

Proposed Amended Scheme of Delegation

Specific to Licensing

Licensing Act 2003

Table of delegations of Licensing functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence with unspent convictions		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notices		All cases	
Determination of an Environmental Health representation to a temporary event notice		All cases	
Determination of application to vary premises license at Community premises to include alternative license conditions		If police object	All other cases
Decision whether to consult other responsible authorities on minor variation applications.			All cases
Determination of minor variation application			All cases
Decision to suspend club premises certificate or premises license for nonpayment of annual fee.			All cases
Making a representation on behalf of the Licensing Authority			Licensing Manager and Senior Licensing officers
Initiating a review on behalf of the Licensing Authority			Licensing Manager and Senior Licensing Officers
Determination of Minor Variations			All cases

Gambling Act 2005

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers Public Protection Licensing Manager
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers (Public Protection Licensing Manager)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

Table of Delegated Functions

Matter to be dealt with	Full Committee	Sub – Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any new application or existing application where objections have been received	The Licensing Committee or Sub Committee will determine any application	To determine renewals where no objections have been received
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases

<p>Powers to suspend/revoke or refuse to renew licenses under the following legislation: Town Police Clauses Act 1847 as amended Section 50 Local Government (Miscellaneous Provisions) Act 1976 –Section 60,61 and 62</p> <p>Powers to determine applications for licenses and permits under the following legislation:</p> <p>Town Police Clauses Act 1847 as amended Sections 40,46 Local Government (Miscellaneous Provisions) Act 1976 - Section 48,51,55</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear Piercing and electrolysis)</p> <p>Performing Animals (regulation) Act 1925</p> <p>Zoo Licensing Act 1981</p> <p>House to house collections Act 1939</p> <p>Pet Animals Act 1951</p> <p>Animal Boarding Establishments Act 1963</p> <p>Riding Establishments Act 1964 and 1970</p> <p>Breeding of Dogs Act 1973</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates’ Court</p> <p>The Licensing Committee will determine any application made by an officer or member of the Council.</p>	<p>For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates Court</p>	<p>Licensing Manager.</p> <p>All other cases.</p>
<p>Breeding and Sale of Dogs (Welfare) Act 1999</p> <p>Scrap Metal Dealers Act 1964</p> <p>Dangerous Wild Animals Act 1976</p> <p>Lotteries and Amusements Act 1976</p> <p>Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous</p>			

Provisions) Act 1982			
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Matter to be dealt with	Licensing Committee	Sub-Committee	Officers
Breeding and Sale of Dogs (Welfare) Act 1999 Scrap Metal Dealers Act 1964 Dangerous Wild Animals Act 1976 Lotteries and Amusements Act 1976 Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982			

Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006

Table of Delegations of Licensing Functions

Matter To Be Dealt With	Full Council	Licensing Committee or Sub-Committee	Officers (Service Director Public Protection Services)
Making Designated Public Places Orders (DPPOs)		X	