

**CABINET – 2 FEBRUARY 2005      PORTFOLIOS : ECONOMY & PLANNING/HEALTH & SOCIAL INCLUSION**

**EXECUTIVE SUMMARY – DELEGATIONS FOR THE PURPOSE OF THE LICENSING ACT 2003**








**Summary of Purpose and Recommendations:**

To delegate powers to enable officers of the Council who are responsible for planning and environmental health to enter premises and make representations on licensing applications to the Licensing Section under the Licensing Act 2003

**Cost to Council:** £Nil

**Within existing budget?** Yes

**Contribution to Corporate Plan (Minor/Moderate/Major/Neutral):**

	+		-		+		-
	Moderate			<b>Priorities</b>			
		Neutral		Clean Streets and Public Space	Moderate		
		Neutral		Crime and Disorder		Neutral	
		Neutral		Housing		Neutral	
	Moderate			Managing our Finances	Moderate		

**Comments on Impacts on Corporate Objectives and Priorities:**

Delegating powers to officers to undertake these tasks should improve efficiency and cost effectiveness and help speed cases through the system



Organisation of excellence



Working with public and partners



Economic well being



Social well being



Environmental well being

## **CABINET – 2 FEBRUARY 2005**

### **DELEGATIONS FOR THE PURPOSE OF THE LICENSING ACT 2003**

#### **1. Introduction**

- 1.1 This report covers two situations where delegations are required under the Licensing Act 2003 in respect of matters which are not within the terms of reference of the General Purposes and Licensing Committee.
- 1.2 Section 2 of this report deals with delegations to officers to carry out the functions of a “responsible authority” under the Act. Section 3 proposes that officers be formally designated as “authorized persons” for the purposes of the Act.

#### **2. Responsible Authority**

- 2.1 Under the 2003 Licensing Act, a “responsible authority” may make “relevant representations” to the licensing authority on a licensing application. (Relevant representations are those relating to one of the four licensing objectives of: prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm). Where relevant representations are made and not withdrawn, a hearing before the Licensing Sub-Committee will be required to determine the application. “Responsible authority” is defined in the Act as any of a number of specified bodies, including:

“the local planning authority ... for any area in which the premises are situated” (section 13(4)(d)), or

“the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health” (section 13(4)(e)).

- 2.2 It is considered that appropriate officers within the planning and environmental health sections of the Council should be authorised to make representations to the licensing section on a licensing application, if they consider such representations necessary because of concerns about the likely effect of the grant of a licence on the promotion of the licensing objectives.

#### **3. Authorised persons**

- 3.1 Under the Licensing Act, authorized persons have the power to enter premises to which licensing applications relate to assess the likely effect of the grant of an application, or activities authorized by a licence, on the licensing objectives.

- 3.2 “Authorised person” is defined in the Act as (among other things) “an officer of a local authority, in whose area the premises are situated, who is authorized by that authority for the purposes of exercising one or more of its statutory functions in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health”.
- 3.3 It is proposed that officers in Environmental Health should be so authorized.

#### **4. Financial Implications**

- 4.1 None arising directly from this report

#### **5. Environmental/Crime and Disorder Implications**

- 5.1 Authorising officers to enter premises and, if necessary, make representations on licensing applications on possible environmental grounds, such as the likelihood of excessive noise giving rise to public nuisance, should ensure that these factors are taken fully into account before a decision on which to grant a licence application is made.

#### **6. Recommendations**

- 6.1 That the Head of Development Control, Area Planning Officers and Principal Planning Officer (Projects and Enforcement) be authorized to carry out the Council's function as a responsible authority under section 13(4)(d) of the Licensing Act 2003;
- 6.2 That the Environmental Health Manager (Environmental Protection) be authorized to carry out the Council's function as a responsible authority under section 13(4)(e) of the Licensing Act 2003; and
- 6.3 That the Environmental Health Managers (Commercial) and (Environmental Protection), Senior Environmental Health Officers, and Environmental Health Officers, be authorised persons for the purposes of sections 13(2)(d) and 69(2)(d) of the Licensing Act 2003.

#### **Further Information**

Grainne O'Rourke  
Head of Legal and Democratic Services

Tel: 023 8028 5285  
Fax: 023 8028 5543  
e-mail: [grainne.o'rourke@nfdc.gov.uk](mailto:grainne.o'rourke@nfdc.gov.uk)

#### **Background Papers**

Published information only