

BODY: LICENSING ACT COMMITTEE
DATE: 26 January 2005
SUBJECT: Delegation of Licensing Functions
REPORT OF: Environmental Health Manager

Ward(s): All

Purpose: Determination of delegations of functions under the Licensing Act 2003

Contact: Douglas Lindsay Commercial Services Manager telephone 01323 415375 or internally on extension 5375, email at douglas.lindsay@eastbourne.gov.uk

Recommendations: The recommended delegation of functions appended to this report is approved.

1.0 Introduction

1.1 This report follows on from the Licensing Act 2003 (the Act) reports to Council on 8 December 2004 and specifically deals with delegation of functions that must be decided by the licensing committee appointed under the Act.

2.0 Delegation of Licensing Act Functions

2.1 Guidance on the Act, issued under section 182 of the Act, (the Guidance) recommends an approach to delegation, an extract of which was appended to the Report to Council on constitutional and related matters, approved on 8 December 2004. The delegation principles were followed in Section 17 of the Statement of Licensing Policy, also approved by Council on 8 December 2004.

2.2 Members are now recommended to approve the delegation of licensing functions as set out in the appendix to this report. The recommended delegations closely follow the Guidance. The main changes from the guidance are:

1. The line beginning – "Application for personal licences with unspent convictions" is removed as it is covered by police objections in the preceding line;
2. "Consultation with a sub-committee chairman as appropriate" is added to "Applications to review premises licences" and "Decisions on whether a representation is irrelevant, frivolous etc". The purpose of these additions is to provide that, where in the view of an officer there could be uncertainty, as to the relevance of any representation, a view is also sought from a sub-committee chairman.

3.0 Consultations

3.1 There have been no consultations further to the consultation on the Statement of Licensing Policy.

4.0 Resource and Other Implications

4.1 There is nothing further to the reports to Council on 8 December 2004.

Paul Quanstrom Environmental Health Manager

Background Papers:

The Background Papers used in compiling this report were as follows:

Licensing Act 2003. Guidance issued under section 182 of the Act
Licensing Act 2003. Reports to Council on 8.12.04

To inspect or obtain copies of background papers please refer to the contact officer listed above.

dwl/reports/Lic Ctte 26.1.05 delegation