

Appendix

Excerpt from Part 3 Section C (Non Executive functions)

LICENSING COMMITTEE

1. To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of any function conferred on the Council under Section 5 of the Act (statement licensing policy).
2. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to subcommittee(s) established by it or (subject to the exceptions in Section 10 (4) of the Act) to an officer of the licensing authority.

Matter to be dealt with		Subcommittee (Licensing Panel)	Director of Planning, Building Control and Licensing
1	Application for personal licence.	If a police objection made and not withdrawn	If no unwithdrawn objection made
2	Application for personal licence with unspent convictions.	If a police objection made and not withdrawn	If no unwithdrawn objection made
3	Application for premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
4	Application for provisional statement.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
5	Application to vary premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
6	Application to vary designated premises supervisor.	If a police objection made and not withdrawn	All other cases
6A	Request to be removed as designated premises supervisor		All cases
7	Application for transfer of premises licence.	If a police objection made and not withdrawn	All other cases
8	Applications for interim authorities.	If a police objection made and not withdrawn	All other cases
9	Application to review premises licence/club premises certificate.	All cases	
9A	Decision on whether a representation is irrelevant, frivolous or vexatious.		All cases
9B	Decision on whether a ground for review is irrelevant, frivolous or vexatious.		All cases

10	Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	
11	Determination of an objection to a temporary event notice.	All cases	
11A	Determination of application to vary premises licence at community premises to include alternative licence condition.	If a police objection made and not withdrawn	All other cases
12	Determination of minor variation.		All cases
13	Decision whether or not to give consideration to revoke or suspend a personal licence, and to give notice to the licence holder following convictions or immigration penalties.		All cases
14	Decision to revoke or suspend a personal licence following convictions or immigration penalties	All cases	
15	Decision on whether there has been a material change of circumstances in cases of representations against any interim steps taken pending review.		All cases

Note: Where no representations are received in respect of an application, the licensing officer will deal with the application under delegated authority without the need for a hearing.

3. The Licensing Committee has delegated to the Director of Planning, Building Control and Licensing the function of discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.
4. To discharge the functions of the Council as licensing authority under the Gambling Act 2005 and Regulations made thereunder with the exception of any function conferred on the Council under sections 166, and 349 of the Act.
5. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub-committee(s) established by it or (subject to the exceptions in Section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

Matter to be dealt with		Full Council	Sub-committee of licensing committee	Director of Planning, Building Control and Licensing
1	Three year licensing policy.	✓		

2	Policy not to permit casinos.	✓		
3	Fee setting (when appropriate).			✓
4	Application for premises licences.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
5	Application for a variation to a licence.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
6	Application for a transfer of a licence.		Where representations have been received from the Commission	Where no representations received from the Commission
7	Application for a provisional statement.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
8	Review of a premises licence.		✓	
9	Application for club gaming/club machine permits.		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
10	Cancellation of club gaming/club machine permits.		✓	
11	Applications for other permits.			✓
12	Cancellation of licensed premises gaming machine permits.			✓
13	Consideration of Temporary Use Notice.			✓
14	Decision to give a counter notice to a Temporary Use Notice.		✓	

6. To establish one or more sub committees consisting of three members of the Committee.

NOTE

Where the committee is unable to discharge any function delegated to it because of the number of members who are unable to take part in the consideration or discussion of any matter or vote on any question, the committee must refer the matter back to the licensing authority and the authority must discharge the function.

Excerpt from Part 3 Section F (Scheme of Delegation to Officers)

DIRECTOR OF PLANNING, BUILDING CONTROL AND LICENSING

[...]

3. To discharge the Council's functions as a "responsible authority" as defined by Section 13(4) (za) of the Licensing Act 2003.
4. To discharge the Council's functions as a "responsible authority" as defined by Section 157(a) of the Gambling Act 2005.
5. To administer all relevant legislation relating to the Council's licensing functions within the remit of the Growth and Development Directorate, but not those licensing enforcement functions specifically delegated to the Strategic Director (Neighbourhoods).

[...]

Licensing and Registration Functions

58. To exercise the functions of the Council relating to the administration of all relevant legislation relating to the Council's licensing functions.

Without prejudice to the generality of the above:

Under the Licensing Act 2003

59. To discharge the following Council functions under the Licensing Act 2003:
 - (a) To grant an application for personal licence (with or without spent convictions) where no police objection is made or where any police objection has been withdrawn.
 - (b) To reject an application for personal licence where it appears that the applicant fails to meet the condition in Section 120(2)(a), (aa), (b) or (c) of the Licensing Act 2003.
 - (c) To grant an application for premises licence/club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.
 - (d) To grant an application for provisional statement where no relevant representations have been made or where all relevant representations have been withdrawn.
 - (e) To grant an application to vary premises licence/club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.

- (f) To grant or refuse an application for a minor variation to premises licence/club premises certificate (in consultation with the Chair of the Licensing Committee)
- (g) To grant an application to vary designated premises supervisor where no police objection made or where any police objection has been withdrawn.
- (h) To approve any request to be removed as designated premises supervisor.
- (i) To grant an application for transfer of premises licence only where no police objection made or where any police objection has been withdrawn.
- (j) To grant or refuse an exemption to an applicant for the transfer of a premises licence from obtaining the holder's consent in accordance with Section 43(5) and (6) of the Licensing Act 2003
- (k) To grant applications for interim authority only where no police objection made or where any police objection has been withdrawn.
- (l) To make a decision as to whether a complaint/representation is irrelevant, frivolous, vexatious etc.
- (m) To make a decision as to whether a ground for review is irrelevant, frivolous, vexatious etc.
- (n) Determination of applications to vary premises licence at community premises to include alternative licence condition, where no police objection is made or where any police objection has been withdrawn.
- (o) To make a decision as to whether or not to give consideration to revoke or suspend a personal licence, and to give notice to the licence holder following convictions or immigration penalties.
- (p) To make a decision as to whether there has been a material change of circumstances in cases of representations against any interim steps taken pending review.
- (q) To discharge the functions of the Council in relation to the suspension of licences under Section 55A (premises licence) and Section 92A (club premises licence) of the Licensing Act 2003.

Under the Gambling Act 2005

60. To discharge the following Council functions under the Gambling Act 2005:

- (a) To approve an application for premises licence where either no representations have been received or where any representations have been withdrawn.
- (b) To approve an application for a variation to a licence where no representations are received or any representations have been withdrawn.
- (c) To approve an application for a transfer of a licence where no representations are received from the Commission.
- (d) To approve an application for a provisional statement where either no representations are received or any representations have been withdrawn.
- (e) To approve an application for club gaming/club machine permits either where no objections are made or any objections have been withdrawn.
- (f) To approve applications for permits.
- (g) To cancel licensed premises gaming machine permits.
- (h) To consider Temporary Use Notice.

61. To discharge the Council's functions in relation to fee setting under the Gambling Act 2005 and the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 in consultation with the Chair of the Licensing Committee and the Executive Member with portfolio responsibility for Licensing and to produce a monitoring report for the information of the Licensing Committee.

[...]