

TO: REGULATORY COMMITTEE –16 FEBRUARY 2005

SUBJECT: LICENSING ACT 2003 – SCHEME OF DELEGATION

FROM: MEMBERS' SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend to Council to delegate authority to the appropriate officers to allow them to make representations on applications for licences under the Licensing Act 2003.

2 BACKGROUND

- 2.1 The following are “responsible authorities” within the meaning of the Licensing Act 2003:-

The enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated.

The Local Planning Authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for area any in which the premises are situated.

The Local Authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk or pollution of the environment or of harm to human health.

- 2.2 Responsible authorities can make representations on applications under the Act.

- 2.3 It is necessary therefore, to delegate authority to the appropriate Officers so that they can make the necessary representations if they think fit.

- 2.4 The appropriate Officers are:

Officers of the Planning Business Unit and Officers of the Environmental Health Business Unit.

- 2.5 With regards to health and safety the Environmental Health Business Unit is the enforcing authority for the majority of premises although, in some instances, this will be the Health and Safety Executive. Any applications received by Environmental Health for premises not under their jurisdiction will be forwarded to the Health and Safety Executive.

- 2.6 It will be necessary to alter the Council's Constitution to delegate authority to Officers so that they can make representations.

3. DECISION REQUIRED

- 3.1 Members are asked to recommend to Council the addition of the following delegations in the Scheme of Delegation within the Constitution:-

<u>No.</u>	<u>Function</u>	<u>Delegated To</u>
P(18)	Authority to make representations, on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.	Head of Planning and Engineering, Group Leader Development Control and his Principal Planning Officers individually.
ES(52A)	Authority to make representations, on behalf of the Council as the Enforcing Authority within the meaning given by Section 18 of the Health and Safety at Work Act 1974 and as the Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health, on relevant applications under the Licensing Act 2003.	All Divisional Environmental Health Officers individually.

Colin Tubbs
Senior Committee Services and Licensing Officer

BACKGROUND PAPERS

NIL

For further information about this report please contact:

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