

## **COUNCIL**

**15 APRIL 2010**

### **CONSTITUTIONAL MATTERS**

Report from: Deborah Upton, Monitoring Officer

#### **Summary**

This report asks the Council to agree the number of independent members of the Standards Committee, to appoint new Independent members of the Committee, to agree various changes to aspects of the Constitution relating to Licensing and to designate an officer of the Council as Medway's Scrutiny Officer.

#### **1. Budget and Policy Framework**

1.1 Changes to the constitution are a matter for full Council.

#### **2. Membership of the Standards Committee**

2.1 There must be at least three people on the Standards Committee. It must include at least two members of the authority and at least one independent member. The Standards Committee (England) Regulations 2008 require the Council to ensure that at least 25% of the members of the Standards Committee are independent members. The Chairman of the Committee must be an independent member. Other provisions prescribe that no more than one member of the Cabinet can be appointed to the Standards Committee but this must not be the Leader of the Council. At least two members of the Committee must be members of parish councils for which Medway is responsible, who are not also members of Medway Council. The Parish representatives must sit on the Committee at all times when parish matters are being discussed.

2.2 The current composition and membership of Medway's Standards Committee is as follows:

<b>Composition</b>	<b>Current members</b>	<b>Date of Appointment</b>
4 Medway Councillors	Councillor O'Brien Councillor Shaw Councillor Smith Councillor Burt	Medway Councillors are appointed each May for a one year term of office.
6 Independent Members	Michael Coulson Anthony Dance Janet Gray Alan Povey Sue Jenkins One vacancy	16 May 2001 12 May 2004 7 May 2008 16 May 2001 12 June 2008
3 Parish Council representatives	Councillor Buckwell Councillor Coomber Councillor Marsh	7 May 2008 15 May 2002 23 May 2006

- 2.3 Standards for England (SfE) guidance recommends that independent members should be appointed to serve on the Committee for fixed periods of four years and that they should serve no longer than two terms.
- 2.4 Last year the Committee was advised that Mr Coulson and Mr Povey had served on Medway's Standards Committee for a period in excess of 8 years and would be standing down as soon as their replacements had been appointed.
- 2.5 The Monitoring Officer was authorised to undertake the recruitment of new independent members.
- 2.6 Independent members must be chosen in a fair and open way. The position has to be advertised in at least one local newspaper and in other similar publications or websites as considered appropriate. Independent members of the Standards Committee must not have been a member or employee of the Council within the previous five years and cannot be a member or officer of this or any other relevant authority. They must not be a relative or close friend of a Medway Councillor or employee of the Council and they must have applied for the appointment. The appointment has to be approved by the majority of members of the Council.
- 2.7 The Monitoring Officer has now advertised for new members of the Standards Committee and interviewed short listed applicants on 26 March 2010.
- 2.8 In conducting the interviews the Monitoring Officer had regard to recent guidance published by SfE which highlights the attributes and skills expected of an independent member as follows:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision-making skills
- questioning skills
- leadership qualities
- the ability to chair meetings

2.9 The outcome of the interviews will be reported to the Standards Committee on 7 April and the Committee will forward recommendations to this meeting of the Council in an addendum report.

### **3. Licensing and Safety Committee and revised guidance under the Licensing Act 2003**

3.1 The Licensing and Safety Committee met on 2 March 2010 and discussed a number of issues including guidance recently issued by the Department for Culture, Media and Sport (DCMS), under section 182 of the Licensing Act 2003. It was noted that the main change contained within the new guidance was that it now enabled Councillors, in their capacity as elected Members of the relevant Licensing Authority, to act as "interested parties" and that the Members' Licensing Code of Good Practice had been amended to reflect these changes. The Committee recommended the following to Council:

- To recommend to Council approval of the revised Members' Licensing Code of Good Practice, incorporating minor typographical amendments agreed at the Committee as set out in appendix A.

