

DELEGATION OF LICENSING FUNCTIONS

Function	Provision	Full Committee	Sub-Committee	Officer ¹
Licensing Act 2003				
Application for a Personal Licence (first grant and renewal)	Section 120 and 121 Licensing Act 2003		To determine applications where Police objection is made.	To determine applications where no objections are made.
Power to revoke Personal Licence	Section 124 Licensing Act 2003		Power to revoke Personal Licence.	
Application for a Premises Licence/ Club Premises Certificate	Premises Licence: Section 18 Licensing Act 2003 Club Premises Certificate: Section 72		To determine applications where relevant representations are received and not withdrawn.	To determine applications where no relevant representations are made or where representations made have been withdrawn.
Application for a provisional statement	Section 31 Licensing Act 2003		To determine applications where relevant representations are received and not withdrawn.	To determine applications where no relevant representations are made or where representations made have been withdrawn.
Application to vary Premises Licence/Club Premises Certificate	Premises Licence: Section 35 Licensing Act 2003 Club Premises Certificate: Section 85		To determine applications where relevant representations are received and not withdrawn.	To determine applications where no relevant representations are made or where representations made have been withdrawn.
Application to vary designated Personal Licence holder	Section 39 Licensing Act 2003		To determine applications where Police objection is made.	To determine applications where no objections are made.
Request to be removed as designated Personal Licence Holder	Section 41 Licensing Act 2003			In all cases.
Application of transfer of Premises Licence.	Section 44 Licensing Act 2003		To determine applications where Police objection is made.	To determine applications where no objections are made.

¹ Unless specifically stated to the contrary the delegation shall be to the Head of Safer and Stronger Communities

Application for Interim Authorities	Section 48 Licensing Act 2003		Consideration of Police objection to interim authority notice.	To determine where no objections are made.
Application to review Premises Licence/Club Premises Certificate.	Premises Licence: Section 52 Licensing Act 2003 Club Premises Certificate: Section 88 Section 167 Licensing Act 2003		To determine applications for review.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				In all cases.
Determination of a police objection to a Temporary Event Notice.	Section 105 Licensing Act 2003		In all cases	
Decision to object when Local Authority is a consultee and not a lead authority.			In all cases	
Gambling Act 2005				
Application for premises licences	Part 8 and Section 163 Gambling Act 2005		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence	Part 8 and Section 187 Gambling Act 2005		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence	Part 8 and Section 188 Gambling Act 2005		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission

Application for a provisional statement	Part 8 and Section 204 Gambling Act 2005		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence	Part 8 and Section 201 Gambling Act 2005		To determine applications for review	
Application for club gaming /club machine permits	Part 12, sections 271 and 273 Gambling Act 2005		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
Cancellation of licensed premises gaming machine permits	Part 12 and Schedule 13 Gambling Act 2005			X
Consideration of temporary use notice	Part 9 Gambling Act 2005			X
Decision to give a counter notice to a temporary use notice	Part 9 Gambling Act 2005		X	
Functions in relation to Occasional Use Notices	Section 39 Gambling Act 2005			X
Registration and regulation of small society lotteries	Part 5 of Schedule 11 Gambling Act 2005			X
Duty to comply with requirement to provide information to the Gambling	Section 29 of the Gambling Act 2005			X

Commission						
Functions relating to the exchange of information	Section 30 of the Gambling Act 2005					X
Power to exchange information	Section 350 Gambling Act 2005					X
Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees)(England and Wales) Regulations 2007	Power to set fees.				
Power to institute criminal proceedings	Section 346 Gambling Act 2005					To the Borough Solicitor
Power to designate officer of a licensing authority for a purpose relating to premises	Section 304 of the Gambling Act 2005.					X
Taxi Licensing						
Power to licence (first grant, renewal and transfer) hackney carriages and private hire vehicles	Hackney carriages: Town Police Clauses Act 1847; section 47, 57, 60 & 79 Local Government (Miscellaneous Provision) Act 1976 Private Hire Vehicles: sections 48, 57, 60 & 79 Local Government (Miscellaneous Provision) Act 1976			To determine applications where the vehicle does not meet the Council's vehicle conditions or the vehicle does not pass the inspection.	Officers may grant/renew where the vehicle meets the Council's vehicle conditions and the vehicle passes the inspection. Power to grant consent for the display of signs/advertisements on vehicles in accordance with the Council's vehicle conditions.	
Power to suspend or revoke hackney carriage and private hire vehicle licences	Hackney carriages: Town Police Clauses Act 1847; section 58 & 60 Local Government (Miscellaneous Provision) Act 1976			To note reports relating to officer decisions to suspend vehicle licences. The power to revoke vehicle licences.	To suspend vehicle licences Any officer decision to suspend a vehicle licence shall be reported to the next available meeting of the Licensing	

