

LICENSING ACT COMMITTEE

OFFICER SCHEME OF DELEGATION 23rd June 2011

Report of the Head of Governance

PURPOSE OF REPORT

To enable the Committee to approve an updated scheme of delegation to officers in respect of matters within its terms of reference.

This report is public

RECOMMENDATIONS

- (1) That the Committee approve the delegations to officers as set out in Appendix 1 for inclusion in the Council's Constitution as part of the Scheme of Delegation to Officers.
- (2) That to ensure consistency, a further item be inserted in the terms of reference of the Licensing Act Sub-Committees, in Part 3 Section 4 of the Constitution, as follows:

"To determine film classification restrictions where there has been no classification by the British Board of Film Classification, and where the Head of Governance considers it inappropriate, in view of the nature of the particular film, for the matter to be determined under the Officer Scheme of Delegation."

1.0 Introduction

1.0 Part 3 Section 15 of the Council's Constitution contains the Council's Scheme of Delegation to Officers. This is currently being reviewed to ensure that it is up to date, and reflects the operational needs of the Council.

1.1 It is for Cabinet and each Regulatory Committee to approve the delegations within their own terms of reference, and it is intended that each will review their delegations so that an updated Scheme of Delegation can be brought to Council for approval and subsequent inclusion in the Constitution. It is intended that the updated scheme will make it clearer as to which member body is responsible for each delegation.

2.0 Proposal Details

2.0 A revised list of officer delegations in respect of the areas of work which fall within the remit of this Committee is set out in Appendix 1. The list has been updated to ensure that the correct officer titles are used and that the relevant legislation referred to is complete and up to date.

- 2.1 One substantive amendment is suggested, and this is highlighted in italics in Appendix 1. At present the determination of film classifications where there has been no classification by the British Board of Film Classification is delegated to the Head of Governance in consultation with the Chairman of the Committee. To date, all decisions taken under this delegation have been uncontroversial. However, in accordance with the normal rules of delegation, the person to whom a decision is delegated may refer a particular decision back to the delegating body for decision, and it is likely that the Head of Governance would wish to do so in the event of a decision being required on a more controversial film. Based on the current scheme of delegation, this would mean that the Head of Governance would have to refer a decision back to the full Committee, as the delegating body. This would be cumbersome, and contrary to the principle that the work of the Committee in dealing with individual cases is carried out by sub-committees. Accordingly, it is recommended that the Scheme of Delegation be amended as set out in Appendix 1 to allow the Head of Governance to refer a decision to a sub-committee of three members rather than to the full Committee. A consequent addition to the Terms of Reference of the Sub-Committees would be required in Part 3, Section 4 of the Constitution as follows:

“To determine film classification restrictions where there has been no classification by the British Board of Film Classification, and where the Head of Governance considers it inappropriate in view of the nature of the particular film, for the matter to be determined under the Officer Scheme of Delegation”.

- 2.3 Members are recommended to approve Appendix 1 as its Scheme of Delegation with immediate effect and to be included in the full Council Scheme, with the consequent addition to the Terms of Reference of the Sub-Committees as set out above.

3.0 Details of Consultation

- 3.0 All Service Heads have been consulted on the proposed revised Scheme of Delegation, as have the officers in Governance, especially Legal, who need to rely on the delegations in the course of any relevant legal proceedings.

4.0 Options and Options Analysis (including risk assessment)

- 4.0 Members are recommended to adopt Appendix 1 as drafted. It would be open to the Committee to make amendments by either adding to or deleting from the list of delegations. However, officers would advise that it has been drafted to meet the operational and legal requirements of Licensing.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None arising directly from this report.

LEGAL IMPLICATIONS

Legal Services have been involved in the review of the Scheme of Delegation.

FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer is leading the review of the Scheme of Delegation as the officer responsible for the Council's Constitution.

BACKGROUND PAPERS

None

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