

## **REPORT TO EXECUTIVE**

Date of Meeting: 6 October 2020

## **REPORT TO COUNCIL**

Date of Meeting: 20 October 2020

Report of: Corporate Manager, Democratic & Civic Support

Title: Amendments to the Scheme Of Delegation and Terms of Reference for the Licensing Sub-Committee

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

1.1 This reports sets out proposals to amend the Scheme of Delegation to Officers to match operational arrangements, and also suggests a minor change to the Terms of Reference for the Licensing Sub-Committee.

#### **2. Recommendations:**

That the Council approve

- (a) the changes to the Scheme of Delegation to Officers as set out in the Appendix to this report
- (b) the following addition to the terms of reference for the Licensing Sub-Committee:-

To determine whether to revoke or suspend a personal licence where convictions come to light after grant or renewal.

#### **3. Reasons for the recommendation:**

- 3.1 To ensure that that Scheme of Delegation to Officers is up to date and matches the operational arrangements of the Council, thereby ensuring that day to day operational decisions can be taken. Particular attention has also been taken to ensure that Deputies have been appointed in all cases where authority has been delegated to officers, thereby ensuring that matters can continue to be dealt with, even if the absence of the named officer(s).
- 3.2 To ensure that there are appropriate delegated powers included to take account of the Council's decision to bring in house the provision of leisure services across the City.
- 3.3 To ensure efficient and timely decision making is undertaken in relation to licensing matters.

**4. What are the resource implications including non financial resources.**

None

**5. Section 151 Officer comments:**

Other than to note the changes to the delegations as affecting Finance, there are no matters requiring Council's attention from a financial point of view.

**6. What are the legal aspects?**

It is important to ensure that appropriate authority for officers to undertake the operational requirements of the Council, is appropriately approved by full Council and forms part of the Council's constitution.

**7. Monitoring Officer's comments:**

No comment.

**8. Report details:**

8.1 The Scheme of Delegation to Officers is the working document which sets out what decisions and powers officers have on a day to day basis. It therefore needs to be kept up to date to match operational requirements and arrangements.

8.2 The latest annual revision mainly concentrates on:-

- Restructures in a number of areas of the Council which have brought about changes in officers' titles;
- The creation of the Liveable Exeter Directorship and its need to have authority to undertake the day to day operational decisions that such a role will be taking;
- The increasing workload placed on the Director - Finance and Director - Corporate Services is necessitating the need to devolve n of some of their responsibilities to their Service Leads;

8.3 The Council's recent decision to bring in house the provision of leisure services across the City.

8.4 All of the above, has also necessitated various other changes to elements within the Council's constitution. Again, many of these relate to changes in the titles of officers, and as such would constitute minor amendments. The Corporate Manager, Democratic & Civic Support has delegated authority to make "minor" amendments to the constitution, and has done so in these circumstances.

8.5 It should be noted that, with the exception of appropriate powers being delegated to the Project Director - Liveable Exeter, to match those of other officers of a similar standing within the authority; and the inclusion of delegated powers to the Director, Comms, Culture & Leisure Facilities in respect of leisure facilities, no new powers have been delegated to officers from those contained in the previous version of the Scheme.

8.6 With regards to the minor amendment to the terms of reference of the Licensing Sub-Committee, this is due to The Licensing Act 2003 ('LA03') being amended by the Policing and Crime Act 2017 giving Licensing Authorities the power under section 132A of the LA03 to revoke or suspend personal licences. It is noted that this power could only be previously exercised where representations were made by the Police to the Licensing Authority. It is suggested that this minor amendment be made so as to allow efficient and timely decision making in relation to the revocation of suspension of personal licences.

**9. How does the decision contribute to the Council's Corporate Plan?**

It ensures that the Council is working as efficiently as possible.

**10. What risks are there and how can they be reduced?**

There are no risks associated with the proposals.

**11. Equality Act 2010 (The Act)**

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

Assessment has been included in the background papers for Member's attention.

**12. Carbon Footprint (Environmental) Implications:**

No direct carbon/environmental impacts arising from the recommendations.

**13. Are there any other options?**

No

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**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

None

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