

AMENDMENTS TO THE COUNCIL'S CONSTITUTION RELATING TO THE COUNCIL'S LICENSING FUNCTION

Licensing Committee – 16 October 2013

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Governance Committee – 5 November 2013

Council – 26 November 2013

Key Decision: No

Portfolio Holder Cllr. Ms Lowe (Housing and Community Safety)

Contact Officer(s) Claire Perry Ext: 7325

Recommendation to the Licensing Committee and Governance Committee: That Full Council be recommended to approve the amendments to Part 8 and Part 13 of the Council's constitution attached at Appendix A and Appendix B.

Recommendation to Council: That the amendments to Part 8 and Part 13 of the Council's constitution attached at Appendix A and Appendix B be approved.

Reason for recommendation: to ensure that the Council's Constitution remains up-to-date and reflects the legislation under which the Council's Licensing Team operate.

Introduction and Background

1. It has been necessary to update the Council's constitution to reflect changes that have been made to legislation and new legislation that has been implemented.
2. In Part 8 – Licensing Committee, the Committee's Terms of Reference have been amended to reflect two new pieces of legislation:
 - Police Reform and Social Responsibility Act 2011 – to enable the Local Authority to set a Late Night Levy or an Early Morning Restriction Order should they wish; and
 - Scrap Metal Dealers Act 2013 – to enable the Committee consider these applications
3. Under Part 8 of the Constitution it is also being suggested that the Licensing Committee should delegate powers to the Licensing Sub-Committees for the determination of an application for a Sexual Entertainment Venue licence.

4. It is also felt that it would be beneficial to refer some reports to a Licensing Sub-Committee on either an application by a Private Hire Driver or a Hackney Carriage Driver. As a result of this a minor amendment to the Terms of Reference for the Licensing Sub-Committees has been suggested.
5. The proposed changes to Part 13 – Officer Responsibilities and Delegations, clarify that the delegations to Officers to determine applications under the Licensing Act 2003 and Gambling Act 2005, exist only when no relevant representations have been received.
6. It is also being proposed that authority to determine applications under the Scrap Metal Dealers Act 2013 be delegated to officers.

Key Implications

Financial

None arising directly from the contents of this report.

Legal Implications and Risk Assessment Statement.

Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

If Chief Officers act without the appropriate authority any decision or action they take could be challenged and result in adverse costs and publicity against the Council. It is therefore imperative that delegations are given correctly.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Appendices

Appendix A - Part 8 – Licensing Committee (as amended)

Appendix B- Part 13 - Officer Responsibilities and Delegations (as amended)

Background Papers:

Sevenoaks District Council's Constitution

Mr Richard Wilson

Chief Officer for Environmental and Operation Services