

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

27 AUGUST 2009

REPORT OF THE DEMOCRATIC SERVICES MANAGER

Report prepared by Neil Harris

1. REVIEW OF DEVOLVED POWERS

1.1 Issue for Decision

1.1.1 To consider the delegation of functions of the Committee in relation to Licensing matters.

1.2 Recommendation of the Democratic Services Manager

1.2.1 That the report be noted

1.3 Reasons for Recommendation

1.3.1 The Committee agreed to delegate its functions as follows:-

- a) All applications where "Relevant Representation" (Licensing) or a "representation" (Gambling) has been made will be dealt with by the Licensing Act 2003 Sub-Committee.
- b) The cancellation of club gaming / club machine permits. Counter notice to temporary use notice will be dealt with by the Licensing Act 2003 Sub-Committee.
- c) All other licensing applications will be dealt with by the Director of Prosperity and Regeneration / Democratic Services Manager.
- d) All other gambling applications will be dealt with by the Democratic Services Manager.

1.3.2 Currently when a new application is received if no objection has been received the application will be determined by myself. If, however an objection has been received the application will be determined by the Licensing Act 2003 Sub-Committee. If a variation to a licence is sought or one of the responsible authorities seeks a review of the licence these would need to be determined by the sub-committee. This

system has worked well since its introduction and does comply with the legislation.

1.3.3 The Committee is also responsible for agreeing the Licensing Policy and the Statement of Principles on Gambling.

1.4 Alternative Action and why not Recommended

1.4.1 The current system has worked well and does comply with legislation.

1.5 Impact on Corporate Objectives

1.5.1 There is no impact on Corporate Objectives.

1.6 Risk Management

1.6.1 There are no significant risk management issues with the existing system.

1.7 Other Implications [Insert an 'X' in the boxes below to indicate if the recommendations will have any implications in the specified area]

1.7.1

1. Financial	
2. Staffing	
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Legal issues are dealt with in the report.

1.8 Background Documents

1.8.1 None