

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

WEDNESDAY 18 SEPTEMBER 2014

**REPORT OF DIRECTOR OF REGENERATION AND
COMMUNITIES**

Report prepared by John Littlemore

1. LICENSING COMMITTEE DELEGATIONS

1.1 Issue for Consideration

- 1.1.1 Following the review of the council's licensing committees this report asks the new Licensing Committee to consider the powers it will delegate to enable a more efficient use of Member and officer resources and improved service to the public.

1.2 Recommendation of the Head of Housing and Community Services

- 1.2.1 The Licensing Committee agrees to delegate authorities as set out in Appendix A.

1.3 Reasons for Recommendation

- 1.3.1 In order for the council to carry out its licensing functions it is necessary and desirable for the council to exercise its powers through the Licensing Committee and for the Licensing Committee to delegate certain functions to a sub-committee of elected members and also to delegate specific functions to officers.
- 1.3.2 Following the decision of Council to form one Licensing Committee and delegate all permitted licensing functions to it, the new Committee needs to consider further delegations to subcommittee and officers. The proposed delegations are contained in Appendix A. For comparison the existing delegations are contained within Appendix B of this report.
- 1.3.3 Essentially the delegations remain the same in principle as for the previous committees save for delegations to a sub-committee for non Licensing Act 2003 and Gambling Act 2005 appeals in any licence or consent decision. This creates a consistent approach with that for Licensing Act 2003 and Gambling Act 2005 matters. Once delegations

are agreed the Council's Constitution will be amended to reflect the new arrangements.

1.4 Alternative Action and why not Recommended

- 1.4.1 The Committee could choose not to recommend the specific proposals contained in the report. However, this would have a detrimental effect on the council's ability to carry out its licensing function, as the new Committee needs to agree some delegations or matters would have to be decided by full Committee which would not be practical.

1.5 Impact on Corporate Objectives

- 1.5.1 The amended delegated powers will enable the council to promote all three corporate priorities: For Maidstone to have a growing economy; For Maidstone to be a decent place to live; and Corporate and Customer Excellence.

1.6 Risk Management

- 1.6.1 The proposed amendments to the delegated authorities have been undertaken with advice from Legal Services, to ensure that any proposed amendments to the council's decision making structure and procedures will be compliant with the relevant legislation.

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

There are no other implications arising from this report.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A. The proposed delegations from Licensing Committee.

Appendix B. Current set of delegations

1.8.2 Background Documents

1.8.3 Full Council report 12 February 2013

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, this is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			

Appendix A

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Licensing Committee</p> <p>(NB members and substitute members of planning committee cannot be members of Licensing Committee)</p> <p>(must comprise 10-15 members of the Authority)</p>	<p>Licensing – Functions relating to licensing as set out in Schedule 1 to the Functions Regulations.</p> <p>As detailed in the Appendix to Part 3 of the Constitution.</p> <p>To deal with Licensing functions in accordance with the Licensing Act 2003 and the Licensing Policy agreed by the Council.</p> <p>To deal with Gambling functions in accordance with the Gambling Act 2005 and the Statement of Principles agreed by the Council.</p>	<p>All non Licensing Act 2003 and Gambling Act 2005 functions delegated to the Director of Regeneration and Communities/Head of Housing and Community Services except the determination of policy, setting the level of fees and charges, and the making of an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which are the responsibility of the Licensing Committee.</p> <p>Consideration of appeals against any decision on a licence or consent to a subcommittee of 3 Members of this Committee.</p> <p>(save where prohibited by legislation or otherwise delegated)</p>

		<p>All matters where a "Relevant Representation", (including an objection , objection notice or application for summary review) (Licensing) or a "Relevant Representation", (including an objection) (Gambling) has been made ; cancellation of club gaming / club machine permits.</p> <p>And counter notice to temporary use notices will be dealt with by a Sub Committee of 3 members of this Committee.</p> <p>All other licensing and gambling matters will be dealt with by the Head of Housing and Community Services. Except for Responsible Authority functions which will be dealt with by the Director of Regeneration and Communities.</p> <p>(save where prohibited by legislation or otherwise delegated)</p> <p>N.B. see also individual policies for Licensing Act 2003, Gambling Act 2005, Street Trading and Sex Establishments for further detail on delegations</p>
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Appendix B.

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Licensing Committee</p> <p>(NB members and substitute members of planning committee cannot be members of Licensing Committee)</p>	<p>Licensing – Functions relating to licensing as set out in Schedule 1 to the Functions Regulations.</p> <p>As detailed in the Appendix to Part 3 of the Constitution. (Except those functions which are the responsibility of the Licensing Act 2003 committee)</p>	<p>All functions delegated to the Director of Regeneration and Communities/Head of Housing and Community Services except the determination of policy, setting the level of fees and charges, consideration of appeals against any licence and the making of an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which are the responsibility of the Licensing Committee</p>
<p>Licensing Act 2003 Committee</p> <p>NB members and substitute members of planning committee cannot be members of Licensing Act 2003 Committee) (must comprise 10-15 members of the Authority)</p>	<p>To deal with Licensing functions in accordance with the Licensing Act 2003 and the Licensing Policy agreed by the Council.</p> <p>To deal with Gambling functions in accordance with the Gambling Act 2005 and the Statement of Principles agreed by the Council.</p>	<p>All matters where a “Relevant Representation”,(including and objection or objection notice) (Licensing) or a “Relevant 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 and gambling matters will be dealt with by the Head of Housing and Community Services. Except for Responsible Authority functions which will be dealt with by the Director of Regeneration and Communities.</p>