

Scheme of Delegation of Functions to Officers – Licensing Functions

Portfolio	Non Executive Function
Ward(s) Affected:	n/a

Purpose

To consider a revised Scheme of Delegation of Functions to Officers in respect of the Licensing Functions of the Council.

Introduction

1. The Scheme of Delegation of Functions to Officers has been in existence for many years and has been added to and amended in an ad hoc manner. Despite many revisions it has never been subject to a complete overhaul. The current scheme, because it is detailed and specific, requires constant revision to keep it up to date and inevitably there are gaps in provision.
2. With the increasing speed of change, both external and internal, there is a need for a flexible, generic and user-friendly Scheme of Delegation to meet the needs of a modern local authority. As a result the Scheme of Delegation has been rewritten with a view to achieving these aims.
3. In addition, many of the Council's new Policies and Procedures set out in detail who is responsible for making decisions
4. As the approach to the new scheme is very different to the existing scheme it is not possible to show tracked changes. However, an audit trail of the migration of the existing delegations into the new scheme has been kept, and is available for Members to view in the Members' Room.

The New Approach

5. The new approach to the Scheme provides for:
 - a. the migration of delegations from subject headings to the Statutory Officers and service areas to make the scheme more accessible;
 - b. many of the delegations (particularly those from the Planning Applications, the Licensing Committees and the Council in relation to HR functions)) to be dealt with on an exceptions basis i.e. the decisions to be made by the Committee have been identified and reserved to that Committee. The officers are authorised to take all remaining actions relating to that function;
 - c. the removal of day to day management and administrative actions. The scheme now includes only actual decisions;
 - d. the removal of outdated and redundant delegations;
 - e. the transfer, to the General Principles, of a number of areas common to officers across the Council such as the service of notices, authorisations to enter premises, taking urgent action, etc.

New Delegations

6. No new or extended delegations are proposed in relation the Licensing Committee functions.

Options

7. The Committee may agree, amend or reject the new Scheme of Delegation of Functions to Officers as proposed.

Resource Implications

8. There will be savings in officer and Member time in amending the Scheme in order to keep it up-to-date. If the new delegations are agreed there will be savings in officer time, and reduced costs in relation to printing, postage and attendance at meetings.

Consultation

9. The Committee is being consulted in relation to its area of responsibility and its functions under its Terms of Reference.
10. The Governance Working Group has been tasked by the Council to review the Scheme of Delegation of Functions to Officers and it will take into account the recommendations made by the Committees before making a final recommendation to the Full Council for adoption of the new scheme as a whole.

Recommendation

11. It is proposed to advise the Governance Working Group that the amended Scheme of Delegation of Functions to Officers in respect of the Licensing functions as set out at Annex A should be recommended to Council.

<u>Annexes:</u>	Scheme of Delegation of Functions to Officers – Licensing Functions	
<u>Background Papers:</u>	None	
<u>Report Author</u>	Jane Sherman	01276 707336
	e-mail: jane.sherman@surreyheath.gov.uk	
<u>Executive Head of Service:</u>	Richard Payne	Executive Head of Transformation

Executive Head of Community

Licensing

	Authority	After Consultation with	Function
1.	<p>On behalf of the Council, to submit objections and pursue such objections at a public inquiry if needed to:</p> <p>(a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of Operators) Act 1995; and</p> <p>(b) reviews undertaken of existing licences.</p>	The appropriate ward councillors.	Non-executive
2.	<p>To approve</p> <p>(a) increases in the hackney carriage fare scale, having regard to any objections received; and</p> <p>(b) amendments to the scale of charges for hackney carriage and private hire licence fees, having regard to any objections received.</p>	The Chairman and Vice-Chairman of the Licensing Committee.	Non-executive
3.	The determination of applications for street collections to provide funding to meet a major local/national/international disaster.	The Chairman and Vice-Chairman of the Licensing Committee.	Non-executive

	Authority	Function
4.	<p>To make all decisions in accordance the Council's adopted policies under the following Acts</p> <p>(i) the Public Health Act 1936</p> <p>(ii) The Pet Animals Act 1951</p> <p>(iii) Caravan Sites and Control of Development Act 1960</p> <p>(iv) Animal Boarding Establishments Act 1963</p> <p>(v) Riding Establishments Acts 1964 and 1970</p> <p>(vi) Dangerous Wild Animals Act 1976</p> <p>(vii) the Local Government (Miscellaneous Provisions) Act 1982,</p> <p>(viii) Breeding and Sale of Dogs (Welfare) Act 1999, Breeding of Dogs Act 1991 and Breeding of Dogs Act</p>	Non Executive

	<p>1973</p> <p>(ix) The Regulatory Reform Act 2001</p> <p>(x) Licensing Act 2003,</p> <p>(xi) the Gambling Act 2005</p> <p>(i) the Scrap Metal Dealers Act 2013</p> <p>and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following:</p> <p><i>A. Personal, premises, club premises licences and Temporary Event Notices</i></p> <p><i>B. Hackney carriage vehicles and private hire vehicles</i></p> <p><i>C. House to house and street collections</i></p> <p><i>D. Street trading</i></p> <p><i>E. Club gaming/club machine permits and small society lotteries</i></p> <p><i>F. Sexual Entertainment Venues</i></p> <p><i>G. Scrap metal dealers</i></p> <p><i>H. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</i></p> <p><i>I. Caravan, camping sites and gypsy sites</i></p> <p><i>J. Game dealers</i></p> <p><i>K. Tattooing, acupuncture, ear piercing, body piercing and electrolysis</i></p> <p>except for</p> <p>(a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</p> <p>(b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing Committee;</p> <p>(c) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing Committee;</p> <p>(d) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing Committee;</p> <p>(e) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</p>	
5.	On behalf of the Council as the Responsible Authority for Environmental Health, the Responsible Authority for Health and Safety, or the Responsible Authority for Licensing, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations:	Non Executive

	<ul style="list-style-type: none">(a) to make a relevant representation(b) to apply for a review of a premises licence(c) to apply for a review of a club premises certificate	
--	--	--