

**REPORT OF CORPORATE DIRECTOR CITY DEVELOPMENT
AMENDMENT TO TABLE OF DELEGATED FUNCTIONS ("A" DELEGATIONS)
LICENSING ACT 2003**

1.0 SUMMARY

This report identifies a range of amendments required to the Table of delegated functions ("A" delegations), approved by this Committee on 7 February 2005 that are intended to improve the efficiency of the Authority in the determination of applications for licence.

2.0 RECOMMENDATIONS

2.1 **IT IS RECOMMENDED** that the Committee approve the amendment to the table of delegated functions as follows:

a) Representation in respect of cumulative impact as shown below:

Matter to be dealt with	Full Licensing Committee	Licensing Panel decision	Officer decision
Application for premises licence/club premises certificate	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application for provisional statement	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application to vary premises licence/club premises certificate	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made

- b) The wording used in respect of matters of representation that do not require the Authority to engage with the determination process under the Act.

Matter to be dealt with	Full Licensing Committee	Licensing Panel decision	Officer decision
Decision on whether a complaint or objection is irrelevant, repetitious, frivolous, vexatious etc			All cases

- c) The wording used in respect of matters where a representation is made by the Local Authority in its capacity as a consultee and it is not the relevant authority considering the application.

Matter to be dealt with	Full Licensing Committee	Licensing Panel decision	Officer decision
Decision to object where the Local Authority is a consultee and is not the relevant authority considering the application.		All cases	

3.0 **BACKGROUND**

3.1 On 7 February 2005 this Committee approved a table of delegated functions which had the aim of ensuring that the business of the Authority is carried out in the most efficient and effective manner. The approved table of delegated functions is attached as Appendix 1 to the minutes of the 7th February Licensing Committee meeting and is found on page 9 of that agenda.

3.2 The table was based on that given in the Guidance issued to Authorities under the Act. Since that table was approved however, officers have had regard to a number of matters including:

a) The concerns that have been expressed by the local community in respect of changes to the terms and conditions of licence and that have occurred as a result of the implementation of the new regime. It is anticipated that the use of the cumulative impact Special Policy is likely to increase as a factor in applications for premises in the City Centre, and this is likely to require the full committee to meet more often. The Guidance issued with the Act encourages Authorities to seek to “underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness”. It would seem reasonable that the issue of cumulative impact is one that can be dealt with adequately by a sub-committee (Panel) with appropriate training and guidance to members. It is also anticipated that a further applications may be made for a variation to hours in respect of licensable activities at existing premises in parts of the City Centre and that this may trigger representations in respect of the cumulative impact special policy.

b) The wording used in respect of matters of representation that do not require the Authority to engage with the determination process under the Act, i.e. matters that are repetitious, frivolous, vexatious, irrelevant etc. It is reasonable that the wording used in the Table of Delegated Functions reflects the words used in the Act and in this respect the word “repetitious” is not currently shown in the Table.

c) The wording used in respect of matters where a representation is made by the Local Authority in its capacity as a consultee and it is not the relevant authority considering the application. This may normally arise when the Authority objects to grant of licence for a premises in an adjacent Council’s area. The wording used in the Table of Delegated Functions does not match that used in the Guidance accompanying the Act and it is reasonable that it does.

4.0 PROPOSALS

An amendment is made to the table of delegated functions as described above.

5.0 FINANCIAL IMPLICATIONS

5.1 Cost and time savings will be made as a result of not having to convene hearings of the full committee.

6.1 LEGAL IMPLICATIONS

6.1 These have been incorporated into the body of the report.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

None

8.0 STRATEGIC AIMS

The proposal has no impact on strategic aims

9.0 BEST VALUE

9.1 The Authority is required to operate the licensing regime as a no net cost service. Fees set centrally aim to ensure that this is achieved. Early indications are that the cost will outweigh the income derived and action is being taken to lobby Government to address the shortfall in costs. By adopting the proposed changes to the table of delegated functions there should be a cost saving to the Authority.

11.0 List of background papers other than published works or those disclosing confidential or exempt information

None

12.0 Published documents referred to in compiling this report

Minutes of Licensing Committee 7th February 2005
The Licensing Act 2003.
Guidance issued under s182 of the Licensing Act 2003.

13.0 CRIME & DISORDER IMPLICATIONS

Licensing is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime and disorder occurring both within and immediately outside licensed premises, having regard to the effect of the proposals on both customers and residents.

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