3.2 The Committee also considered the proposed consolidation of the terms of reference of the Committee and its Sub-Committees, the Employee Scheme of Delegation and the Committee's terms of reference to reflect decisions previously made by the Council in accordance with the provisions of the Licensing Act 2003 and Gambling Act 2005. The Committee approved the terms of reference for the Licensing Hearing Panel and the Licensing Sub-Committee and recommended the following to Council for approval:

- To recommend that Council approve inclusion in the Council's constitution the changes to the Committee's terms of reference and the employee scheme of delegation.

3.3 The revised Members' Licensing Code of Good Practice is set out at appendix A to the report. The Committee's terms of reference is set out at appendix B to the report and the Employee Scheme of delegation is set out at appendix C to the report for Council approval.

#### **4. Designated Scrutiny Officer**

4.1 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 requires the Council to designate an officer to discharge the following functions:

- promote the role of the Council's Overview and Scrutiny Committees
- provide support to the Council's Overview and Scrutiny Committees and the members of those Committees and
- provide support and guidance to Councillors, members of the executive and Council officers in relation to the functions of Medway's Overview and Scrutiny Committees

4.2 The Council may not designate the Head of Paid Service, the Monitoring Officer or the Council's Chief Finance Officer to fulfil this role. The Council is recommended to designate the Assistant Director, Customer First, Leisure, Culture Democracy and Governance as Medway's "Scrutiny Officer".

#### **5. Risk Management**

5.1 The Council's Constitution is monitored to ensure that its aims and principles are given full effect. The revisions set out in this report are brought to Members to mitigate any risk associated with the delivery of council policy.

#### **6. Financial and legal implications**

6.1 There are no costs arising from the recommendations in this report.

6.2 The composition and membership of the Standards Committee has to comply with the provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

6.3 The Council is required to have regard to new guidance issued under the Licensing Act 2003.

6.4 Section 31 of the Local Democracy, Economic Development and Construction Act 2009 requires the Council to designate an officer as the Council's Scrutiny Officer

#### **7. Recommendations**

7.1 The Council is asked to appoint new Independent members of the Standards Committee for a four year term of office expiring in May 2014 subject to the outcome of discussion at the Standards Committee on 7 April 2010.

- 7.2 The Council is asked to formally place on record its thanks to Mr Coulson and Mr Povey for their valued contribution to the work of the Committee since 2001.
- 7.3 The Council is asked to approve the revised Members' Licensing Code of Good Practice as set out at appendix A to the report, to replace the existing code of good practice, as set out in Part 7 of Chapter 5 of the Council's constitution.
- 7.4 The Council is asked to approve:
- (i) the Licensing and Safety's Committee's revised terms of reference, as set out in appendix B to the report and;
  - (ii) changes to the Employee Scheme of Delegation, relating to Licensing and Safety activities, as set out in appendix C to the report.
- 7.5 The Council is asked to designate the Assistant Director, Customer First, Leisure, Culture, Democracy and Governance as the Councils Scrutiny Officer under section 31 of the Local Democracy, Economic Development and Construction Act 2009

#### **Lead officer contact**

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#### **Background papers**

The role and make-up of Standards Committees – guidance published by The Standards Board for England.

Revised guidance issued by DCMS under section 182 of the Licensing Act 2003 – published January 2010



