

		AGENDA ITEM NO.																																								
Report Cover Sheet																																										
Name of Meeting:		Executive																																								
Date of Meeting:		23 rd July 2007																																								
Report Title:		Change of scheme of delegation in Licensing																																								
Summary of report:		To streamline and update the scheme of delegation in Licensing.																																								
For Further Information Please Contact (report author):		David Davies, Licensing Services Manager. Internal 3179, external 01926 456107; david.davies@warwickdc.gov.uk																																								
Would the recommended decision be contrary to the Policy Framework:		No																																								
Would the recommended decision be contrary to the Budgetary framework:		No																																								
Wards of the District directly affected by this decision:		No																																								
Key Decision?		No																																								
Included within the Forward Plan?		No																																								
Is the report Private & Confidential		No																																								
Background Papers:		No																																								
Consultation Undertaken Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.																																										
<table border="1"> <thead> <tr> <th>Consultees</th> <th>Yes/ No</th> <th>Who</th> </tr> </thead> <tbody> <tr> <td>Other Committees</td> <td>No</td> <td></td> </tr> <tr> <td>Ward Councillors</td> <td>No</td> <td></td> </tr> <tr> <td>Portfolio Holders</td> <td>Yes</td> <td>Councillor Kinson 30/6/07</td> </tr> <tr> <td>Other Councillors</td> <td>No</td> <td></td> </tr> <tr> <td>Warwick District Council recognised Trades Unions</td> <td>No</td> <td></td> </tr> <tr> <td>Other Warwick District Council Service Areas</td> <td>Yes</td> <td>Legal and Finance</td> </tr> <tr> <td>Project partners</td> <td>No</td> <td></td> </tr> <tr> <td>Parish/Town Council</td> <td>No</td> <td></td> </tr> <tr> <td>Highways Authority</td> <td>No</td> <td></td> </tr> <tr> <td>Residents</td> <td>No</td> <td></td> </tr> <tr> <td>Citizens Panel</td> <td>No</td> <td></td> </tr> <tr> <td>Other consultees</td> <td>Yes</td> <td>CMT</td> </tr> </tbody> </table>				Consultees	Yes/ No	Who	Other Committees	No		Ward Councillors	No		Portfolio Holders	Yes	Councillor Kinson 30/6/07	Other Councillors	No		Warwick District Council recognised Trades Unions	No		Other Warwick District Council Service Areas	Yes	Legal and Finance	Project partners	No		Parish/Town Council	No		Highways Authority	No		Residents	No		Citizens Panel	No		Other consultees	Yes	CMT
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Officer Approval		
With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	22/6/07	Chris Elliot
Chief Executive	As above	
CMT	28/7/07	
Section 151 Officer		
Legal	25/6/07	Simon Best
Finance	25/6/07	Marcus Miskinis
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **RECOMMENDATION(S)**

- 1.1 The Executive is asked to consider the changes to the scheme of delegation in Licensing to bring it up to date and make it more realistic and relevant to current working practises.

2. **REASON(S) FOR THE RECOMMENDATION(S)**

- 2.1 Each delegation number is listed in the report, together with the existing delegation and the proposed new one, and, where appropriate, a short explanation of the reason for change/addition/removal.

- 2.2 **ES (53): Authority to issue licences, permits and registrations** in respect of the following:

(i) street trading consents under the Local Government (Miscellaneous Provisions) Act 1982;

(ii) permits for amusements with prizes under the Gaming Act 1968 and the Lotteries and Amusements Act 1976;

(iii) registration of societies under the Lotteries and Amusements Act 1976;

(iv) track betting licences under the Betting, Gaming and Lotteries Act 1963 (as amended);

(v) taxi vehicle licences and private hire operators and vehicle licences under the Town Police Clauses Act 1947 and the Local Government (Miscellaneous Provisions Act) 1976.

Current: Assistant Chief Executive (Members' Services) subject to appropriate consultation and no objections being received. (Where objections are received, applications to be submitted to the Regulatory Committee for determination).

Proposed: Licensing Services Manager or Assistant Chief Executive (Members' Services). In the event of an appeal against the decision, the matter will be referred to the Council's Regulatory Committee.

Reasons: (ii) and (iv) are replaced by the Gambling Act 2005 and are delegated already to officers. The Licensing Services Manager deals with ES (53) on a daily basis and should be included.

- 2.3 **ES (54): Authority to grant or refuse applications** for private hire or taxi drivers licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right of appeal to the Regulatory Committee against any decision to refuse an application.

Current: Assistant Chief Executive (Members' Services), Head of Environmental Health or Divisional Environmental Health Officers.

Proposed: The delegation title changed to: "ES (54): Authority to grant or refuse applications for private hire or taxi drivers licences under the Town

Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976"; and the delegated officer to read:

"Licensing Services Manager or Assistant Chief Executive (Members' Services). In the event of an appeal against the officer's decision, the matter will be referred to the Council's Regulatory Committee".

Reasons: The Licensing Services Manager deals with ES (54) on a daily basis and should be included. The wording makes the appeal clearer and keeps the format standard. Environmental Health are removed as they play no part in the decision making process.

2.4 **ES (56): Authority to approve late applications for special street collections.**

Current: Assistant Chief Executive (Members' Services), Head of Environmental Health or Divisional Environmental Health Officer in consultation with the Chair and party spokespersons of Regulatory Committee.

