reduce the risk of legal challenge to any licensing processes.

## **Recommendation**

12. That the Licensing Committee approve the additions and amendments to the scheme of delegation as detailed within this report and recommends them to Council for its approval.

## **Maggie Rae**

### **Corporate Director of Public Health and Public Protection**

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## **Background Papers**

The Licensing Act 2003

The Supplementary Guidance to the Licensing Act 2003, April 2012

The Police Reform and Social Responsibility Act 2011

## **Appendices**

Appendix A - Proposed Amended Scheme of Delegation Specific to Licensing