

Licensing Committee

29 August 2018

Item
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Report of	Assistant Director Environment	Author	Jon Ruder
Title	Scheme of Delegation to Officers by the Licensing Committee		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The Committee is asked to consider changes to its scheme of delegation to the Assistant Director - Environment.

2. Decision Required

- 2.1 The options available to the Committee are to -
- Approve the Scheme of Delegation to Officers as set out.

3. Reasons for the decision

- 3.1 The Council has reviewed its licensing processes and as a result is proposing changes to allow officers to act under delegated powers whilst bringing to the Committee those matters which require its determination.

4. Alternative Options

- 4.1 An alternative option would be to leave the Scheme of Delegation unchanged; this would however necessitate a change in the way in which the Council processes applications and appeals.

5. Background Information

5.1 The current scheme of delegation is set out below –

Delegated to Assistant Director - Environment

1. Determination of applications and issue of licences, permits, registrations and certificates where no objections have been received in respect of:-

- Caravan Sites
- Dangerous Wild Animals
- Dog Breeding Establishments
- Food Exports
- Food Hawkers
- Food Premises
- Hackney Carriage and Private Hire Vehicles drivers
- and operators
- House to House and Street Collections
- Hypnotism – exhibitions, demonstrations or performances
- Pet Shops
- Pleasure Boats and Boatmen
- Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
- Riding Establishments
- Sex Shops
- Zoos

2. Revocation or suspension of licences, permits, registrations, certificates.

3. Approval of individual identification signs for display on taxis and private hire vehicles, after consultation with the Chairman of the Licensing Committee.

4. To determine applications for permission to place advertisements on hackney carriages and private hire vehicles.

5.2 There are further delegations by the Committee to officers under the Licensing Act 2003 and the Gambling Act 2005 however no changes are proposed to these delegations and therefore they have not been included within this report.

6. Matters for Consideration

6.1 The Council has reviewed its licensing processes and as a result is proposing changes to the current scheme of delegation to officers. The revisions take into account recent and proposed policy revisions and changes in procedures; allowing officers to act under delegated powers whilst bringing to the Committee those matters which require its determination.

6.2 The following changes are recommended to replace the provisions set out in paragraph 3.1 above –

1. To exercise all the Council's licensing, registration, consent, permit, certification and enforcement functions in respect of –

- Caravan Sites
- Dangerous Wild Animals
- Dog Boarding
- Dog Breeding Establishments
- Food Exports
- Food Hawkers
- Food Premises
- House to House and Street Collections
- Hypnotism – exhibitions, demonstrations or performances
- Pavement permits
- Pet Shops
- Pleasure Boats and Boatmen
- Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
- Riding Establishments
- Sex Establishments
- Zoos

6.3 The following additions are suggested in relation to the licensing of hackney carriage and private hire drivers, vehicles and operators –

2. To exercise all the Council's licensing and enforcement functions in relation to hackney carriages and private hire vehicles, their drivers, and private hire operators including –

- a. To consider licence applications, having regard to the Council's hackney carriage and private hire licensing policy and grant or refuse licences accordingly except in cases, where in the opinion of the Licensing, Food and Safety Manager, there may be exceptional circumstances which merit further consideration, rather than an automatic refusal, in which case the matter will be referred to the Licensing Sub-Committee for determination.
- b. Functions identified as officer functions within the Colchester Borough Council Hackney Carriage and Private Hire Licensing Policy.

7. Standard References

7.1 There are no financial, community safety, human rights, strategic plan references, publicity implications, health and safety, equality and diversity, or risk management implications that will require the consideration of the Committee.