

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003 COMMITTEE**

**7 OCTOBER 2013**

**REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Lorraine Neale**

**1. DELEGATION OF FUNCTIONS**

1.1 Issue for Decision

1.1.2 To consider the amendments required to the delegations of the Licensing Act 2003 Committee to bring about parity in terms of representations related to the delegation for both Licensing and Gambling and also determining the method of operation by which the Licensing Authority would act as a responsible authority in respect of applications made for licences under the Licensing Act 2003.

1.2 Recommendation of Head of Housing and Community Services

1.2.2 That the Delegation of Functions within the Constitution for the Licensing Act 2003 Committee be amended as shown in Appendix A to this report.

1.3 Reasons for Recommendation

1.3.1 Currently the Delegation Functions for the Licensing Act 2003 Committee is as follows:-

All applications where a "Relevant Representation" (Licensing) or a "Representation" (Gambling) has been made will be dealt with by the Licensing Act 2003 Sub Committee. Cancellation of club gaming / club machine permits. Counter notice to temporary use notice will be dealt with by the Licensing Act 2003 Sub Committee. All other licensing applications will be dealt with by the Director of Regeneration and Communities / Head of Housing and Community Services. All other gambling applications will be dealt with by the Head of Housing and Community Services".

1.3.2 In respect of the delegation on representations there are differences with regard to licensing and gambling. This would

mean that if a representation of any sort is made in respect of a gambling application it would have to be submitted to the Licensing Act 2003 Sub Committee unlike licensing applications where only relevant representations would require this. For example, when a representation was made in respect of an application for a betting premises, the representation had to go before the Sub Committee, even though the representation did not cover any of the statutory grounds of refusal and therefore was not relevant. In order to prevent this situation occurring again it is proposed the delegation should be changed to add the word "relevant" in front of "representation" in respect of gambling applications in the same way it is for licensing applications to ensure that future representations that come before the Sub Committee can actually be dealt with by the Sub Committee and are not issues on which no action can be taken.

- 1.3.3 The other recommended change is to make the new Responsible Authority function for Licensing Act 2003 a delegation to the Director of Regeneration and Communities to ensure separation from the other functions delegated to the Head of Housing and Community Services. This creates the same position as that for the Gambling Act 2005, where the Licensing Authority has always been a Responsible Authority.

#### 1.4 Alternative Action and why not Recommended

- 1.4.1 If the delegation were not changed it would mean unnecessary Sub Committee meetings being held and a lack of clear separation of Responsible Authority function for the Licensing Act 2003.

#### 1.5 Impact on Corporate Objectives

- 1.5.1 The amendments to existing delegations will assist in improving the efficiency and effectiveness of our licensing decision-making.

#### 1.6 Risk Management

- 1.6.1 There are no risks

#### 1.7 Other Implications

##### 1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal


- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management


1.8 Relevant Documents

1.8.1 Appendices

Appendix A: Licensing Act 2003 Revised list of delegations.

<b><u>IS THIS A KEY DECISION REPORT?</u></b>	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, when did it first appear in the Forward Plan?	
.....	
This is a Key Decision because: .....	
.....	
Wards/Parishes affected: .....	
.....	