

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member - Delegated Powers Meeting Housing and Environmental Services
2.	Date:	25 October 2004
3.	Title:	Delegated Powers; Sale of Alcohol
4.	Programme Area:	Neighbourhoods

5. Summary

The report seeks to empower the Head of Neighbourhood Services to authorise officers to carry out regulatory duties and responsibilities including provisions relating to test purchasing checks that tackle unlawful alcohol sales to young people.

6. Recommendations

That powers be delegated to the Head of Neighbourhood Services to discharge;

- **Any executive function not otherwise reserved to the full Council, the Cabinet, a committee of the Cabinet, a member of the Cabinet, a joint committee discharging executive functions or another local authority, and**
- **Any non-executive functions not otherwise reserved to the Licensing Board, or any other person or body discharging non-executive functions in accordance with executive arrangements made by the Council, in respect of the following :**

Licensing Acts 1964 and 2003

Weights & Measures Act 1985

Criminal Justice and Police Act 2001

The powers conferred include:

Test Purchasing

Instigation of Legal Proceedings

Authorisation of Informations and Summonses

Authorisation of Applications for a Warrant to Enter Premises

Service of Statutory Notices

Granting and Refusal of Licences

7. Proposals and Details

Previous reports have informed Members of the Councils' responsibilities for determining applications under the Licensing Act 2003. In addition to introducing a new and consolidated licensing system, the Act amongst other matters, regulates the sale of alcohol to persons under 18 years of age. To-date, work on implementation of the Act has been undertaken within the authority of specific Council decisions however, officers will shortly be required to exercise the Council's powers more generally under this legislation and the delegation of powers to undertake this work is now sought.

The sale of alcohol to persons under the age of 18 years is identified within Rotherham and many other authorities, as a significant anti-social behaviour issue.

The Council, as a Weights and Measures Authority is empowered to enforce controls, currently under the Licensing Act 1964 through test purchasing. Prior to this important work taking place it will be necessary to formally delegate powers to the Head of Neighbourhood Services in order that appropriately qualified staff can be authorised by him. The police also have powers to make test purchase checks for under age alcohol sales and work will be arranged in partnership with them, the Anti-Social Behaviour Unit and Safer Rotherham Partnership.

8. Finance

There are no new financial implications arising from this report. Costs arising from work outlined in this report will be met from within existing resources, including income from licensing fees and charges.

9. Risks and Uncertainties

There are no identified risks directly arising from recommendations outlined in this report. It would however, be unlawful for officers and test purchasers to carry out the Council's statutory duties and responsibilities without appropriate authorisation. Test purchasing will be carried out in accordance with the Local Authorities Co-ordinators on Regulatory Services (LACORS) code of best practice that carefully safeguards the position of young persons undertaking test purchases.

10. Policy and Performance Agenda Implications

Safer Rotherham and Sustainability implications

Test purchasing work on alcohol sales will be targeted towards making Rotherham a safer place and will help sustain local communities by reducing crime and disorder and the fear of crime. The work will form part of a programme of checks on age restricted products to include fireworks, tobacco, knives, solvents and lottery tickets. Health implications. Alcohol, smoking and substance misuse by children has clear health implications.

Link to BVPI 166

Targeted test purchase checks on age restricted product sales form part of a programme of enforcement services that contribute to the Council's BVPI 166 score. The BVPI measure provides a checklist of best practice for integrated environmental health, trading standards and licensing enforcement services.

11. Background Papers and Consultation

Legislation, LACORS Code of Best practice on test purchasing
BV PI 166 checklist and Legal clearance

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