## **PART 7 – MEMBERS LICENSING CODE OF GOOD PRACTICE**

### **1. Introduction**

- 1.1 This Code of Good Practice (the licensing code) gives advice to members who:
- Are members of the Licensing and Safety Committee and who sit on hearing panels or sub committees
  - Wish to attend or address the Committee, a sub committee or a hearing panel on any licensing issue.
  - Are involved outside the Committee on licensing applications or other licensing matters – including informal occasions such as meetings with officers or public and consultative meetings.
  - Are involved in applications for licences under the Licensing Act 2003, the Gambling Act 2005 or any other licensing legislation.
- 1.2 A key aim of the licensing code is to ensure that there are no grounds for suggesting that a licensing decision has been biased, partial or is not well founded in any way. Members must make these decisions openly, impartially with sound judgement and for justifiable reasons.
- 1.3 This is particularly important, as licensing applications will be subject to close scrutiny both because applicants may be seeking to maximise the business potential of their premises and because the quality of the environment in which local residents and the wider community live and work may be detrimentally affected through inappropriate applications.
- 1.4 The Human Rights Act 1998 has implications for the licensing system and has created enhanced requirements for procedural fairness, transparency and accountability in decision making.
- 1.5 The licensing code is intended to minimise the prospect of legal or other challenge to decisions. Non-compliance without good reason could be taken into account in investigations into possible maladministration or may have implications for the standing of Councillors and the Council as a whole.

### **2. Relationship with the members' code of conduct**

- 2.1 The members' code of conduct must always be complied with and the rules in that code must be applied before considering the licensing code.
- 2.2 The licensing code is not intended to form a part of the adopted members' code of conduct but is a separate document, which is both supportive of the members' code and the source of expanded guidance in the particular area of licensing.

2.3 To distinguish it from the members' code, this document is referred to as the licensing code.

### **3. Making representations to Licensing Hearing Panels**

3.1 This licensing code deals with all licensing matters, but there are particular rules as to who can be heard at a Licensing Hearing Panel.

3.2 In accordance with s13(3) and 18 of the Licensing Act 2003 (as amended) any Medway Councillor can make representations in relation to an application to Medway Council for the grant of a premises licence and such representations will (if they met the other requirements of s18 of the 2003 Act) be treated as relevant representations for the purposes of the Act. In accordance with section 51 any Medway Councillor may (in accordance with the conditions set out in Regulations) apply for a review of a premises licence where Medway Council is the licensing authority.

3.3 A Member is therefore permitted to speak at a Licensing Hearing Panel in three situations:

(i) where the Member is personally interested in an application and has submitted a relevant representation (e.g. where he or she lives or is involved in a business in the vicinity of the premises)

(ii) where the Member has specifically been asked by another interested party (e.g. a local resident) to represent him or her

(iii) where the Member is exercising his or her rights as a member of the Council to make a representation (but (i) or (ii) do not apply).

It is helpful for Members when making representations to identify to officers which of the above categories they fall into.

3.4 Members need to consider carefully whether they have a personal or a prejudicial interest in an application before the Licensing Hearing Panel in any of the above situations. DCMS Guidance issued under s182 of the Licensing Act 2003 (section 8) provides some advice on this subject. General guidance on personal and prejudicial interests is given in paragraph 4 below. It is likely that a Member will have a prejudicial interest where he or she has made a representation in circumstances set out in paragraph 3.3(i) above. It is less clear in cases where representations have been made as set out in paragraphs 3.3(ii) or 3.3 (iii) and members should consider all the relevant circumstances in such cases when making a decision.

3.5 Where a Member has made a representation on an application or has called for a review of a licence in any of the circumstances set out in paragraph 3.2 it is very likely that he or she will have fettered his or her discretion (see paragraph 5) and so should not sit on the Licensing Hearing Panel dealing with that application or review. To avoid any accusations of bias and/or



having to cancel meetings because of Member interests, Members should not sit on Licensing Hearing Panels to determine applications in their own wards.

### **3.4. Declaration of interests**

**3.14.1** The members' code places requirements on Councillors on the registration and declaration of their interests and participation in the business of the Council in light of those interests. These requirements must be followed scrupulously and Councillors should review their situation regularly. Whilst the Standards Board and Medway's Standards Committee produces guidance and advice can be sought from the Monitoring Officer, ultimate responsibility for compliance rests with individual Councillors.

