



Date of Meeting: 26 July 2019

Lead Member: Cllr. Anthony Alford

Local Member(s): All Members of Council

Lead Officer: Peter Davies, Licensing and Community Safety Manager

**Executive Summary:**

The Licensing Committee is asked to confirm the new sub-committee(s) and their delegations of powers as set out in Article 8 of the Constitution and in the officer's scheme of delegations.

**Equalities Impact Assessment:**

There are no implications to consider.

**Budget:**

There are no associated costs with this decision.

**Risk Assessment:**

Should the committee not confirm the sub-committees and their delegation, it may mean that this part of the council's constitution and delegations to officers is out of date and this could lead to legal challenge.

**Climate implications:**

N/A

**Other Implications:**

There are no other implications.

**Recommendation:**

- (a) That members of the Committee resolve to amend Part 3 (1) of the Constitution – Committees and boards, as set out in appendix 1; and
- (b) amend Part 3 (2) of the Constitution – Officer Scheme of Delegations, as set out in appendix 1.

**Reason for Recommendation:**

To ensure compliance with the Constitution, delegations of powers and to mitigate any legal action against the Council.

**Appendices:**

Appendix 1 – Amendments required to the Constitution to reflect the decision of the Committee on 16 May.

**Background Papers:**

Licensing Committee Report 16<sup>th</sup> May, Confirmation of Constitution, Delegated Powers and Appointments of the Licensing Sub Committee.

**Officer Contact:**

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**Background Information and Reason Decision is Needed**

1. At the first meeting of the Licensing Committee, the members appointed the Sub-Committees they considered appropriate for the effective operation of the Council's Licensing Functions.
2. Following the appointment of the members to the Sub-Committees, the members then confirmed the delegations of the Licensing Committee to the Sub-Committee and Officers. This was done to ensure the Sub-Committee and Officers had the relevant delegated powers required to act on behalf of the Licensing Authority so far as they are authorised to do so.
3. Appendix 1 is designed to make the necessary amendments to the Council's constitution, to reflect the decision of the Licensing Committee to delegate some of its powers to the Licensing Sub-Committee and Officers to allow for the effect function of the Licensing Authority.
4. Should the members of the committee resolve to amend the Constitution as set out in appendix 1, and providing the monitoring officer considers it appropriate to do so, the Constitution can be changed to reflect the

Committee's decision without referral to any other body of the Council.

- 5.** Should members of the Committee decided that this report and appendix does not reflect what they intended, a further report will be required for members to consider what delegations they would like to make to the Sub-Committee and Officers. This could have an impact on the effective operation of the Licensing Functions and require applications or any other matter arising pursuant to the Licensing Act 2003, Gambling Act 2005 and Hackney Carriage or Private Hire licensing to be heard by the Full Licensing Committee.