

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

24th May 2010

**REGULATORY SERVICES – WORCESTERSHIRE SHARED SERVICES
JOINT COMMITTEE**

Relevant Portfolio Holder	Cllr. P. Whittaker
Relevant Head of Service	David Mellors

1. SUMMARY OF PROPOSALS

- 1.1 This report updates the Committee on the current situation relating to the Worcestershire Shared Regulatory Service.

2. RECOMMENDATIONS

- 2.1 **That the Committee notes this report.**

3. BACKGROUND

- 3.1 In January 2010 the Council agreed to participate in enhanced two tier working with other authorities in Worcestershire. In particular Council agreed that a unified Regulatory Service comprising Environmental Health functions, Licensing functions and Trading Standards functions for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils would be established from 1st June 2010 under the auspices of a Joint Committee. Council further agreed that with effect from 1st June 2010 this Council's Regulatory Services functions would be discharged by that Joint Committee and accordingly agreed to delegate its Regulatory Services functions to that Joint Committee with effect from 1st June 2010. The Cabinet has also agreed to delegate its Regulatory Services functions to the Joint Committee with effect from 1st June 2010.
- 3.2 The Joint Committee will be responsible for a range of environmental health, licensing and trading standards functions, the details of which will be included in an agreement to be signed on behalf of all the participating authorities. However, some licensing functions will not be included and will remain the responsibility of each Council – these reserved matters will be set out in the agreement and will include all Licensing Act 2003, Gambling Act 2005 and taxi licensing functions. The project is on target to commence on 1st June 2010.

4. KEY ISSUES

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- 4.1 Currently, the Council has tasked the Licensing Committee with responsibility for exercising all powers and duties of the Council in licensing and registration and for enforcement of licensing and registration. The Licensing Committee has delegated the day to day administration of the function and also specific duties and functions to the Head of Planning & Environment Services as set out in the Scheme of Delegation.
- 4.2 The Scheme of Delegation operates in such a way that reference to any post holder shall be deemed to refer to any successor post holder charged with the same responsibilities following any reorganisation of functions. Therefore, since 20th April 2010 when the restructuring of the senior management team took effect, the functions delegated to Head of Planning & Environment Services have been exercisable by the Head of Regulatory Services. The Scheme of Delegations also enables the Head of Regulatory Services to authorise other officers to exercise those powers on his behalf. The Committee is asked to note the position.
- 4.3 Once the Shared Regulatory Services project is implemented, Regulatory Services functions (other than the reserved matters) will become the responsibility of the Joint Committee. This will delegate functions to the Head of Regulatory Services, who in turn may authorise other officers to exercise those powers on his behalf. Again the Committee is asked simply to note this position.
- 4.4 The implementation of the Shared Regulatory Services project should not affect the work programme and matters which come before the Licensing Committee and its Sub-Committees for consideration and the Committee is asked to note this.

5. FINANCIAL IMPLICATIONS

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 Section 101(5) of the Local Government Act 1972 as amended enables two or more local authorities to arrange for the discharge of any of their functions jointly and where arrangements are in force for them to do so they may arrange for the discharge of those functions by a joint committee.

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6.2 S102 of that Act enables authorities to appoint members to a joint committee established for the purpose of discharging functions in pursuance of arrangements made under s101 and requires.

7. POLICY IMPLICATIONS

7.1 N/a.

8. COUNCIL OBJECTIVES

8.1 CO2 – Improvement, CP3 Value for Money, KD Shared Services

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with the details included in this report.

10. CUSTOMER IMPLICATIONS

10.1 N/a

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 N/a

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

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21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

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