Appendix 1

Licensing Delegations

Amendments to licensing delegations

1. That Part 3 (1) of the Constitution – Committees and Boards be amended, by adding after section 6 Licensing Committee and renumbering all current existing references thereafter accordingly, as follows:

No.			DELEGATIONS	No.	POWER TO RECOMMEND
7.	Every Licensing Sub-Committee	1.	With the exceptions of determining proposed policy and determining any fee payable, power to determine any application or any other matter arising pursuant to: (i) the Licensing Act 2003; and /or (ii) the Gambling Act 2005, that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including: (a) the holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005; (b) the determination as to whether a hearing needs to be held; (c) the determination as to whether a representation is a relevant representation; (d) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions; and (e) the determination of the appropriate procedure to follow in relation to the determination of any matter, provided that regard is had to any procedure that may have been adopted by the Licensing Committee.		
		2.	With the exceptions of determining proposed policy and determining any fees payable, power to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has		

			power to determine and which can be lawfully delegated to a Sub-Committee, including: (a) any driver, vehicle, operator or proprietor licence; (b) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and (c) any application for a private hire plate exemption.		

2. Part 3 (2) of the Constitution – Officer Scheme of Delegations be amended as follows:

(a) add the following delegations to the section "**Additional delegations to the Executive Director, Place**" and renumbering all remaining delegations accordingly:

160	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
161	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
162	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
163	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt: (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and

	(b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.

(b) add a new section to the end of the Officer Scheme of Delegations after "Additional delegations to Shared Director of Public Health" as follows and number delegations accordingly:

	Delegations to Service Manager for Licensing and Community Safety
Ref	**Power**
	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt: (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and (b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.