

GAMBLING ACT 2005 SCHEME OF DELEGATION

Purpose of Report

1. To invite Members to approve an amendment to the scheme of delegation in relation to the Gambling Act 2005.

Background Information

2. Attached to this report, as **Appendix A**, is the t scheme of delegations in relation to the 2005 Act. This scheme initially showed that the function of making representations (Section 161 of the 2005 Act) and calling for a review of Gambling Act premises (Section 200 of the 2005 Act) was delegated to the Assistant Director, Public Protection.
3. Members are now requested approve an amendment to this delegation so that the responsibility rests with the Head of Regulatory Services. This reflects the Council's restructure and the creation of Services for Place.

Legal Implications

4. Although the current post holder has not changed, his job title has and the Committee minute will provide the evidence that such delegation was approved.

Section 17 of the Crime and Disorder Act 1998

4. It is not considered that the contents of this report have any effect in relation to the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Recommendation

5. Members are requested to approve the revised scheme of delegation as detailed in **Appendix A** to this report.

Background papers

The Gambling Act 2005

The Gambling Commission's Guidance to Licensing Authorities

Appendices

Appendix 1 – amendment to Scheme of Delegation

Richard Alty
Director of Services for Place

Scheme of Delegation for Gambling Act 2005 Functions at 27 March 2012

Matter to be dealt with	Full Council	Licensing Sub-committee	Officers
Final approval of 3 year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Variation to a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Transfer of a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Provisional Statement		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn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	
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	
Section 161: Making a representation on behalf of the Licensing Authority			The Head of Regulatory Services
Section 162 (3) Decision on whether a complaint is irrelevant frivolous vexatious etc		If referred by an Officer	All other cases
Section 190: Application for copy licence			X
Section 193: Revocation of licence for failure to pay fee			X
Section 194: Notification of lapse of licence			X
Section 195: Reinstatement following lapse of licence			X
Section 200: Initiation of Review by Licensing Authority			The Head of Regulatory Services
Section 218: Temporary Use Notice - issue of counter notice when criteria not met			X
Section 304: Authorisation of Officer as a) Authorised Officer b) to Authorise other officers	To Authorise a) & b) to Licensing Manager		The Licensing Manager (b)
Section 346: Institution of criminal proceedings			The Licensing Manager
Schedule 11 Part 5: Authority to grant/refuse/ revoke/ cancel a small society lottery		Refusals and revocations,	In all other cases
Section 284: Removal of exemption – automatic right to 2 gaming machines and/or gaming on		X	

Licensing Committee

alcohol licensed premises			
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