

No direct Ward Relevance

**COUNCIL**

**13th August 2007**

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**10. SCHEME OF DELEGATIONS TO OFFICERS**  
**- PROPOSED REVISIONS - LICENSING**

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The following amendments to the Scheme of Delegation to Officers are proposed in respect of Licensing (to conform with the requirements of the Licensing Act 2003):-

*(Note: Proposed additions are shown in **bold italic text**  
Proposed deletions are ~~lined through~~  
Further amendments to Post Titles will be required following recent revisions to Management Structures.)*

**A. Environmental Health – Licensing**

**General Licensing – Premises / Personal, etc.**

The day-to-day management of the General Licensing Service. (HE/ML)

**Licensing Act 2003 (“The Act”), Hearings Regulations 2005 and Permitted Temporary Activities (Notices) Regulations 2005**

To process and issue, Premises and Personal Licences, and Temporary Event Notices (TEN’s), in accordance with relevant statutory provisions of the Licensing Act 2003, and relevant Guidance. (HE/ML)

***To serve counter notices where permitted limits for Temporary Event Notices are exceeded.*** (HE/ML)

To issue licences under the Licensing Act 2003, when preconditions required by the relevant authorities have been met. (HE/ML)

To determine what constitutes “compelling circumstances” and “relevant, vexatious, frivolous or repetitious representations” in relation to .

- ***Applications in respect of Premises Licences, or***
- ***reviews of Premises Licences, or***
- ***Provisional Statements, or***
- ***applications in respect of Club Premises Certificates.***

(HE/ML, or HLDP, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)  
(C – 13.03.06 / **13.08.07**)”

***To determine whether or not a club is established “in good faith” and/or whether a club no longer satisfies the conditions to be a qualifying club.***

(HE/ML, or HLDP, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)  
(C – 13.08.07)

***To reject applications for Personal Licences when applications are under 18, etc. (Section 120(3) Licensing Act 2003)*** (HE/ML)

***To refer applications for Personal Licence to the Police, where the applicant has been convicted of a relevant offence / notify the Police of the commission of relevant offences during the application period.***  
(HE/ML)

***To serve notice requiring the holder of a Personal Licence to produce it for updating.*** (HE/ML)

***To authorise prosecutions for offences under the Licensing Act 2003.***  
(HLDP)

***To determine in relation to Hearings, on behalf of the Licensing Authority, whether there are any points on which to seek clarification from any party.*** (HE/ML)

***To determine that a hearing is not necessary, where all parties have agreed it is unnecessary.*** (HE/ML)

### **Gambling Act 2005**

~~To make initial preparations for the Gambling Act (HEHL)~~

***To administer the provisions of the Gambling Act 2005, in accordance with the requirements of that Act.***  
(HE/ML)

### **Miscellaneous**

To issue licences or permits under the House to House Collections Act 1939, Police Factors etc. (Miscellaneous Provisions) Act 1916 (as amended) (Street Collection), Betting and Gaming and Lotteries Acts and Lotteries and Amusements Acts 1976 (relating to amusement with prizes and small lotteries), Cinematograph Acts, Theatre Act 1968, Game Act 1831 Game Licences Act 1860. (HE/ML).”

“B. Democratic Services - General

**Licensing Act 2003**

***To extend time limits for a Hearing  
(Regulation 9 of the (Hearings Regulations 2005))  
(MDS, in consultation with HE/ML and HLDP)***

***To arrange for a meeting to be held on a specified date, or adjourned  
to a specified date, if all parties are in agreement.  
(MDS, in consultation with HE/ML and HLDP) “***

**Abbreviations:**

**HE – Head of Environmental Services**

**HLDP – Head of Legal, Democratic & Property Services**

**MDS – Manager – Democratic Services**

**ML – Manager – Licensing.**

**Author of Report**

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