

Gambling Act 2005 - Suggested Delegations

S154 of the Gambling Act 2005 states that all Licensing Authority functions under the 2005 Act are the responsibility of the Statutory Licensing Committee created under the Licensing Act 2003 except Resolution not to grant a Casino Licence (s166), Adoption of Policy (s349) and Setting Fees (s212). Passing a Resolution not to grant a Casino Licence (s166) and S212 is a Council function¹. Setting Fees (s212) is a Council function² which can be delegated by the Council to the Licensing Committee under s154(2)(b). Adoption of Policy (s349) is an executive function.³

Gambling Act 2005	Functions	Delegation - Licensing Authority (Council or Executive- see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 156(1) & (2)	Maintenance of a Register of Premises Licence				•
Section 162(1)	Proposal to grant Premises Licence with conditions or to exclude conditions		•	•	• In consultation with Chair or Vice Chair of Licensing Committee
Section 162(2)	Decision to determine a matter without a hearing				• In consultation with Chair or Vice Chair of Licensing Committee

¹ See Regulation 2 and Schedule 1 para 14B of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

² See Regulation 2 and Schedule 1 para 14F of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

³ S349 is not mentioned in Regulation 2 and Schedule 1 para 14B of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and is therefore an Executive function under s9D(2) of the Local Government Act 2000

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Section 162(3)	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application				• In consultation with Chair or Vice Chair of Licensing Committee
Section 162(4)	Notification that a representation is vexatious, frivolous, or would certainly not influence the authority's determination of application				•
Section 163(1)	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)			•	
Section 163(1)	Determination of application for Premises Licence where no relevant representations received				•
Section 164(1)	Notice of grant of Premises Licence				•
Section 165(1)	Notice of refusal (rejection) of Premises Licence				•
Section 166	Resolution not to issue Casino Licences	• Council			
Section 169(1)	Attaching conditions to a premises licence			• Where there is a hearing	• In consultation with Chair or Vice Chair of Licensing Committee where there is no hearing

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Section 186(4)	Alteration of Premises Licence following notification by premises licence holder				•
Section 186(5)	Issue of updated copy of Premises Licence following notification by premises licence holder				•
Section 187(7)	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)			•	
Section 187(7)	Determination of application to vary Premises Licence in respect of which no representation received				•
Section 188(4)	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)			•	
Section 188(4)	Determination of application for transfer of Premises Licence where no representations received				•
Section 188(5)	Alteration of Premises Licence following transfer				•
Section 189(1)	Decision not to require existing licensees consent to transfer of Premises Licence				•
Section 190(3)	Decision whether to issue copy Premises Licence				•
Section 190(4)	Issue of copy Premises Licence				•

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Section 192(2)	Notification of surrender of Premises Licence				•
Section 193	Revocation of Premises Licence for failure to pay annual fee				•
Section 194(3)	Notification that a Premises 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 Chair or Vice Chair of Licensing Committee
Section 199	Determination of an application for a review of a premises licence				• In consultation with Chair or Vice Chair of Licensing Committee
Section 200	Initiation of review of a Premises Licence				•
Section 201	Determination of a review of a Premises Licence			•	
Section 203	Notice of decision following a review of a Premises Licence				•
Section 204	Determination of application for provisional statement in respect of Premises Licence where			•	

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	representations have been made (and not withdrawn)				
Section 204	Determination of application for provisional statement in respect of Premises Licence where no representations have been made				•
Section 205(2)	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement				•
Section 205(3)	Determination of application for premises licence following the grant of a provisional statement where representations have been made (and not withdrawn)			•	
Section 205(3)	Determination of application for premises licence following the grant of a provisional statement where no representations have been made				•
Section 212	Setting Fees	• Council			
Section 218(3), (5) & (6)	Issue of counter notice to Temporary Use Notice				•
Section 220	Acknowledgment of Temporary Use Notice				•
Section 221 (2) & (3)	Objection to Temporary Use Notice				• In consultation with Chair or Vice Chair of

