

Appendix – Delegation of Licensing Authority functions

TABLE 1 – Lowest level to which decisions can be delegated under the 2005 Act

(X indicates the “lowest level” to which a function can be delegated)

| Matter to be dealt with | Full Council | To a sub-committee of Licensing Committee | To officers |
|---|--------------|--|--|
| Final approval of three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee setting (when appropriate) | | | X |
| Application for premises licence | | Where objections have been made (and not withdrawn) | Where no representations received or all have been withdrawn |
| Application for a variation to a licence | | Where objections have been made (and not withdrawn) | Where no representations received or all have been withdrawn |
| Application for a transfer of a licence | | Where objections have been made by the Gambling Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where objections have been made (and not withdrawn) | Where no representations received or all have been withdrawn |
| Review of a premises licence | | X | |

TABLE 2 – Recommendations

(**Exceptions to “lowest level” are shown in bold text**)

| Recommendations about matters in the same line in TABLE 1 |
|--|
| (Full Council only) |
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| (Delegated to Licensing & Gambling Acts Committee.) Delegate no further. |
| Sub-delegate, as in Table 1, to “lowest level” permitted |
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| Delegate to sub-committees |

TABLE 1 – Lowest level to which decisions can be delegated under the 2005 Act

(**X** indicates the “lowest level” to which a function can be delegated)

| Matter to be dealt with | Full Council | To a sub-committee of Licensing Committee | To officers |
|---|---------------------|---|--|
| Application for club gaming/ club machine permits | | Where objections have been made (and not withdrawn) | Where no representations received or all have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |
| Applications for other permits | | | X |
| 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 | |

TABLE 2 – Recommendations

(**Exceptions** to “lowest level” **are shown in bold text**)

| Recommendations about matters in the same line in TABLE 1 |
|--|
| Sub-delegate, as in Table 1, to “lowest level” permitted |
| Delegate, to sub-committees, the decision to cancel. |
| Sub-delegate to officers the associated functions, as in Table 3. |
| See Table 3 |
| Sub-delegate to officers, as shown in Table 1 |
| Sub-delegate to officers, as shown in Table 1 |
| Delegate, to sub-committees, the decision to give a counter-notice. |
| Sub-delegate to officers the associated functions, such as giving a notice of objection. |

TABLE 3 – Delegation of other functions under the 2005 Act

| Matter to be dealt with | Reasons | Recommendation |
|---|--|--|
| Rejection of representations on applications for Premises Licences (including variation, transfer, and all grandfather rights applications) | To match permitted practice under the Licensing Act 2003. | Delegate to officers the power to reject representations from interested parties (but not from responsible authorities) on all premises licence applications, including variation, transfer, and all grandfather rights applications. |
| Rejection of applications for reviews | With delegated powers, officers could control the period between reviews of any one premises as a result of similar applications from all sources. | Delegate to officers. |
| Cancellation of club gaming/ club machine permits (Further to Table 1) | In the interests of efficient administration | Delegate, to officers: <ul style="list-style-type: none"> • the decision to notify intention to cancel, • cancellation on non-payment of annual fee |
| Prize Gaming Permit Applications | Schedule 14 paragraph 11 requires that if the licensing authority is minded to refuse the application (due to its own concerns or if the police object to the application) then it must give the applicant an opportunity to make representations either orally or in writing. | Delegate to sub-committees: Where the police object to the application (or officers are minded to refuse it) Delegate to officers: Where the police have not objected to the application (and officers are not minded to refuse it) |
| Alcohol Licensed Premises Gaming Machine NOTICE (under section 282) | By sending a notice and fee, such premises can make available one or two Gaming Machines (category C or D). (Under current arrangements, officers determine applications for up to two gaming machines) | (This is an administrative function) Delegate to officers |

| Matter to be dealt with | Reasons | Recommendation |
|--|---|--|
| Giving notice of an Order, disapplying section 282 to specified premises | The licensee may make representations and request a hearing, despite delegation to officers. | Delegate to officers |
| Giving notice of an Order, disapplying section 279 (exempt gaming) to specified premises | The licensee may make representations and request a hearing, despite delegation to officers. | Delegate to officers |
| Alcohol Licensed Premises Gaming Machine PERMIT | <p>Under current legislation, where an application could result in more than two gaming machines at a premises, the licensing authority requires a hearing.</p> <p>Under the 2005 Act, a notice (rather than a permit) enables such premises to provide up to 2 machines (see above).</p> | <p>Delegate, to sub-committees, decisions ...</p> <ul style="list-style-type: none"> • on applications for an increase to more than two gaming machines at a premises, and • where the authority is minded to reduce the number of gaming machines permitted. <p>Sub-delegate, to officers, the grant of applications that result in no change to the number of gaming machines at a premises.</p> |
| Other licensing authority functions delegated to Committee, but not otherwise referred to in Tables 1,2 or 3 | In the interests of fair and efficient administration | <p>Delegate all remaining functions to sub-committees.</p> <p>Sub-delegate from sub-committees all those remaining functions that the 2005 Act allows to be delegated to officers.</p> |