

## AGENDA ITEM NO. 3

**REPORT TO:** Regulatory Committee  
**DATE:** 24<sup>th</sup> January 2005  
**REPORTING OFFICER:** Chief Executive  
**SUBJECT:** Licensing Act 2003 Scheme of Delegation  
**WARDS:** Boroughwide

### 1. PURPOSE OF REPORT

To recommend the adoption of a scheme of delegation for the purposes of the Licensing Act 2003.

### 2. RECOMMENDED: That the Regulatory Committee:-

- (1) **adopt the Scheme of Delegation set out in the Appendix to this report;**
- (2) **determines that references to “Officers” in the Scheme of Delegation shall be deemed to refer to the Council Solicitor and any other officer authorised by the Council Solicitor; and**
- (3) **reserves the right to deal with any matter which is within the Scheme of Delegation if so recommended by the Council Solicitor.**

### 3. SUPPORTING INFORMATION

- 3.1 The Licensing Act 2003 requires licensing committees to determine their own standing orders and schemes of delegation in the exercise of their functions under that Act. This requirement by-passes the normal Council standing orders which have to be approved by the Council.
- 3.2 The Appendix to this report sets out the proposed Scheme of Delegation. It mirrors the recommendations of the Statutory Guidance issued by the Department of Culture Media and Sport as well as the Council's Statement of Licensing Policy which was adopted in December.
- 3.3 The Council's Constitution contains the Committee's Scheme of Delegation for all matters outside of the Licensing Act 2003.

- 3.4 A separate Report deals with the setting-up of sub-committees of the Regulatory Committee and procedures to be adopted for hearing appeals.

**4. POLICY IMPLICATIONS**

The Scheme of Delegation will be a central policy document for the workings of the Committee with respect to the Licensing Act 2003.

**5. OTHER IMPLICATIONS**

There are no other implications arising out of this report.

**6. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972**

This report is based on the Licensing Act 2003 and statutory guidance issued under it. In addition the DCMS and LACORS web-sites have provided background information.

APPENDIX

**SCHEME OF DELEGATION**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases

Decision to object when local authority is a consultee and not the relevant authority considering the application

All cases

Determination of a police objection to a temporary event notice

All cases