**3.24.2** In general, as matters considered at the Committee or a hearing panel relate to approvals, consents, licences, permissions or registrations a Councillor will have prejudicial interest in a matter under consideration at the Committee if he or she has a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice the Councillor's judgement of the public interest. . The list of personal interests is set out in paragraph 8(1) of the members' code

**3.34.3** A Councillor can have a personal and prejudicial interest in a licensing application, which affects them, their employer, a member of their family or a person with whom they have a close association. Examples include but not be limited to

- applications from existing or proposed licensed premises or increased licensing hours or an intensification of use in close proximity to a property owned/occupied by the Councillor, his or her employer, a member of his or her family or a person with whom the Councillor has a close association.
- The member or a member of his or her family or a person with whom the member has a close association regularly visits the premises or is a member of any club, organisation or team which uses the premises as their base.
- applications made by a member or or his or her employer, or a member of his or her family or a person with whom the Councillor has a close association.

**3.44.4** Other than as set out below (in relation to Licensing Hearing Panels only) if a Councillor has a prejudicial interest in an application then they

- must not sit on a Committee or otherwise take part in the business of the Committee when that application/premises is discussed.

- must leave the room when that item is being discussed and must not participate in or give the appearance of trying to participate in the making of a decision.
- must not represent ward or local views – they need to get another member to do so instead.
- must not lobby members who will be hearing the application – correspondence should be sent to officers.
- must not get involved in processing the licensing application.
- must not seek any preferential treatment. This includes using their position to discuss a proposal with officers when other members of the public would not have the same opportunity to do so.

As the quorum for licensing panels is three members, members will be expected to closely scrutinise the application they are nominated to sit on to ensure that they do not have a prejudicial interest in any of the matters they are due to hear.

3.54.5 In relation to licensing hearing panels only (which are the only licensing forums in which members of the public have a right to speak) the rules regarding attendance if the Councillor has a prejudicial interest are amended as follows:

- If a Councillor has a prejudicial interest in the matter being discussed he or she must declare it as soon as the interest becomes apparent to him or her (at the beginning of the meeting if possible).
- If members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise, the Councillor may also attend the meeting for that purpose.
- The Councillor must immediately leave the meeting once he or she has finished making representations, giving evidence or answering questions (or earlier if the meeting decides that the Councillor has finished). The Councillor cannot remain during any deliberation on the matter or during the vote.

3.64.6 A prejudicial interest should also be declared at informal meetings or discussions including those held with officers and other Councillors.

3.74.7 Whilst having a prejudicial interest does not prevent a Councillor from seeking to explain a proposal in which they have such an interest to an appropriate officer, the members' code and case law does mean there are greater limitations on Councillors than on a member of the public.

3.84.8 A personal interest must be declared as soon as a Councillor becomes aware of it. This should wherever possible be at the start of a meeting. A personal interest in itself does not prevent a member from speaking and voting. Good practice dictates that members with a personal interest in an application should wherever possible not sit on a hearing panel which will be deciding

that application – although there will be less restrictions on participating in the full Committee. Where a Councillor does not have a prejudicial interest and his or her personal interest arises solely from membership of, or position of control or management on, any other body to which the Councillor was appointed by the Council or any other body exercising functions of a public nature, the personal interest need only be declared if the Councillor speaks on the matter.

~~3.9 Members should not sit on hearing panels to determine applications in their own wards. However they can attend and represent ward views (if they also have a prejudicial interest they can only attend and represent ward views at a licensing hearing panel in line with the guidance set out in paragraph 3.5 above).~~

#### 4.5. **Fettering discretion**

4.15.1 If a Councillor has taken a firm view on a licensing matter, or appears to have made up their mind before the formal consideration of an application, that Councillor is said to have fettered their discretion.

4.25.2 If a member who has fettered their discretion takes part in the decision that will put the Council at risk of a finding of maladministration. It could also lead to legal proceedings on grounds of there being a danger of bias or predetermination or a failure to take into account all factors enabling the proposal to be considered on its merits.

