



## Democratic Renewal Working Party 9 February 2012

### Amendments to the Constitution: Licensing

#### 1. Background

- 1.1 The Democratic Renewal Panel has as part of its Terms of Reference, to 'recommend amendments to the Council's Constitution to full Council'.

#### 2. Proposed Amendments: Licensing Functions

- 2.1 It is expected that provision will need to be made for a number of changes to the licensing function in respect of changes to the Licensing Act 2003, which will be effected by the Police Reform and Social Responsibility Act 2011. The Head of Environmental Health and Housing and Licensing Services Manager have reviewed the delegations in the Constitution and request the amendments to the Constitution as detailed (emboldened) in Appendix A.
- 2.2 Currently no regulations have been published with respect to the anticipated changes, which include:-
- (a) the Licensing Authority becoming a Responsible Authority; and
  - (b) Environmental Health becoming a Responsible Authority for the purposes of considering Temporary Event Notices from a prevention of public nuisance perspective.

#### 3. Recommendation

- 3.1 The Working Party is **RECOMMENDED** to approve the amendments proposed in Appendix A to Report C345.

For further information please contact:  
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## Extract from Part 3 Constitution: Responsibility for Council Functions

<b>B. Licensing and Regulatory Committee</b>		
<b>Membership and Meeting Arrangements</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<p>Up to 13 Members of the Authority.</p> <p>The Committee will be appointed annually by the full Council and may be politically balanced.</p> <p>The Committee will appoint its own Chairman and Vice-Chairman/Chairmen</p> <p>The Committee and its sub-committee(s) will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.</p>	<p>The area of responsibility of this Committee includes all matters of a regulatory nature (other than those covered by the Development Control Committee), or which are required by statute to be licensed, and the hearing of certain appeals. The Committee will only hear those appeals which the Authority is required to determine; it will not take the place of any other appeals process or complaints procedure, nor will it provide a general appeal mechanism for any decision of the Authority.</p> <p>Accordingly, the Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to licensing and registration, health and safety at work (for non-Council staff), public rights of way and take-away food shops, as specified in Parts B, C and I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).</p> <p>The Committee is also authorised to exercise the Council's Local Choice Functions (as specified in the Table in Section 1) in relation to:-</p> <p>(1) the determination of an appeal against any decision made by or on behalf of the Authority (other than those relating to employees of the Authority), including appeals relating to Discretionary Housing Payments;</p>	<p>The majority of the Committee's functions will be determined by officers, as set out in section 4 of this part of the Constitution.</p> <p>In normal circumstances, matters will only be brought before the Committee where there is a difficulty or an appeal against an officer's decision.</p> <p>Applications made in respect of the Licensing Act 2003 will be brought before the Committee or sub-committees in accordance with <b>any regulations published under the Act</b>, the guidance issued under s.182 of the Act and summarised in Table B1 attached.</p>

**TABLE: B1****Licensing Act 2003: Delegation of Functions**

The Licensing Authority has adopted the following level of delegation of functions in accordance with the general guidance issued by the Government.

<b>Matter to be dealt with</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases
<b>Exercise of Responsible Authority functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with regulations</b>		<b>All cases</b>

# **Extract from Part 3 of the Constitution: Scheme of Delegation to Officers**

## **F. Community Services Directorate**

### **F1 Corporate Director for Community Services**

#### **1. Licensing Functions**

**1.1 To consider and make relevant representations (and or objection notices) in respect of any applications and notices made under the Licensing Act 2003 and any subsequent amendments and regulations in accordance with any provisions for the Licensing Authority to act as a Responsible Authority.**

**1.2 To consider and make relevant representations (and or objection notices) in respect of any applications and notices made under the Licensing Act 2003 and any subsequent amendments and regulations in accordance with any provisions for the Council to act as a Responsible Authority for the prevention of public nuisance.**