

APPENDIX 10 THE SCHEME OF DELEGATION FOR LICENSING MATTERS

1. All matters which are delegated to either the Statutory Licensing Committee or the General Licensing Committee (“the Licensing Committees”) under this Constitution are delegated to officers unless:
 - a) it is a decision to approve policy including enforcement policy, excluding policies required to be approved by Council of the Gambling Act 2005 and the Licensing Act 2003.
 - b) The Chair of the Licensing Committees (or in their absence the Chair elected by the Licensing Committees) or the Strategic Director of Economy and Environment or Head of Public Protection and Environment considers that a matter should be determined by full Council.
 - c) A matter is referred to the Licensing Committees by the Chief Executive Officer or Monitoring Officer following a decision of a Licensing Panel under paragraph 7.10.3 of the Constitution.
 - d) It is a decision relating to applications or renewals or reviews of licences, permits, consents and registrations where there are representations or objections from third party consultees or relevant unspent convictions.
 - e) It is a decision to object when the Council is a consultee and not the relevant authority considering the application.
 - f) In accordance with the Council’s protocol where an Elected Member makes a written request for the application to be considered by a Licensing Committee sitting as a Panel in accordance with paragraph 7.1.5 of the Constitution giving valid licensing reasons.
 - g) The Head of Public Protection and Environment considers any matter should be considered by a Licensing Committee sitting as a Panel in accordance with paragraph 7.1.5 of the Constitution..
 - h) The proposal involves the Council either as applicant or landowner and the scheme is not of a minor nature and/or is subject to objections which are of material weight in the assessment of the application.
 - i) The applicant is an Elected member of Torfaen County Borough Council or a person with whom the applicant lives.
 - j) The applicant is a member of staff within the Public Protection Service or a person with whom the applicant lives.
 - k) The applicant is the Chief Executive, Strategic Director or any member of the staff within the authority or a person with whom the applicant lives who in the opinion of the Monitoring Officer could be seen as having a direct input to and therefore influence an application decision.
 - l) approval of the application would represent a significant departure from any licensing policy of the Council or other published policy.
 - m) Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under the Council’s Constitution.

Panels

2. Where a specific licensing issue or appeal falls for determination by either of the Licensing Committees unless the relevant Licensing Committee has specifically reserved the matter to be determined by full committee the relevant Licensing Committee shall appoint a panel in accordance with paragraph 7.1.5 of this Constitution to consider the matter.
3. The panel appointed by the Statutory Licensing Committee shall be referred to as the Statutory Licensing Panel.
4. The panel appointed by the General Licensing Committee shall be known as the General Licensing Panel.
5. The Statutory Licensing Panel shall discharge the functions of the Statutory Licensing Committee as required by the Licensing Act 2003 and the Gambling Act 2005 to authorise, approve or determine any enforcement matters under the Acts. For ease of reference this includes but is not limited to:

Licensing Act 2003

- Application for a new or renewal of a personal alcohol licence with unspent convictions and there is a Police objection
- Application for a premises licence/club premises certificate if a relevant representation is made and not withdrawn
- Application for a provisional statement if a relevant representation is made and not withdrawn
- Application to vary premises licence/club premises certificate if a relevant representation is made and not withdrawn (excludes minor variations under the Licensing Act 2003)
- Application to vary a designated premises supervisor if a Police objection is made
- Application for transfer of a premises licence (Licensing Act 2003) where there is a Police objection
- Application for interim authorities if there is a Police objection.
- Any application to review premises licence/club premises certificate
- Determination of a police objection to any temporary event notice

Gambling Act 2005

- Application for a premises licence if a relevant representation is made and not withdrawn
- Application for a provisional statement if a relevant representation is made and not withdrawn
- Application to vary premises licence if a relevant representation is made and not withdrawn
- Any application to review premises licence
- Application for the transfer of a premises licence (Gambling Act 2005) where there is an objection from a responsible authority or the Gambling Commission
- Application for a club gaming/club machine permit where representations have been made and not withdrawn
- Cancellation of a Club gaming/club machine permit

6. The General Licensing Panel shall discharge the functions of the General Licensing Committee relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits for ease of reference this includes but is not limited to:

- Private Hire Operators
- Private Hire and Hackney Carriage Drivers
- Private Hire Vehicles
- Hackney Carriage Vehicles including setting tariffs
- Hypnotism
- Lottery Registrations
- Street Collections
- House to House Collections
- Street Trading
- Sex Shops and Sexual Entertainment Venues
- Burials in Public Cemeteries
- Dangerous Wild Animals
- Animal Boarding Establishments
- Guard Dogs
- Acupuncture/Body Piercing/Electrolysis/Tattooing/Semi Permanent Skin Colouring
- Performing Animals
- Pet Shops
- Zoos
- Camping Sites
- Caravan Sites and Mobile Homes Sites
- Pleasure Boats
- Filling Materials
- Riding Establishments
- Charities for Disabled Persons and War Charities
- Explosives
- Fireworks
- Petroleum
- Marriage and Civil Partnerships
- Town & Village Green Applications
- Those matters that are set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 in so far as they are governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under the Council's Constitution.