4.35.3 There is acceptance that a member may consider matters in several capacities as different factors may apply to different decisions. However given the size of licensing panels and the proportionately greater influence an individual member will have, members who sit on a planning Committee which deals with granting (or refusing) a planning application for new premises are advised not to sit on a hearing panel which considers the subsequent application for a licence under the Licensing Act 2003 or the Gambling Act 2005.

4.45.4 Areas, which need particular attention, are set out below.

#### Membership of a parish Council

5.6 ~~4.6~~—Where a parish Council makes representations on a planning application, then a member who is also a member of that Council should not sit on a hearing panel. It goes without saying that a member should not become involved at a Medway level in applications for licences made by the parish Council on which they serve.

5.7 ~~4.7~~—Even where a parish Councillor who is also a Medway Councillor has fettered their discretion they will have the same right as any other member to address the Committee providing they do not have a prejudicial interest.

**4.85.8** Membership of parish Council constitutes a personal interest where the Licensing Committee considers an issue where that parish has been involved and this must be declared in the usual way.

#### Lobbying by Councillors

**4.95.9** If you lead, represent or are a member of a group whose primary purpose is to lobby to promote or oppose a licensing application you will have fettered your discretion. Depending on your involvement you will probably also have a prejudicial interest.

**4.105.10** The position in **45.9** is distinct from membership of general interest groups, which reflect a Councillor's area of interest, eg CAMERA, a church group or a body supporting live music. However the member will have as a minimum a personal interest where that body has made representations on an application and should not sit on the hearing panel but can make representations as set out above. The member will also have fettered their discretion if they have participated in making those representations and may also, depending on the level of involvement, have a prejudicial interest.

**4.115.11** Councillors should not excessively lobby other Councillors regarding their views on licensing applications. Nor should they outside of the hearing panels try to persuade other Councillors how to vote.

**4.125.12** Councillors should not decide or discuss how to vote on licensing applications at political group meetings or lobby other members to do so. Political group meetings should never dictate how members should vote on licensing applications.

#### Lobbying of Councillors

**4.135.13** Lobbying is a normal and perfectly proper part of the political process. Those who may be promoting or affected by a licensing application will often seek to influence it through an approach to their elected ward Councillor, another Councillor or a member of the Licensing Committee. However such lobbying can, where a member subsequently sits on a hearing panel which will determine the application, lead to the integrity and impartiality of a Councillor being called into question, which can in turn affect the validity of a licensing decision.

**4.145.14** A Councillor who wishes to participate in the determination of a licensing application should explain to persons lobbying or attempting to lobby that whilst they can listen to what is said it would prejudice their impartiality and ability to participate in the decision if they give a firm statement of how they intend to vote or express strong sympathies with a point of view in advance of the meeting. For the avoidance of doubt a Councillor will not have fettered their discretion

- by just listening to viewpoints from residents or interested parties

- making comments which fall short of prejudging the issue
- seeking information through appropriate channels
- asking questions at the hearing which reflect issues raised.

4.155.15 When a Councillor participates in a licensing hearing panel/decision their overriding duty is to the community as a whole. As decisions need to be taken impartially a Councillor should not improperly favour or appear to improperly favour or disadvantage any person, company, group or locality.

4.165.16 In addition to the requirement to declare the interests of any person from whom the Councillor has received a gift or hospitality with an estimated value of at least £25, Councillors should not accept gifts or hospitality from any person involved in or affected by a licensing application. It is advisable to let the Monitoring Officer know if you feel you have been exposed to excessive lobbying or offers of gifts or hospitality linked to a licensing application.

4.175.17 It is good practice for Councillors to

- forward copies of lobbying correspondence to the Monitoring Officer
- comply with guidance on lobbying or attending presentations or discussions set out in section 5 of the licensing code.

## 56. **Contact with applicants and objectors**

56.1 Councillors should refer those who approach for assistance on procedural or technical licensing matters to relevant officers.

