

Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	11 March 2009

SCHEME OF DELEGATIONS

PURPOSE OF REPORT

1. To agree changes to the Council's Scheme of Delegations in respect of Licensing matters consequent upon the transfer of responsibility for Licensing from the Corporate Governance Directorate to the Neighbourhoods Directorate.
2. To review the arrangements for Sub Committee hearings

RECOMMENDATION(S)

3. Members are asked to delegate to the Corporate Director (Neighbourhoods) the power to exercise the Licensing functions set out in the appendix to this report as from the date when the Licensing team transfers to the Neighbourhoods Directorate.
4. Members are asked to confirm that they wish to continue to deal with taxi applications through Sub Committees and to give considerations as to the detailed arrangements for Sub Committees

CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

6. Members will be aware that as part of the budget process last year a decision was made to transfer the Licensing team to Neighbourhoods. It is now anticipated that this move will take effect from 1st April 2009 and it is therefore necessary to ensure that the related delegation powers are transferred over.

7. The relevant powers are listed as an appendix to this report. The opportunity has been taken in pulling together this list of delegations to remove several delegated powers which are no longer considered to be necessary. The other key changes for which Members approval is sought are as follows:
- The introduction of a power to suspend an operators licence;
 - Removal of the Licensing Enforcement Officers duty to consult the Chair and Vice-Chair prior to suspending a vehicle or drivers licence (given that the team now regularly carry out operations at night or at weekends this is an impractical restriction);
 - The introduction of a power to issue a notice of intended refusal of a salvage operator's licence. This is a technical step which gives the applicant a right to make representations to Committee. In absence of this power a Committee would have to determine to issue the notice and then another Committee to hear representations.
 - The power to grant house to house collection licences has been added (there has always been a power to refuse).
 - The drafting of the authority to deal with street collection permits has been much simplified although without any intention to change current practice.
8. All the delegated powers have to be exercised in accordance with any policies or criteria agreed by the Licensing Committee.
9. The report does not seek to make any changes to the current arrangements for taxi licensing whereby Officers may grant and renew vehicle, driver and operators licences where the applicants meet the Council's criteria. Currently Officers have no power to refuse these applications and, unless Members wish to change this arrangement, any applicants who do not meet the Council's criteria will continue to be presented to Committee for a decision.

ARRANGEMENTS FOR SUB COMMITTEES

10. At the beginning of this year Members altered the arrangements for dealing with those applications in respect of taxi licenses which cannot be determined under delegated powers. Rather than go before the full Committee these applications are now dealt with by a Sub Committee of five Members. In general these arrangements have worked well but it seems opportune to review them now as we reach the end of their first year of operation. Perhaps the key question is whether the size of the Sub Committees should be reduced to three Members – consistent with the Licensing Act Committees.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	27 February 2009	AD/JA/REPORTS/2702

APPENDIX

Licensing Functions delegated to the Corporate Director of Neighborhoods and such Officers as she may nominate to be exercised in accordance with any criteria approved by the Licensing and Safety Committee

Functions in respect of hackney carriage and private hire licenses

Authority to grant or renew Hackney Carriage Vehicle and Driver licenses and Private Hire Vehicle, Driver and Operator licenses

Authority to suspend any Private Hire or Hackney Carriage Vehicle or Driver's Licence or Private Hire Operator's License for a period not exceeding two months

Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.

Functions under the Licensing Act 2003

Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.

Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.

Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.

Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.

Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.

Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.

Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.

Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.

Authority to determine whether a complaint is irrelevant frivolous or vexatious etc under

the provisions of sections 18,31, 35, 72,84 and 88 of the Licensing Act 2003.

Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed Premises

Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises

Authority to change permit holders name as a result of conversion of Justices Licence/Premises Licence.

Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.

Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.

Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

Functions under the Gambling Act 2005

Power to serve notification of Intention to consider removal of exemption order under section 284

Authority to determine applications for a premises licence (Including applications for reinstatement) where no representations have been received which have not been withdrawn

Authority to determine applications for a variation to a licence where no representations have been received which have not been withdrawn

Authority to determine applications for a transfer of a licence where no representations from the Gambling Commission have been received which have not been withdrawn

Authority to determine application for a transfer of a licence where no representations have been received which have not been withdrawn

Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn

Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn

Authority to determine applications applications for other permits

Authority to give consideration to temporary use notices

Power to serve notification of Intention to consider removal of exemption order section 284

Power to make representations from Licensing Authority on any applications as a Responsible

Authority under section 161 Gambling Act 2005 (power to be exercised also by the Licensing manager or any other authorised officer)

Power to impose of conditions upon licences where no dispute between Applicant and Responsible Authorities

Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review

Power to determine representations which are vexatious, frivolous or will certainly not influence the Authority's determination of the Application (power to be exercised also by the Licensing manager or delegated substitute)

Power to authorise officers for the purpose of the Gambling Act 2005

All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.

Power to attach a condition to a premises licence in accordance with section 169 (a) (power to be exercised also by the Licensing manager)

Other Licensing Functions

Authority to grant or refuse applications for street collection permits. In any case where the applicant is not a registered charity and there are exceptional reasons why consent should be granted this power may only be exercised following consultation with the Chair and Vice Chair of the Licensing Committee.

Authority to grant or refuse applications for licences under the House to House Collections Act 1939.

The power to register Second Hand Goods Dealers

The power to register Motor Salvage Operators and to serve notices of proposed refusal or cancellation.

The power to grant or issue any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.