

<b>Title of Report:</b>	Delegation of Licensing Powers and Functions
<b>Meeting of:</b>	Licensing Committee
<b>Date:</b>	4 September 2018
<b>Is this an Executive Decision:</b>	NO
<b>Is this a Key Decision:</b>	NO
<b>Is the Report Confidential:</b>	NO
<b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	[ ]

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: Angela Wakefield

Date ..... Signature .....

Chief Finance Officer: Sal Khan

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Licensing Committee**

**Date: 4 September 2018**

**REPORT TITLE:** Delegation of Licensing Powers & Functions

**PORTFOLIO:** Regulatory Services

**HEAD OF SERVICE:** Monitoring Officer

**CONTACT OFFICER:** Angela Wakefield Ext. No. x1267

**WARD(S) AFFECTED:** N/A

**1. Purpose of the Report**

1.1. To recommend that the Licensing Committee update the delegation to officers at paragraph 4 of Part 3G of the Council's Constitution.

**2. Background**

- 2.1. The powers and functions delegated by Full Council to the Licensing Committee are set out at paragraphs 1.1.1 to 1.1.39 inclusive of Part 3G of the Council's Constitution (Part 3G).
- 2.2. As set out at paragraph 1.3 of Part 3G, the Licensing Committee may delegate any of these powers or functions fully or partly to any officer of the Council specified by the Licensing Committee.
- 2.3. Delegation to Officers is at paragraph 4 of Part 3G and following the restructure of the Council's management team it is necessary to update the delegations set out at paragraphs 4.1.3; 4.2; and 4.2.2.2 of Part 3G in order to delegate those powers and functions to the Chief Executive. This will be given effect by replacing the words "the Chief Executive" with the words "Mark Rizk".

**3. Contribution to Corporate Priorities**

- 3.1. There is no Corporate Plan target relating to the subject of this Report. However, good governance arrangements – including an up to date Constitution - are fundamental to the well-being of the Council.

#### 4. **Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit:*

4.1. There are no financial issues arising from this report.

#### 5. **Risk Assessment and Management**

5.1. The main risks to this Report and the Council achieving its objectives are as follows:

5.2. **Positive** (Opportunities/Benefits):

5.2.1. Adopting the recommended changes ensures the Licensing Committee's scheme of delegation remains fit for purpose.

5.3. **Negative** (Threats):

5.3.1. A failure to adopt the recommended changes would hinder the delegation of the powers and functions of the Licensing Committee.

5.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

#### 6. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:  
Angela Wakefield*

6.1. The Monitoring Officer must ensure that the Council's Constitution is kept up to date and a failure to do so could expose the Council to a legal challenge.

#### 7. **Equalities and Health**

7.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised.

7.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed.

#### 8. **Human Rights**

8.1. There are no Human Rights issues arising from this Report.

9. **Sustainability** (including climate change and change adaptation measures)

9.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

10. **Recommendation(s)**

10.1. That the Licensing Committee approves the amendments set out at paragraph 2.3 of this report.

11. **Background Papers**

11.1. N/A

12. **Appendices**

12.1. N/A