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					Licensing Committee
Section 222	Decision that no hearing is needed following objection to Temporary Use Notice				<ul style="list-style-type: none"> • In consultation with Chair or Vice Chair of Licensing Committee
Section 223(2)	Notice proposing modification of Temporary Use Notice by Agreement				<ul style="list-style-type: none"> • In consultation with Chair or Vice Chair of Licensing Committee
Section 224(2)	Counter Notice proposing modification of Temporary Use Notice				<ul style="list-style-type: none"> • In consultation with Chair or Vice Chair of Licensing Committee
Section 225	Notice stating no counter notice for Temporary Use Notice				<ul style="list-style-type: none"> • In consultation with Chair or Vice Chair of Licensing Committee
Section 227(2) & (3)	Endorsement of Temporary Use Notice allowing use				<ul style="list-style-type: none"> •
Section 227(6)	Replacement of Endorsed copy of Temporary Use Notice				<ul style="list-style-type: none"> •
Section 234(1) & (2)	Maintenance of register, provision of copies etc.				<ul style="list-style-type: none"> •
Section 283(2)	Issue of Licensed Premises Gaming Machine Permit				<ul style="list-style-type: none"> •

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Section 284	Making of Order to remove gaming machines from pubs			•	
Section 346	Institution of criminal proceedings in respect of an offence the Act				• Director of HR, Legal and Communications
Section 349	Statement of Licensing Policy ⁴	• Council			
Schedule 10 Paragraph 7	Statement of Principles for Family Entertainment Centre Gaming Machine Permit ⁵	• Council			
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit ⁶			•	
Schedule 10 Paragraph 10	Notification of proposed refusal of application for Family Entertainment Centre Gaming Machine Permit ⁷				• In consultation with Chair or Vice Chair of Licensing Committee
Schedule 10 Paragraph 14	Notification of lapse of Family Entertainment Centre Gaming Machine Permit				•
Schedule 10 Paragraph 18(4)	Refusal to renew Family Entertainment Centre Gaming Machine Permit			•	
Schedule 10 Paragraph 21 (3) & (4)	Replacement of Family Entertainment Centre Gaming Machine Permit				•

⁴ The making of the Statement of Licensing Policy (also referred to as a Statement of Principles) is a Council Function.

⁵ This should be part of the overall Statement of Licensing Policy.

⁶ Refusal of an application should be in consultation with the Chair or Deputy of the Licensing Committee.

⁷ Refusal of an application should be in consultation with the Chair or Deputy of the Licensing Committee.

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Schedule 10 Paragraph 23	Maintenance of Register of Family Entertainment Centre Gaming Machine Permits etc.				•
Schedule 11 Paragraph 44	Registration of society for small society lottery				•
Schedule 11 Paragraph 47	Mandatory refusal of application to register society for small society lottery				•
Schedule 11 Paragraph 47	Discretionary refusal of application to register society for small society lottery			•	
Schedule 11 Paragraph 50	Revocation of registration of society for small society lottery			•	
Schedule 11 Paragraph 51	Notification of revocation of registration of society for small society lottery				•
Schedule 11 Paragraph 53	Cancellation of registration of society for small society lottery				•
Schedule 11 Paragraph 54(3)	Cancellation of registration of society for small society lottery for non-payment of fees				•
Schedule 11 Paragraph 55	Retention and inspection of returns from society for small society lottery				•
Schedule 12 Paragraph 5	Grant of application for Club Gaming Machine Permit				•
Schedule 12 Paragraphs 5 & 7	Refusal of application for Club Gaming Machine Permit			•	
Schedule 12 Paragraphs 8 and 9	Notification of determination of application for Club Gaming Machine Permit				•
Schedule 12	Grant of variation for Club Gaming Machine Permit				•

