

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**TACIT AUTHORISATIONS
THE PROVISION OF SERVICES REGULATIONS 2009**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To determine the tacit authorisation periods for all applications where no statutory time limits are determined in accordance with the Provisions of Service Regulations 2009.
- 1.2 To delegate to the Director of Places the authority to extend the authorisation/tacit period in accordance with paragraph 9 of the Provision of Services Regulations 2009, for sex establishments and street trading licences where such an extension can be justified, and also to determine some applications (where applicable) as listed in Appendix A.

2. BACKGROUND INFORMATION

- 2.1 In accordance with paragraph 19 of the Provisions of Service Regulations 2009 the Council is required to determine the time needed to determine each application, or tacit authorisation period.
- 2.2 This requirement is needed for all activities where a person needs to obtain an authorisation or notify a competent authority in order to deliver their business or function, with the exception of applications for Gambling and Transportation, ie. Hackney Carriage and Private Hire Licences. The statutory definition is contained within paragraph 4 of the aforementioned regulations.
- 2.3 The types of authorisation covered by this regulation include all activities delivered under the delegation of the Licensing Committee. A list of these activities are included in Appendix A.
- 2.4 In determining the authorisation period, the committee will need to consider if an inspection is needed, any consultation period and allow for the preparation of licences etc. In addition, some applications need to be referred to the Licensing (Miscellaneous) Sub-Committee before being determined.

- 2.5 Further, once set it will be necessary to review the tacit/authorisation period to determine if they are set to an appropriate. Should any changes be needed then a further report will be presented to the Licensing Committee.
- 2.6 As the time limit to determine authorisation will be set and can only be extended once it may be necessary to change the way in which Licensing (Miscellaneous) Sub-Committees are arranged for certain activities, such as street trading licences and sex establishment licences, with other activities with a tacit/authorisation period being determined by the Director of Places. If all hearings (meetings of the sub-committee) are arranged in advance then the authorisation period may have to be extended to meet the hearing, thus if the applicant fails to attend the application would have to be heard or it would be deemed granted. Therefore, it is proposed that the Director of Places request special meetings of the Licensing (Miscellaneous) Sub-Committee are arranged as and when required for Street Trading Licence and Sex Establishment licence applications, and to delegate the determination of other applications listed in Appendix A, where a tacit/authorisation period is required and has been set. (Gambling and Transportation, ie. Hackney Carriage and Private Hire Licences. will continue to be considered in the usual way by the sub-committee).

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 - To change delegations to officers to enable the Director of Places to determine applications for a licence listed in Appendix A (where applicable), except for street trading licence and sex establishment licence applications, with the Licensing Committee setting the authorisation periods. Where an application is received for a street trading licence or a sex establishment licence a special meeting of the Licensing (Miscellaneous) Sub-Committee shall be requested. The ability to extend related authorisation times would also need to be delegated to the Director of Places.
- 3.2 Option 2 - To do nothing.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 - The authorisation periods set out in Appendix A have been considered taking into account the consultation periods, inspections and determination time. These times do not include the 'committee process' but where an application is needed to be referred to committee an extension of the time period could be applied if needed. In addition, special meetings can be arranged for hearings for street trading and sex establishment

licences. Other applications can be determined by the Licensing Manager. This would provide the least disruption to the committee process, ensure that there is not an additional burden for members and officers and provide flexibility in the determination of applications received.

4.2 Option 2 - Doing nothing would mean that the Council is in breach to the Provisions of Service Regulations 2009.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no financial, staffing, property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Setting the authorisation periods or tacit periods is a requirement under the Provisions of Service Regulations 2009. Where an application is not determined within the specified time limit it is deemed to be granted.

