

ITEM 4 Proper Officer Appointments and Scheme of Delegations to Head of Administration

Report of the Head of Administration

Recommended:

- 1. That the Scheme of Delegations attached as Annex 1 to the report in so far as it applies to the powers and duties of the Licensing Committee, be delegated to the Head of Legal and Democratic Services with effect from 19 December 2014.**

- 2. That the Head of Legal and Democratic Services be appointed Proper Officer with effect from 19 December 2014 for the functions listed in Annex 2 to the report in so far as it applies to the powers and duties of the Licensing Committee.**

SUMMARY:

The purpose of the report is to transfer the Proper Officer appointments and delegations from the Head of Administration to the Head of Legal and Democratic Services.

1 Background

- 1.1 The Scheme of Delegations to Officers is approved each year in accordance with the Constitution by Annual Council, the Cabinet and relevant Committees.

- 1.2 The Head of Administration is due to retire at the end of December 2014 and therefore it is necessary to transfer his delegated powers and Proper Officer appointments to the Head of Legal and Democratic Services.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 The Scheme of Delegation to Officers is approved annually to include those additional delegations or any changes to delegations approved in the course of the past year. The list of current delegations to the Head of Administration is attached as Annex 1.

- 3.2 Attached as Annex 2 is the Head of Administration’s list of Proper Officer appointments.
- 3.3 It is recommended that the delegations and Proper Officer Appointments vested in the Head of Administration be transferred to the Head of Legal and Democratic Services with effect from 19 December 2014

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2	File Ref:	
(Portfolio: Corporate) Councillor Busk			
Officer:	Tom van der Hoven	Ext:	8001
Report to:	Licensing Committee	Date:	20 November 2014

Delegation to Head of Administration

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- (1) To administer the Hypnotism Act 1952 including the institution of proceedings for breaches of the Act and Section 12 of the Local Government (Miscellaneous Provisions) Act 1982.
- (2) To issue licences under S.2 of the House-to-House Collections Act, 1939, as amended after suitable attempts at liaison and after making such enquiries as may be necessary.
- (3) To allocate street collections.
- (4) To issue, suspend, revoke or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and to issue notices exempting private hire vehicles from displaying the private hire vehicle plate under the provision of Section 75(3) of the Act.
- (5) Issue of Licences in respect of Money Lenders and Pawn Brokers (subject to periodic reports to the Licensing Committee on Licences issued).
- (6) To convene meetings of working parties, panels and other meetings in which members are involved.
- (7) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (8) To determine all applications and decide all other matters in relation to the licensing functions set out in the Licensing Act 2003 and any amending legislation save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (9) To determine applications made pursuant to the Licensing Act 2003 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (10) To reject representations under the Licensing Act 2003 which he considers to be vexatious, frivolous or repetitious.
- (11) To determine all applications and decide all other matters in relation to the licensing functions set out in the Gambling Act 2005 and any amending legislation save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (12) To determine applications made pursuant to the Gambling Act 2005 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.

- (13) To reject representations under the Gambling Act 2005 which he considers to be vexatious, frivolous or repetitious.
- (14) To determine applications for Licensed Premises Gaming Machine Permits.
- (15) To cancel or vary Licensed Premises Gaming Machine Permits.
- (16) To determine applications for Club Gaming Permits and Club Machine Permits.
- (17) To determine applications for Prize Gaming Permits.
- (18) To determine applications for Small Lottery Registration.
- (19) To revoke a Small Lottery Registration.
- (20) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (21) To grant, with or without conditions, or refuse applications for a licence to place tables and chairs on the highway in accordance with the Highways Act 1980 including the suspension of such licences.
- (22) To amend the scheme for the Licensing of Tables and Chairs on the highway save for any significant amendments which shall be referred to the Cabinet.
- (23) To establish an Independent Review Panel for a period of four years to review Members Allowances and to pay consultancy fees to the Chairman of the Panel.
- (24) To make recommendations under the Licensing Act 2003 as to the restriction of admission of children to non-classified films, or a particular classified film, save always to his discretion to refer a film to a licensing sub-committee for determination of the appropriate recommendation.
- (25) To serve Closure Notices under S19 of the Criminal Justice and Police Act 2001 in respect of premises used for the unlicensed sale of alcohol and to take action for the enforcement, cancellation and termination of such notices pursuant to S19-28 of that Act.
- (26) To determine all applications and decide all other matters in relation to the Licensing functions set out in the Scrap Metal Dealers Act 2013 and any amending legislation save for the hearing of representations in cases involving the refusal, revocation or variation of a licence.
- (27) Subject to approval by Licensing Committee 6 May 2014 to determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.

