



COUNCIL EXECUTIVE

LICENSING ENFORCEMENT - DELEGATION OF AUTHORITY TO CHIEF SOLICITOR

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to request approval for the licensing enforcement duties placed upon West Lothian Council to be delegated to the Chief Solicitor and subsequently to officers within Legal Services.

B. RECOMMENDATION

It is recommended that the Council Executive approves the delegation of authority to the Chief Solicitor to enable licensing enforcement to be carried out by officers within Legal Services.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Licensing (Scotland) Act 2005, Civic Government (Scotland) Act 1982 and other legislation relative to licences and permits dealt with by Legal Services
III Resources - (Financial, Staffing and Property)	There are no additional resource implications.
IV Consultations	None

D. TERMS OF REPORT

The Council has a number of licensing functions contained within a wide variety of legislation. The administration of licensing is a function of Legal Services with the assistance of a range of other Council services and the Police.

The Council employs Licensing Standards Officers to ensure compliance with many of these licensing requirements. The officers were previously employed and managed within the Environmental Health & Trading Standard service. The remit of the officers covers the requirements of the Licensing (Scotland) Act 2005, Civic Government (Scotland) Act 1982, and various other specific legislative requirements. The officers were authorised by the Environmental Health & Trading Standards Manager in terms of Council Standing Orders and the Scheme of Delegation in relation to licensing enforcement on behalf of West Lothian Council and West Lothian Licensing Board.

The Licensing Standard Officers are now employed and managed within Legal Services. A change to the previous authorisation is therefore required to allow the officers to continue enforcing specific licensing requirements of the Licensing (Scotland) Act 2005 on behalf of the West Lothian Licensing Board, and other licensing enforcement requirements on behalf of the Council.

It is therefore necessary for the Council to approve the delegation of the function of licensing enforcement to the Chief Solicitor. This will allow for the authorisation of Licensing Standards Officers and others as appropriate within this service area to carry out all current and future licensing enforcement duties.

E. CONCLUSION

The enforcement of licensing legislation is necessary in ensuring that licences are in place as appropriate and in ensuring compliance with licensing conditions intended for public safety and protection.

It is requested that the Council Executive approve the content of this report and the delegation of responsibility for the licensing enforcement function to the Chief Solicitor with subsequent delegation within the terms of Council Standing Orders and Scheme of Delegation.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: None.

Contact Person: Audrey Watson, Senior Solicitor, Tel 01506 281624

Graeme Struthers, Head of Corporate Services

Date: 16 June 2011