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Paragraph 15(3)					
Schedule 12 Paragraph 15(4)	Refusal of variation for Club Gaming Machine Permit			•	
Schedule 12 Paragraph 16	Replacement of Club Gaming Machine Permit				•
Schedule 12 Paragraph 20	Notification of lapse of Club Gaming Machine Permit				•
Schedule 12 Paragraph 21	Cancellation of Club Gaming Machine Permit			•	
Schedule 12 Paragraph 22	Cancellation of Club Gaming Machine Permit for non-payment of fees				•
Schedule 12 Paragraph 24	Renewal of Club Gaming Machine Permit for non-payment of fees				•
Schedule 12 Paragraph 26	Maintenance of Register of Club Gaming Machine Permits etc.				•
Schedule 13 Paragraphs 4, 15 & 19	Grant of application for or variation or transfer of Licensed Premises Gaming Machine Permit				•
Schedule 13 Paragraphs 4, 15 & 19	Refusal of application for or variation or transfer of Licensed Premises Gaming Machine Permit			•	
Schedule 13 Paragraph 5(2)	Issue of Licensed Premises Gaming Machine Permit				•
Schedule 13 Paragraphs 5(3), 15 & 19	Notification of refusal of application for or variation or transfer of Licensed Premises Gaming Machine Permit				• In consultation with Chair or Vice Chair of

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					Licensing Committee
Schedule 13 Paragraph 7(2)	Change of name of permit holder of Licensed Premises Gaming Machine Permit				•
Schedule 13 Paragraph 11	Replacement of Licensed Premises Gaming Machine Permit				•
Schedule 13 Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit			•	
Schedule 13 Paragraph 16	Notification of cancellation of Licensed Premises Gaming Machine Permit				•
Schedule 13 Paragraph 17	Cancellation of Club Gaming Machine Permit due to non-payment of fees				•
Schedule 13 Paragraph 22	Maintenance of Register of Licensed Premises Gaming Machine Permits etc.				•
Schedule 14 Paragraph 8	Statement of Principles for Prize Gaming Permit ⁸	•			
Schedule 14 Paragraphs 9, 10 & 11	Determination of application for Prize Gaming Permit ⁹			•	
Schedule 14 Paragraph 9	Notification of proposed refusal of application for a prize Gaming Permit ¹⁰				• In consultation with Chair or Vice Chair of

⁸ This should be part of the overall Statement of Licensing Policy.

⁹ Refusal of an application should be in consultation with the Chair or Deputy of the Licensing Committee.

¹⁰ Refusal of an application should be in consultation with the Chair or Deputy of the Licensing Committee.

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					Licensing Committee
Schedule 14 Paragraph 12(2)	Change of name of permit holder of Prize Gaming Permit				•
Schedule 14 Paragraph 18(4)	Refusal to renew Prize Gaming Permit			•	
Schedule 14 Paragraph 21 (3) & (4)	Replacement of Prize Gaming Permit				•
Schedule 14 Paragraph 23	Maintenance of Register of Prize Gaming Permits etc.				•

Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licenses and Provisional Statements) (England and Wales) Regulations 2007/173¹¹	Functions	Delegation - Licensing Authority (Council – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 4	Arranging a hearing				•

¹¹ Most of the functions within these Regulations are the responsibility of the “relevant committee” which will be the Licensing Committee or a sub-committee (see Reg 2(1)). Accordingly, only matters that should be determined by officers are included in this table.

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Reg 5	Giving notice of hearings				•
Reg 7	Power to adjourn or postpone hearings ¹²				• In consultation with Chair or Deputy of Licensing Committee
Reg 12(a)	Notification that a hearing is not taking place				•
Reg 17	Correction of clerical mistakes				•

Gambling Act 2005 (Temporary Use Notices) Regulations 2007/3157	Functions	Delegation - Licensing Authority (Council – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 6	Endorsement of temporary use notices				•

¹² This is before the hearing has commenced. Once it has, the power will lie with the committee or sub-committee