

**Schedule of Delegation for Officers of the Legal and Democratic Service**

Report of the Head of Legal and Democratic (Portfolio: Corporate)

**Recommended:**

**That the post holders of the Legal and Democratic Service listed in the annex attached to this report be authorised to enter premises and carry out any act included in the legislation made there under, and any amendments thereto.**

**Recommendation to Council**

**SUMMARY:**

- Officers of the Legal and Democratic Service need to be specifically authorised under the various pieces of licensing legislation. If the Officers are not authorised under legislation they will not have the powers to take enforcement actions such as entering premises and land for the purposes of ensuring compliance with the legislation.
- The current list of authorised Officers requires amendment to accurately reflect all of those officers that may take enforcement action.

**1 Introduction**

- 1.1 This report is before the Licensing Committee due to the need to ensure that Officers in the Legal and Democratic Service carrying out various licensing functions are properly authorised. The current list of authorised Officers does not list all of those that could potentially undertake enforcement action.

**2 Background**

- 2.1 The Scheme of Delegation to Officers sets out those post holders authorised to enter land and premises and carry out specific acts included in the legislation. The Scheme of Delegation forms part of the Council's Constitution.

**3 Corporate Objectives and Priorities**

- 3.1 The work of Officers who deal with licensing enforcement is not directly reflected in the Council's Corporate Plan. All of the licensing functions undertaken by the Council are statutory and ultimately contribute towards the safety of the public.

**4 Consultations/Communications**

- 4.1 The authorisation of Officers does not require stakeholder consultation.

### **5 Options**

- 5.1 As a Licensing Authority, Test Valley Borough Council is required to ensure compliance with the various pieces of licensing legislation and for enforcement action to be taken where contraventions are found. The Council would be failing in its statutory duties not to properly authorise Officers.

### **6 Option Appraisal**

- 6.1 The authorisation of the post holders strengthens the enforcement capacity of the Licensing Team within the Legal and Democratic Service.

### **7 Resource Implications**

- 7.1 There are no resource implications as a result of this recommendation.

### **8 Legal Implications**

- 8.1 It is appropriate and necessary to properly appoint any Officer of the Council undertaking enforcement action. An unauthorised Officer cannot undertake statutory functions.

### **9 Equality Issues**

- 9.1 There are no direct implications for equality issues arising from this recommendation.

### **10 Other Issues**

- 10.1 Community Safety – none directly apart from the comments in paragraph 3.1 above.
- 10.2 Environmental Health Issues – none directly.
- 10.3 Sustainability and Addressing a Changing Climate – none directly.
- 10.4 Property Issues – none.
- 10.5 Wards/Communities Affected – the work of the post holders applies across the whole of the Borough.

### **11 Conclusion**

- 11.1 The authorisation of the post holders is requested so that the Borough Council can meet its statutory duties as a Licensing Authority.

## APPENDIX A

<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:	1		
Author:	Michael White	Ext:	8013
File Ref:	MW		
Report to:	Licensing Committee	Date:	21 November 2019