- (28) That the holders of the following posts be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Town Police Clauses Acts 1847 and 1889

Public Health Acts 1875 and 1936

House to House Collections Act 1939

Hypnotism Act 1952

Police, Factories Etc. (Miscellaneous Provisions) Act 1916

Licensing Act 2003

Gambling Act 2005

Health Act 2006 – Smoke free provisions PART 1 Chapter 1 (in so far as they relate to fixed penalty notices and associated matters pertaining to the smoke free requirements)

Scrap Metal Dealers Act 2013

<u>Post No</u>	<u>Designation</u>
LD07	Licensing Manager
LD29	Administrative Assistant

Annex 2

"Proper Officer" Appointments

Sec. of Statute	1. Responsibility	Rec. Appt.
LGA 1972 13(3)	Officer designated to act as Parish Trustee with Chairman of Parish Meetings where no Parish Council exists.	Head of Administration
LGA 1972 100(B)(2)	Officer designated to exclude from agenda papers made available to public reports (or parts) likely to be taken in absence of public.	Head of Administration
LGA 1972 100(B)(7)(c)	Officer designated to supply copies of other documents.	Head of Administration
LGA 1972 100(c)(2)	Officer designated to make a written summary in lieu of confidential minutes.	Head of Administration
LGA 1972 100(F)(2)	Officer designated to identify documents not available to Members under that section.	Head of Administration
LGA 1972 191	Officer designated to receive notices of Ordnance Survey in relation to ascertaining or locating local authority boundaries.	Head of Administration
LGA 1972 210(6)&(7)	Officer designated to exercise any charity functions by officers of the "old" local authority where there is no holding of a corresponding office in the "new" local authority.	Head of Administration
LGA 1972 225(1)	Officer designated to receive and give receipt for any document required to be formally deposited with the Council.	Head of Administration

LGA 1972 229(5)	Officer designated to certify a photographic copy of a document in the custody of the Council.	Head of Administration and Head of Legal and Democratic Service
LGA 1972 236(9)&(10)	Officer designated to send copies of all bye laws made by the Council to the Council of every Parish or Community to which they apply and to the County Council.	Head of Administration
LGA 1972 238	Officer designated to sign the certificate on any printed copy of the bye laws authenticating such prints as a true and correct copy.	Head of Administration
LGA 1972 248	Officer designated to keep the Roll of Freemen.	Head of Administration
LGA 1972 Schedule 6 para.1	Officer designated to be deputy to electoral registration officer.	Head of Administration
LGA 1972 Schedule 14 para.25(7)	Officer designated to certify copy resolutions.	Head of Administration and Head of Legal and Democratic Service
LGA 1972 Schedule 16 para.28	Officer designated to receive on deposit lists of buildings of special architectural or historic interest.	Head of Administration
RPA 1983 36	Officer designated to receive the report of the Returning Officer of District Council Elections.	Head of Administration
HA 1989 Sections 15-17	Voting Rights and Political Balance. Officer designated for the purpose of these sections.	Head of Administration

LGA1972 s88	Convening of meeting of the Council to fill vacancy in office of Mayor (where such a casual vacancy exists)	Head of Administration
LGA 1972 schedule 12	- Issue and service of summons to meetings of Council and Committees thereof: receipt of formal notification from Councillors of address to which it is desired such summons to be sent.	Head of Administration
LAR 2000	Officer designated to act as 'Proper Officer'.	Head of Administration
LG(MP)A 1976	Officer designated to sign licences for hackney carriage and private hire vehicles and drivers	Head of Administration