Proposed: ES (56) is deleted

Reasons: This system is no longer used (see ES (55))

2.5 **ES (57): Authority to carry out procedure for gaining access to the Police records of applicants for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47 of the Road Traffic Act 1991: Mr C Tubbs be appointed the appropriate Officer to liaise with the Police.**

Current: Mr C Tubbs (Mrs M Welding and Mrs M Chilvers - deputies) of Members' Services.

Proposed: Delegation title to read, "ES(57): Authority to ask for and accept Criminal Records Bureau checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47 of the Road Traffic Act 1991, and for any other licence for which they may be required"; and the delegated officer to read:
"Licensing Services Manager and Technical Support Officers (Licensing)"

Reason: Police records checks have now been substituted for Criminal Records Bureau (CRB) checks. The officers delegated are the ones that have been checked by CRB to be able to carry out this function. Named officers are not a good idea as, in this case, both named officers on the original delegation no longer work in licensing.

2.6 **ES (58) To approve or refuse**, in consultation with the Council for Disabled People Warwickshire, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued for Leamington Spa,

Warwick and Kenilworth subject to the applicant having a right to appeal to the Regulatory Committee against any decision to refuse an application.

Current: Assistant Chief Executive (Members' Services) or Head of Environmental Health.

Proposed: Delegation title to read, "ES(58): To approve or refuse, in consultation with the Council for Disabled People Warwickshire, applications in respect of types of wheelchair accessible vehicles to be accepted as hackney carriages in the case of new licences to be issued in the District."; and the delegated officer to read:

"Licensing Services Manager or Assistant Chief Executive (Members' Services). In the event of an appeal against the officer's decision, the matter will be referred to the Council's Regulatory Committee".

Reasons: The Licensing Services Manager deals with ES (58) on a daily basis and should be included. The wording makes the appeal clearer and keeps the format standard. Environmental Health are removed as they play no part in the decision making process.

2.7 **ES (62): To issue notices** under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

Current: Licensing Enforcement Officer

Proposed: Licensing Services Manager and Licensing Enforcement Officers

Reasons: The Licensing Services Manager is included as it may be necessary for him to issue notices in the course of his duties.

2.8 **ES (63) To refuse applications for taxi and private hire drivers licences** in respect of applicants who do not pass the knowledge test and/or the DSA driving test.

Current: Assistant Chief Executive (Members' Services)

Proposed: Licensing Services Manager, Technical Support Officers (Licensing), or Assistant Chief Executive (Members' Services).

Reasons: The other officers added are involved in ES (63) on a daily basis and should be included.

2.9 **ES (64) To refuse applications for taxi and private hire drivers licences**, where the applicants have not attended disability awareness training, and obtained the appropriate certificate

Current: Assistant Chief Executive (Members' Services)

Proposed: Licensing Services Manager, Technical Support Officers (Licensing), or Assistant Chief Executive (Members' Services). In the event of an appeal against the officer's decision, the matter will be referred to the Council's Regulatory Committee.

Reasons: The other officers added are involved in ES (64) on a daily basis and should be included

- 2.10 **ES (65): To approve applications** under the Licensing Act 2003 in respect of:
- i) Personal licences if no objection received and premises licence/club premises certificate if no relevant representation made;
 - ii) for provisional statement if no relevant representation made;
 - iii) To vary premises licence/club premises certificate if no relevant representation made;
 - iv) To vary designated premises supervisor in all cases, where no Police objection received;
 - v) Request to be removed as designated premises supervisor all cases;
 - vi) Transfer premises licence – all cases where no Police objection received;
 - vii) For interim authorities, all cases where no Police objection received; and
 - viii) Decision on whether a complaint is irrelevant, frivolous, or repeat – all cases (in consultation with Chair of Licensing Committee)

Current: Assistant Chief Executive (Members' Services)

Proposed: Licensing Services Manager or Assistant Chief Executive (Members' Services).

Reason: The Licensing Services Manager deals with ES (65) on a daily basis and should be included.

- 2.11 **ES (66) To approve applications** under the Gambling Act 2005 in respect of:
- i. Applications for premises licence where no representations have been received or representations have been withdrawn
 - ii. Application for a variation to a licence where no representations have been received or representations have been withdrawn
 - iii. Application for a transfer of a licence where no representations have been received from the Commission
 - iv. Application for a provisional statement where no representations have been received or representations have been withdrawn
 - v. Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
 - vi. Applications for other permits
 - vii. Cancellation of licensed premises gaming machine permits
 - viii. Consideration of temporary use notice
 - ix. Setting of fees

Current: Assistant Chief Executive (Members' Services)

Proposed: Addition of (x), to read, “to make representations where appropriate, on behalf of the Licensing authority”; and the delegated officer to read:

Licensing Services Manager or Assistant Chief Executive (Members’ Services).

Reasons: The addition is a delegation that has come to light after the original scheme under this Act was introduced.

The Licensing Services Manager deals with ES (66) on a daily basis and should be included.

3. ALTERNATIVE OPTION(S) CONSIDERED

3.1 there are no alternatives suggested

4. BUDGETARY FRAMEWORK

4.1 There are no financial implications

5. POLICY FRAMEWORK

5.1 None