

Committee:	Standards Committee	Agenda Item No.:	12.
Date:	26 th October 2011	Category	
Subject:	Authority to apply for Premises Licence Review under Section 52 of the Licensing Act 2003	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:	Environmental Health Commercial Manager		
Director	Director of Health and Wellbeing		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services
ENVIRONMENT – Promoting and enhancing a clean and sustainable environment
STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

By ensuring officers are properly authorised to enforce the legislation

TARGETS

This report does not relate to a particular target

VALUE FOR MONEY

There are no financial consequences from this report

THE REPORT

Environmental Health have received a number of complaints with regard to public nuisance emanating from a public house dating from March 2009.

Section 52 of the Licensing Act 2003 states that ‘Where a premise licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.’

The Council is a ‘responsible authority’ for the purposes of the Act as it is a ‘local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.’

More specifically, this statutory function is exercised by Environmental Health.

The Council's Constitution does not delegate authority to any officer in the Council to apply for a premises licence review.

The Chief Executive Officer has delegated powers under paragraph 2(a) (4) of the Council's Constitution 'To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force only until the next ordinary meeting of the Committee having authority to issue/ grant such authorisation.'

The Chief Executive Officer used this delegation to authorise the Head of Planning and Environmental Health to apply for a Premises Licence Review as it was in the interest of the public to submit an application without delay.

It is envisaged that in the future there will be a need to apply for further Premises Licence Reviews. The Environmental Health Commercial Manager manages the process leading to an application and a delegation is therefore sought for her to have the power to apply for a Premises Licence Review also.

ISSUES FOR CONSIDERATION

Giving the relevant officers the delegated powers to request Premises Licence Reviews.

IMPLICATIONS

Financial: None

Legal: The proposals set out within the report are consistent with the Council's Constitution in as much as this report should be considered by the Standards Committee.

Human Resources: None

RECOMMENDATION(S)

- 1. To endorse the action of the Chief Executive Officer that power be delegated to the Head of Planning and Environmental Health to apply for a Premises Licence Review.**
- 2. To recommend to Council that they endorse the action of the Chief Executive Officer that power be delegated to the Head of Planning and Environmental Health to apply for a Premises Licence Review.**
- 3. To recommend to Council that they delegate power to the Environmental Health Commercial Manager to apply for a Premises Licence Review and include this in the Constitution**

ATTACHMENT: **N**
FILE REFERENCE:
SOURCE DOCUMENT: