

AGENDA ITEM NO. 5

LICENSING COMMITTEE

Date	27 JANUARY 2015
Title	Amendment to the Scheme of Delegation within the Council's Constitution.

1. PURPOSE/SUMMARY

For Members to approve the additions and amendments in relation to the Licensing Act 2003 as contained in the scheme of delegation within the Councils Constitution and the Councils Statement of Licensing Policy under the Act.

2. KEY ISSUES

- The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act to give the status of Responsible Authority to the Licensing Authority.
- The proposed amendments and additions to the scheme of delegation will improve the efficiency of the licensing service.
- The amendments of the schemes of delegation will reduce the risk of legal challenge to the licensing process.
- This report has been submitted after a request from members at a recent licensing committee hearing.

3. RECOMMENDATION

- That Members approve the recommended additions and amendments for delegations under the Licensing Act 2003 as detailed within this report and recommend them to Full Council for its approval.
- That Members delegate the new responsibility to the Corporate Director and for the responsibility to then be further sub-delegated to the Licensing Manager.

	All Wards
Forward Plan Reference No. (if applicable)	Not applicable
Portfolio Holders	Cllr. David Oliver, member with responsibilities for licensing.
Report Originator	Kim Winterton, Licensing Manager, tel: 01354 622542, email: kwinterton@fenland.gov.uk
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Background Papers	The Licensing Act 2003 Amended Guidance issued under Section 182 of the Licensing Act 2003.

1 BACKGROUND

- 1.1 The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act to give the status of Responsible Authority to the Licensing Authority to enable the Licensing Authority to make objections or representations to applications for the grant or variation of a Premises Licence or Club Premises Certificate, a Provisional Statement, a Minor Variation, to make a Review Application of a Premises Licence or Club Premises Certificate and make representations regarding the potential cumulative impact of an application where such a policy is in place.
- 1.2 The Licensing Authority is a Responsible Authority under the Gambling Act 2005 with that function delegated to officers of the Licensing Team and for those matters to be determined by the Members of the Licensing Sub Committee.
- 1.3 A copy of the new recommended delegations to be approved and to be included in the Councils Constitution is attached at Appendix A.

2 CONCLUSION

- That Members approve the recommended additions and amendments for delegations under the Licensing Act 2003 as detailed within this report and recommend them to Full Council for its approval.
- That Members delegate the new responsibility to the Corporate Director and for the responsibility to then be further sub-delegated to the Licensing Manager.

Appendices:

Appendix A - Revised Delegation of Functions