

LICENSING COMMITTEE – 10 OCTOBER 2017

REVIEW OF SCHEME OF DELEGATIONS

Executive Summary

It is proposed that the Scheme of Delegations be updated to delegate powers to the Legal Services Manager to ensure that the Licensing Team can carry out their daily duties.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That authority be delegated to the Legal Services Manager to:

- (i) authorise named officers of the Licensing Team to be “authorised persons” for the purposes of the Licensing Act 2003; and**
- (ii) authorise named officers of the Licensing Team to be “authorised officers of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.**

This will need to be dealt with by way of a recommendation to the Council.

Background Papers:

None

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1.0 Introduction

- 1.1 Woking Borough Council has adopted a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council exercises all its powers and duties in accordance with the law and the Constitution.
- 1.2 The Constitution is reviewed from time to time, to ensure that it is up to date and that it provides sufficient delegated power to allow officers to undertake their duties on a daily basis and in case of an emergency. Part 3 of the Constitution, Responsibility for Functions, Management Arrangements and Scheme of Delegations lists the powers, duties and functions which are delegated to Officers.
- 1.3 The Legal Services Manager has powers to determine applications for licences in respect of Taxi and Private Hire Licensing, Revocation/Suspension of Licences (in consultation with the Chairman of the Licensing Committee) and to carry out functions of the Licensing Policy. These can be found on page 115 of the Constitution. The Council's Constitution can be found at <https://www.woking.gov.uk/council/decisions/constitution> It is not proposed to amend these delegations at this time.
- 1.4 It is proposed that the Scheme of Delegations be updated to delegate further powers to the Legal Services Manager to ensure that the Licensing Team can carry out their daily duties.
- 1.5 Authority is sought to authorise named officers of the Licensing Team to be "Authorised Persons" for the purposes of the Licensing Act 2003
- 1.6 As an Authorised Person under the Licensing Act 2003 the named officers will be able to carry out a variety of routine functions by virtue of their authorisation. These functions include the right to request Premise Licences, Club Premise Certificates and Temporary Event Notices be produced. It also gives an authorised person the right to enter premises with a view to seeing whether licensable activities are taking place.
- 1.7 Further authority is sought to authorise named officers of the Licensing Team to be "authorised officers of the Council" for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.8 This authorisation will allow the named officers to carry out a variety of routine functions under the Local Government (Miscellaneous Provisions) Act 1976 by virtue of their authorisation. These functions include the right to request the proprietor of any Hackney Carriage or Private Hire licenced by the Council produce their vehicle licence, drivers licence and/or Insurance documents. An authorised person also has the right to inspect and test any vehicle for the purpose of ascertaining its fitness and if not satisfied suspend the licence forthwith. An example of this being the ability to suspend a vehicle licence if the vehicle has bald tyres until the tyres have been replaced.

2.0 Implications

Financial

- 2.1 None

Human Resource/Training and Development

- 2.2 None

Community Safety

- 2.3 The delegation of officers as authorised persons shall ensure that the Licensing Team can carry out their function and duties to ensure that safety standards are maintain throughout the Borough.

Risk Management

- 2.4 None.

Sustainability

- 2.5 None.

Equalities

- 2.6 None.

3.0 Conclusions

- 3.1 That it be recommended that authority be delegated as outlined above to the Legal Services Manager to ensure that the Licensing Team can carry out routine duties.

REPORT ENDS