56.2 Councillors who wish to consider a licensing application should not agree to formal or informal meetings with applicants, or groups of objectors. Unlike in the case of planning applications it is considered that members who will be considering an application should not attend presentations on e.g. a major new licensing proposal even if it is part of a wider presentation organised by officers.

## 67. **Site inspections**

6-17.1 Site inspections should only be made in accordance with any agreed procedure. It is important to remember that they are a formal part of the licensing hearing process. The presumption is that site inspections will usually take place where there is an application for new premises. The visit may be made either prior to the hearing or at the conclusion of the evidence. Members must all attend and be accompanied by an officer. Inspections made prior to the hearing will primarily be intended to apprise members of conditions in the vicinity of the premises and will usually be conducted in the absence of the applicant and objector(s). Inspections following the conclusion of the evidence will primarily be used to clarify matters raised at the hearing and the applicant and objector(s) will be invited to attend.

6.27.2 No hospitality should be accepted at site inspections.

6.37.3 Councillors should endeavour to keep together as a group and not engage individually in discussions with any applicants, objectors or third parties who may be present.

6.47.4 Councillors taking part in the licensing decision must not express views to anyone present. If this happens it will usually lead to a cessation of the process and a rehearing by a new panel.

6.57.5 It is acceptable to ask officers at the site inspection questions to seek clarification on matters relevant to the site inspection.

6.67.6 The site inspection should be properly recorded and reported back to the hearing panel.

6.77.7 Councillors who wish to determine an application should not enter a site subject to a licensing proposal other than as part of an official inspection even in response to an invitation.

#### 7.8. **Contact with officers**

7.18.1 General guidance is given in the protocol on member/employee relations in the constitution and that is not repeated here.

7.28.2 Members should not put pressure on officers to put forward a particular recommendation. However this does not prevent a Councillor asking questions or submitting views to a relevant officer.

7.38.3 Officers must act in accordance with the employee code of conduct and any relevant professional codes of conduct which may on occasion mean that they take a view, which will be at odds with the views, opinions or decisions of the Committee or its members.

#### 8.9. **Licensing applications by Councillors and officers and Council applications**

8.19.1 Proposals to the Council by serving and former Councillors and officers and their close friends and relatives can easily give rise to suspicions of impropriety. So can proposals for a Council's own applications.

8.29.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism.

8.39.3 Recent decisions by the adjudication panel on standards issues make it very difficult for members who have a professional qualification to act in presenting cases in that capacity for applicants or to act as professional witnesses in hearings.

8.49.4 Councillors and officers who submit their own proposal should notify the Monitoring Officer of the proposal and play no part in its processing or determination (other than as set out in paragraph 43.5 above) and avoid contact, whether direct or indirect with members of the Committee concerning the application.

#### 9.10. **Decision making**

911.1 Councillors making licensing decisions must

- come to meetings with an open mind and demonstrate they are open minded
- not vote or take part in the meeting's discussions on a proposal unless present to hear the entire case
- come to a decision only after due consideration of all information reasonably required upon which to base such a decision
- request further information if it is felt there is insufficient information before the Committee to reach a decision.

#### 4011. **Training**

4011.1 Councillors should not participate in decision making meetings dealing with licensing matters unless they have attended any prescribed training.





**Proposed changes to the constitution**

**Responsibility for Council functions**

Licensing and Safety	Between 10 – 15 members of the authority	<p><b>Taxi, gaming, alcohol, entertainment, food and miscellaneous licensing</b></p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, <u>Gambling Act 2005</u> and other licensing functions reserved by law to the Council's Licensing and Safety Committee <u>and its Sub-Committees.</u></p>	Chief Executive
		<p><b>Health and safety</b></p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer</p>	Chief Executive