7. OUTCOMES OF CONSULTATION

7.1 No consultation has been carried out.

8. RECOMMENDATIONS

8.1 That it be recommended to council -

That the authorisation periods in Appendix A be approved, and that Option 1 above also be approved amending the delegation to officers for the determination of those applications (where applicable) listed in Appendix A, and that relevant licensing policies be amended to reflect the revised delegation.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report - The Provision of Services Regulations 2009

Appendix A

Application Type	Consultation Period	Inspection Period	Determination Period	Committee	Total Period
Animal Boarding Establishment Licence (New Application)	Nil	21	14	14	49
Animal Boarding Establishment Licence (Renewal)	Nil	Nil	14	14	28
Home Boarding Establishment Licence (New Application)	Nil	21	14	14	49
Home Boarding Establishment Licence (Renewal)	Nil	Nil	14	14	28
Dangerous Wild Animal Licence (New Application)	Nil	21	14	14	49
Dangerous Wild Animal Licence (Renewal)	Nil	21	14	14	49
Dog Breeding Licence (New Application)	Nil	21	14	14	49
Dog Breeding Licence (Renewal)	Nil	Nil	14	14	28
Pet Shop Licence (New Application)	Nil	21	14	14	49
Pet Shop Licence (Renewal)	Nil	Nil	14	14	28
Riding Establishment Licence (New Application)	Nil	21	14	14	49
Riding Establishment Licence (Renewal)	Nil	21	14	14	49
Zoo Licence (New Application)	56	21	14	14	105
Zoo Licence (Renewal)	56	21	14	14	105
Hackney Carriage Drivers Licence (New Application)	Exempt from the provisions of the Regulations				N/A
Hackney Carriage Drivers Licence (Renewal)	Exempt from the provisions of the Regulations				N/A
Private Hire Drivers Licence (New Application)	Exempt from the provisions of the Regulations				N/A
Private Hire Drivers Licence (Renewal)	Exempt from the provisions of the Regulations				N/A
Hackney Carriage Vehicle Licence (New Application)	Exempt from the provisions of the Regulations				N/A
Hackney Carriage Vehicle Licence (Renewal)	Exempt from the provisions of the Regulations				N/A
Private Hire Vehicle Licence (New Application)	Exempt from the provisions of the Regulations				N/A
Private Hire Vehicle Licence (Renewal)	Exempt from the provisions of the Regulations				N/A
Private Hire Operator s Licence (New Application)	Exempt from the provisions of the Regulations				N/A
Private Hire Operator s Licence (Renewal)	Exempt from the provisions of the Regulations				N/A
Small Bus Permit (New Application)	Exempt from the provisions of the Regulations				N/A
Small Bus Permit (Renewal)	Exempt from the provisions of				N/A

Application Type	the Regulations				Total Period
	Consultation Period	Inspection Period	Determination Period	Committee	
Street Trading Consent (New Application)	28	7	14	28	77
Street Trading Consent (Renewal)	28	7	14	28	77
Street Trading Licence (New Application)	28	7	14	28	77
Street Trading Licence (Renewal)	28	7	14	28	77
Sex Establishment Licence (New Application)	21	21	28	28	98
Sex Establishment Licence (Renewal)	21	21	28	28	98
Approved Marriages Premises Licence (New Application)	21	21	14	14	70
Approved Marriages Premises Licence (Renewal)	21	21	14	14	70
Motor Salvage Registration (New Application)	28	14	14	14	70
Motor Salvage Registration (Renewal)	28	14	14	14	70
Scrap Metal Dealers Registration (New Application)	28	14	14	14	70
Scrap Metal Dealers Registration (Renewal)	28	14	14	14	70
Full Boatman's Licence (New Application)	28	14	14	14	70
Full Boatman's Licence (Renewal)	28	14	14	14	70
Pleasure Boat Licence (New Application)	28	14	14	14	70
Pleasure Boat Licence (Renewal)	28	28	14	14	84
Acupuncture Registration (New Application)	21	28	14	14	77
Acupuncture Registration (Renewal)	21	28	14	14	77
Body Piercing Registration (New Application)	21	28	14	14	77
Body Piercing Registration (Renewal)	21	28	14	14	77
Electrolysis Registration (New Application)	21	28	14	14	77
Electrolysis Registration (Renewal)	21	28	14	14	77
Tattooing Registration (New Application)	21	28	14	14	77
Tattooing Registration (Renewal)	21	28	14	14	77
Highways Authorisations, Premises Related (New Application)	28	14	14	14	70
Highways Authorisation, Premises Related (Renewal)	28	14	14	14	70
Highways Authorisations, Site Related (All Applications)	28	14	14	14	70
Note.					
All authorisation periods are relevant for complete applications. A complete application is determined when all conditions of obtaining a licence have been satisfied.					