

Summary of proposed amendments to Part 8 of the Constitution - Scheme of Delegation

1. Final approval of the Licensing Authority Policy Statement to be amended from Strategic Licensing Committee to Full Council in accordance with Guidance to Licensing Authorities 5th Edition September 2015 published by the Gambling Commission – herein referred to as 'relevant national Guidance'.
2. Policy not to permit casinos to be amended from Strategic Licensing Committee to Full Council in accordance with relevant national Guidance.
3. Fee setting to be amended from Officers to Strategic Licensing Committee; this is a correction and is in line with legal requirements and relevant national Guidance.
4. Inclusion of a delegation to the Operations Manager to initiate a review of a premises licence; this is a new delegation and in line with relevant national Guidance.
5. Decision of whether representations are irrelevant, frivolous, vexatious or 'certain not to influence the determination' to be amended from Head of Legal and Democratic Services to Public Protection Officer (Specialist); this is a change to the officer who currently exercises this delegation and will bring the level of decision making in line with the current position that applies to the Licensing Act 2003 and is also in line with relevant national Guidance.
6. Application for gaming machine permit for more than 2 machines in an alcohol licensed premises; this has been removed in the new delegations as it is a notification and not an application and hence the power to grant or refuse such a notification is not available to the Council.

Table 2 - Gambling Act delegations

Matter to be dealt with	Strategic Committee	Sub-Committee	Officers
Final approval of 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Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a Variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn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Application for a Provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn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 objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Application for gaming machine permit for more than 2 machines in an alcohol licensed premises		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn

Part 8 – Delegations to Officers

Application 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	
Determination of representation that is vexatious, frivolous or will not influence the decision made			Head of Legal and Democratic Services

X Indicates at the lowest level to which decisions can be delegated.

~~5. Public Protection functions~~

~~The Head of Business Support and Regulatory Services shall act as the Chief Inspector of Weights and Measures~~

~~In addition to the Head of Business Support and Regulatory Services the following functions shall also be exercised by the Operations Managers for the areas for which they are responsible.~~

- ~~1. To discharge the powers, duties and responsibilities of the Council under any legislation which may have been adopted from time to time concerning any Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials, Cremations and Animal Welfare matters.~~
- ~~..~~
- ~~2. To appoint and designate officers as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation related to Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) Burials and Cremations and Animal Welfare.~~
- ~~3. To authorise the institution and defence of proceedings brought:

 - ~~(i) under the legislation set out in the Schedule below (for the avoidance of doubt) in this paragraph and in paragraphs (ii) and (iii) below "legislation" includes any statute incorporated with an enactment and any statutory instrument, Order in Council, Byelaw or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof and any new enactment relating to Environmental Health, Trading Standards (including Road Traffic and Weight Restrictions) or Animal Health and Welfare under which the Council has a statutory duty,~~~~

APPENDIX 2

PROPOSED AMENDMENTS

Council Delegations

Matter to be determined	Full Council	Strategic Licensing Committee	Licensing Act Sub-Committee	Public Protection Officer (Specialist)* (unless otherwise specified)
Final approval of the Licensing Authority Policy Statement	X			
Policy not to permit casinos	X			
Fee setting		X		
Application for premises licences			X where representations received and not withdrawn	X where no representations received or representations have been withdrawn
Application for a variation to a licence			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Application for a transfer of a licence			X where representations received from Commission or responsible authority	X where no representations received from Commission or responsible authority
Application for a provisional statement			X where representations received and not withdrawn	X where no representations received or representations withdrawn
Initiating a review of a premises licence				X (Operations Manager)

APPENDIX 2

PROPOSED AMENDMENTS

Review of a premises licence			X	
Whether representations are irrelevant, frivolous, vexatious or 'certain not to influence the determination'				X
Application for club gaming/club machine permits			X where objections made and not withdrawn	X where no objections made or objections 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	

X indicates the lowest level to which decisions can be delegated
 *Or equivalent if post designations are amended