**Terms of reference**

<p><b>6. Licensing and Safety Committee</b></p> <ul style="list-style-type: none"> <li>• <u>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003. Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees.</u></li> <li>• To act in a quasi-judicial capacity to consider appeals that may require determination upon receipt of representation from an aggrieved party where a licence has either been refused, amended or revoked by officers and make decisions related thereto;</li> <li>• To act in a quasi-judicial capacity to determine application of licences where there is substantial objection by other parties to the grant of a licence or where in the officer’s opinion the issue is of a sensitive nature and make decisions related thereto;</li> </ul>
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- To consider objectively other ad hoc matters relating to the licensing process which officers or the Council deems appropriate;
- To determine new applications for sex establishment licences and to impose such terms, conditions and/or restrictions as may be lawful and are deemed necessary;
- To recommend to Council to determine a policy not to permit casinos, in accordance with section 166 of the Gambling Act 2005. (Council 7 December 2006)
- To recommend to Council final approval of the Statement of Gambling Act Policy. (Council 7 December 2006).
- To recommend to Council approval of the Statement of Licensing Policy, in accordance with the Council's policy framework rules (Council 9 December 2004)
- To determine matters relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer

Note: for the purpose of these terms of reference the term "licence" or "licensing" includes any such controlling measure such as permit, certificate or registration.

## Employee Scheme of Delegation (Assistant Director, Housing and Corporate Services)

<p>6.6 Licensing:</p> <ul style="list-style-type: none"> <li>• Except where a specific Council side responsibility, to manage all licensing and registration functions of the Council including the licensing and registration of <del>cinemas, theatres</del>, pleasure boats, hackney carriage and private hire, <del>late night refreshment houses, betting tracks, public entertainments, open air musicals</del>, sex establishments, <del>indoor sports licences, amusement with prizes and lotteries</del>, street and house to house collections, <del>motor scilage, scrap metal dealers, street trading consents, safety in sports grounds, animal establishments, skin piercing, caravan sites, game and rag flock, petroleum, fireworks, poisons</del> and such other services as may be authorised.</li> <li>• <u>With regard to Licensing Act 2003 matters, to determine:</u> <ul style="list-style-type: none"> <li><u>(i) An application for a personal licence, if no objection made</u></li> <li><u>(ii) An application for a premises licence/club premises certificate, if no relevant representation made</u></li> <li><u>(iii) An application for a provisional statement, if no relevant representation made</u></li> <li><u>(iv) An application to vary a premises licence/club premises certificate, if no relevant representation made</u></li> <li><u>(v) An application to vary a designated premises supervisor in all cases other than where there is a police objection</u></li> <li><u>(vi) A request to be removed as a designated premises supervisor</u></li> <li><u>(vii) An application for transfer of premises licence in all cases other than where there is a police objection</u></li> <li><u>(viii) Applications for interim authorities in all cases other than where there is a police objection</u></li> <li><u>(ix) A decision on whether a complaint is irrelevant, frivolous, vexatious etc.</u></li> </ul> <p><u>Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003 (Council 9 December 2004 and 22 November 2007)</u></p> </li> <li>• <u>With regard to the Gambling Act 2005, to determine:</u> <ul style="list-style-type: none"> <li><u>(i) Fee setting (when appropriate)</u></li> <li><u>(ii) An application for a premises licence, where no representations received/representations have been withdrawn</u></li> <li><u>(iii) An application for a variation to a licence, where no representations received/representations have been withdrawn</u></li> <li><u>(iv) An application for a transfer of a licence, where no representations received from the Commission</u></li> <li><u>(v) An application for a provisional statement, where no representations received/representations have been withdrawn</u></li> </ul> </li> </ul>	Council
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| <p><u>(vi) An application for club gaming/club machine permits, where no objections made/objections have been withdrawn</u></p> <p><u>(vii) Applications for other permits</u></p> <p><u>(viii) A cancellation of licensed premises gaming machine permits</u></p> <p><u>(ix) The consideration of a temporary use notice. <b>(Council 7 December 2006)</b></u></p> |  |  |
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