	Private Hire Vehicles: sections 58 & 60 Local Government (Miscellaneous Provision) Act 1976			Committee. The power to issue notices for the return of vehicle plates/discs.
Power to suspend hackney carriage and private hire vehicle licences pending inspection	Section 50 & 68 Local Government (Miscellaneous Provision) Act 1976			Power to serve notice requiring vehicle to be presented for test. To serve notice to require the address where a vehicle is kept when not in use To suspend vehicle licences pending inspection as to fitness.
Power to licence (first grant or renewal) operators licences	Sections 55 – 58 & 79 Local Government (Miscellaneous Provision) Act 1976		To determine applications where the Council's requirements are not met.	Officers may grant/renew where the Council's requirements are met.
Power to suspend or revoke operators licences	Section 62 Local Government (Miscellaneous Provision) Act 1976		To note reports relating to officer decisions to suspend operators licences. Power to revoke operators licences.	To suspend operators licences Any officer decision to suspend an operators licence shall be reported to the next available meeting of the Licensing Committee.
Power to licence (first grant or renewal) hackney carriage and private hire drivers	Hackney carriages: Town Police Clauses Act 1847; section 53, 54, 57, 59, 61 & 79 Local Government (Miscellaneous Provision) Act 1976 Private Hire: sections 51, 53, 54, 61 & 79 Local Government (Miscellaneous Provision) Act 1976		To determine applications where the driver does not meet the Council's requirements.	Officers may grant/renew where the driver meets the Council's requirements (such as medical certification, knowledge and satisfactory CRB disclosure)

Power to suspend or revoke hackney carriage and private hire drivers licences	Section 61 Local Government (Miscellaneous Provision) Act 1976		To note reports relating to officer decisions to suspend drivers licences. Power to revoke drivers licences.	To suspend drivers licences Any officer decision to suspend a drivers licence shall be reported to the next available meeting of the Licensing Committee. The power to require the return of drivers badge.
Power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators	Drivers: section 53 Local Government (Miscellaneous Provision) Act 1976 Vehicles/operators: section 70 Local Government (Miscellaneous Provision) Act 1976	Power to set fees.		

Sex Establishments			
Power to licence sex shops and sex cinemas (including first grant, renewal, transfer and variation of standard conditions)	Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3	First grant: all cases before the Licensing Committee. Renewal: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers. Transfer: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers. Variation of standard conditions.	Renewal and transfer: the power to renew and transfer where the following apply: (i) there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and (ii) no objections have been received, or those that have been received should in the officer's opinion be set aside on the ground that the Council could not lawfully take them into account.
Power to set fees for sex establishments	Para 19, Schedule 3 Local Government (Miscellaneous Provisions) Act 1982	Power to set fees	
Charitable Collections			
Power to licence street collection	Section 5 Police, Factories etc (Miscellaneous Provisions) Act 1916	To determine requests for waiver of the Council's street collection regulations. Determines appeals against officer refusal.	To licence street collections in circumstances where the collection complies with Council's street collection regulations. The power to waive regulation

					10 (in relation to processions) in appropriate circumstances.
Power to licence House to House collection	Section 2 House to House Collections Act 1939			Determines appeals against officer refusal.	To licence House to House collections. Appeal against officer decision to the Licensing Committee
Street Trading					
Power to issue street trading licences or consents	Section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982			To determine applications for street trading consents where representations have been received (and not withdrawn). To determine applications for street trading licences.	To issue street trading consents where no representations are received (or where any that were received have been withdrawn).
Power to designate streets as consent streets, licence streets or prohibited streets.	Section 3 and Schedule 4 Local Government (Miscellaneous Provisions) Act 1982	Power to designate streets			
Power to set fees in relation to street trading	Paragraph 9, Schedule 4 Local Government (Miscellaneous Provisions) Act 1982	Power to set fees.			