

UPDATE TO THE DELEGATION OF FUNCTIONS AT APPENDIX F OF THE STATEMENT OF LICENSING POLICY

LICENSING COMMITTEE

10 MARCH 2021

CLASSIFICATION:

OPEN

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

ALL WARDS

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

AJMAN ALI

1. INTRODUCTION

1.1 This report has been prepared to provide the Licensing Committee with information relating to an update of Appendix F of the Council's Statement of Licensing Policy to ensure this reflects recent legislative changes.

2. RECOMMENDATION(S)

2.1 That the Licensing Committee notes the report and the update to Appendix F (Delegation of Functions) contained within the Statement of Licensing Policy.

3. BACKGROUND

3.1 The current Statement of Licensing Policy became effective in August 2018. Appendix F is taken from the recommendation contained within the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

3.2 These amendments are being made to ensure that functions are being carried in accordance with provisions within the Licensing Act 2003 as amended by the Immigration Act 2016, Policing and Crime Act 2017 and the Business and Planning Act 2020.

3.3 The following new sections are inserted into Appendix F:

Matters to be dealt with	Sub-Committee	Officer
Determination of interim steps upon receipt of a s53A summary review application	If licence holder makes a representation	All other cases
Determination of interim steps upon receipt of a 172G off-sales review	If licence holder makes a representation	All other cases
Personal licence holder convictions coming to light	If police objection made	

3.4 The following existing sections are amended in Appendix F:

Matters to be dealt with	Sub-Committee	Officer
Application for a personal licence	If police objection made	All other cases
Application to vary designated premises supervisor	If police objection made	All other cases
Application for transfer of premises licence	If police objection made	All other cases

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

4.1 This report sets out minor procedural changes with no impact on finance.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

5.1 The Licensing Committee are asked to consider and note the updated Delegated Functions at Appendix F of the Statement of Licensing Policy as recommended at paragraph 2 to enable officers to discharge their functions in accordance with the provisions within the Licensing Act 2003 as amended by the Immigration Act 2016, Policing and Crime Act 2017 and the Business and Planning Act 2020.

- 5.2 Under section 53A Licensing Act 2003 (summary reviews) and under section 172G of the Licensing Act 2003 (summary off-sales reviews), following the introduction of the Business and Planning Act 2020, in instances of serious crime, the police may apply to the the licensing authority for a review of the premises licence. On receipt of this application the licensing authority has 48 hours to consider whether it is necessary to take interim steps pending the determination of a review of the premises licence within 28 days.
- 5.3 The initial licensing authority decision that is considered within 48 hours on interim steps in response to the application can be made by officers without a hearing and can be communicated by phone or in writing by email, and without the licence holder making representations as appropriate.
- 5.4 The provisions under section 124 Licensing Act 2003 applies where a personal licence holder is convicted of a relevant offence, applies for a grant or renewal of a personal licence, in the period between the application being made and its determination, however, knowledge of the conviction emerges only after the licence has been granted or renewed. The licensing authority may revoke a personal licence after consultation with the police. The police will then have the opportunity to give the licensing authority notice as to whether they object to the personal licence continuing where they believe it would undermine the crime prevention objective. If the police object a hearing must be held to consider the application.
- 5.5 The Licensing Committee and the Group Director for Neighbourhoods and Housing authorised under the Council's Constitution to approve the recommendations in paragraph 2 of this report to delegate down decision making. It is for the Council and it's officers to discharge its statutory Licensing functions which will be reflected in the updated Appendix F of the Statement of Licensing Policy and in the Scheme of Delegation for Neighbourhood and Housing. The Monitoring officer will be updated on any amendments to the Scheme of Delegation.

APPENDICES

None.

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable.

Report Authors	David Tuitt Business Regulation Team Leader david.tuitt@hackney.gov.uk Tel: 020 8356 4942
Comments of the Group Director of Finance and Corporate Resources	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments of the Director of Legal	Amanda Nauth Licensing and Corporate Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345