

Appendix B: Delegation of Functions:

Gambling Act 2005 and Regulations

All but three functions under the Gambling Act functions are the responsibility of, and are discharged by, the Licensing Committee (see section 154(1) Gambling Act 2005). This includes delegating specific functions to a sub-committee or an officer (see s10 Licensing Act 2003 applied by S154(3) Gambling Act). The Licensing Committee has made this Scheme of Delegations. The three functions of Council are identified in the table below.

| Gambling Act 2005 | Functions | Delegation - Licensing Authority (Council or Executive – see notes) | Delegation - Full Licensing Committee | Delegation - Licensing Sub Committee | Delegation - Officer |
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| Section 166 | * No Casino resolution | Council | | | |
| Section 212 | * Setting licence fees | Council – but can be delegated to the Licensing Committee | | | |
| Section 349 | * Adopting Statement of Licensing Policy | Council | | | |
| Section 163 | Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) | | | • | |
| Section 163 | Determination of application for Premises Licence where no relevant representations received | | | | • |
| Section 162 | Attachment of condition to Premises Licence or exclusion of default condition | | | • | |
| Section 162 | Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Section 187 | Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) | | | • | |
| Section 187 | Determination of application to vary Premises Licence in respect of which no representation received | | | | • |
| Section 188 | Determination of application for transfer of | | | • | |

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| | Premises Licence in respect of which representations have been made (not withdrawn) | | | | |
| Section 188 | Determination of application for transfer of Premises Licence where no representations received | | | | • |
| Section 193 | Revocation of Premises Licence for failure to pay annual fee | | | | • |
| Section 194 | Determination that a premise Licence has lapsed | | | | • |
| Section 195 | Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) | | | • | |
| Section 195 | Reinstatement of lapsed Premises Licence where no representation is received | | | | • |
| Section 198 | Rejection of application for review of Premises Licence on various grounds | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Section 200 | Initiation of review of Premises Licence | | | | • |
| Section 201 | Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Section 202 | Determination of action following review of Premises Licence | | | • | |
| Section 204 | Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) | | | • | |

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| Section 204 | Determination of application for provisional statement in respect of which no representations received | | | | • |
| Section 205 | Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Section 218 | Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded | | | | • |
| Section 221 | Objection to Temporary Use Notice | | | | • |
| Section 224 | Issue of counter notice in response to Temporary Use Notice | | | • | |
| Section 284 | Making of Order to remove exemptions from specified premises | | | • | |
| Section 346 | Institution of criminal proceedings in respect of an offence under the provisions of the Act | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Schedule 10 Paragraph 8 | Determination of application for Family Entertainment Centre Gaming Machine Permit | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Schedule 10 Paragraphs 14 and 15 | Notification of lapse of Family Entertainment Centre Gaming Permit | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Schedule 11 Paragraph 44 | Registration of society for small society lottery | | | | • |
| Schedule 11 Paragraph 48 | Refusal of application for registration of society for small society lottery | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |
| Schedule 11 Paragraph 50 | Revocation of registration of society for small society lottery | | | | • In consultation with the Chairman or Vice Chairman of Licensing Committee |

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| Schedule 11 Paragraph 54 | Cancellation of registration of society for small society lottery for non-payment of annual fee | | | | • |
| Schedule 12 Paragraphs 5, 10 and 24 | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) | | | • | |
| Schedule 12 Paragraphs 5, 10 and 24 | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received | | | | • |
| Schedule 12 Paragraph 15 | Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) | | | • | |
| Schedule 12 Paragraph 15 | Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received | | | | • |
| Schedule 12 Paragraph 21 | Cancellation of Club Gaming Permit and Club Registration Permit | | | • | |
| Schedule 12 Paragraph 22 | Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee | | | | • |
| Schedule 13 Paragraphs 4, 15 and 19 | Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit | | | | • (Refusal and limitation on number of machines only) in consultation with the Chairman or Vice Chairman of the Licensing Committee |

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| Schedule 13 Paragraph 16 | Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) | | | • | |
| Schedule 13 Paragraph 16 | Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received | | | | • |
| Schedule 13 Paragraph 17 | Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee | | | | • |
| Schedule 14 Paragraphs 9 and 18 | Determination of application for Prize Gaming Permit and application for renewal of Permit | | | | • (Refusal only) in Consultation with the Chairman or Vice Chairman of the Licensing Committee |
| Schedule 14 Paragraph 15 | Determination that Prize Gaming Permit has lapsed | | | | • |