

Assistant Chief Executive (Citizens and Communities)

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities)¹ is authorised to discharge the following Council (non-executive) functions:

1. Regulatory Functions

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|-----|--|--|
| (a) | To approve premises for the solemnisation of marriages | Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510) |
|-----|--|--|

Exceptions²

The Assistant Chief Executive is not authorised to discharge the function above where objections have been received.

2. Functions of the Licensing Authority delegated by Full Council

Subject to the exception set out below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions of the licensing authority as set out below:-

| | | |
|-----|---|--|
| (a) | Any function of a Licensing Authority ³ | Licensing Act 2003 and any regulations or orders made under that Act ⁴ . |
| (b) | Powers and functions relating to late night levy requirements | Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter. |

Exceptions:

- any function of the Licensing Authority reserved to full Council⁵;

3. Functions of the Licensing Authority delegated by Licensing Committee

¹ The fact that a function has been delegated to the Assistant Chief Executive does not require the Assistant Chief Executive to give the matter his/her personal attention and the Assistant Chief Executive may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Director remains responsible for any decision taken pursuant to such arrangements.

² Under this delegation scheme (Council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Assistant Chief Executive - (Section 101(2) Local Government Act 1972.

³ These functions will be carried out to support those matters which cannot be delegated by the Licensing Authority.

⁴ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁵ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2011 Act.

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the licensing functions⁶ of the licensing authority as set out below:-

| | | |
|-----|--|---|
| (a) | Any function of a Licensing Authority | Licensing Act 2003 and any regulations or orders made under that Act ⁷ . |
| (b) | Powers and functions relating to late night levy requirements | Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that chapter |
| (c) | Duty to comply with requirement to provide information to Gambling Commission. | Section 29 of the Gambling Act 2005 |
| (d) | Functions relating to the exchange of information | Section 30 of the Gambling Act 2005 |
| (e) | Functions relating to occasional use notices | Section 39 of the Gambling Act 2005 |
| (f) | Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises | Section 304 of the Gambling Act 2005 |
| (g) | Power to institute criminal proceedings | Section 346 of the Gambling Act 2005 |
| (h) | Power to exchange information | Section 350 of the Gambling Act 2005 |
| (i) | Functions relating to the registration and regulation of small society lotteries | Part 5 of Schedule 11 to the Gambling Act 2005 |

Exceptions:

- any function of the Licensing Authority⁸ reserved to full Council⁹;
- any function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee¹⁰;
- any function of the Licensing Authority reserved to the Licensing Committee;
- any function of the Licensing Authority within the terms of reference of the Licensing Sub-committees¹¹;and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

⁶ “Licensing functions” means functions under the 2003 Act, the 2005 Act and the Police Reform and Social Responsibility Act 2011.

⁷ Including functions which, by virtue of the 2005 Act are delegated to the Licensing Committee.

⁸“Licensing functions” - see footnote 6 above

⁹ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁰ Under the provisions of Section 7(5)(a) of the 2003 Act.

¹¹ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

4. Functions related to the Licensing Functions delegated by Licensing Committee¹²

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the functions set out in the following table that are delegated to the Assistant Chief Executive (Citizens and Communities) by Licensing Committee

| | | |
|-----|--|---|
| (a) | To license hackney carriages and private hire vehicles | (a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 |
| (b) | To license drivers of hackney carriages and private hire vehicles | Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 |
| (c) | To license operators of hackney carriages and private hire vehicles | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 |
| (d) | ** To license sex shops and sex cinemas and sexual entertainment venues. | The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27. |
| (e) | To license performances of hypnotism. | The Hypnotism Act 1952 |
| (f) | *** To license persons to collect for charitable and other causes | Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 |

Exceptions

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked ** above where the application is for the grant,

¹² These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

renewal or transfer of a sexual entertainment venue licence irrespective of whether objections have been received, or the grant of a sex shop or sex cinema licence irrespective of whether objections have been made, or renewal or transfer of a sex shop or cinema licence where objections have been received

The Assistant Chief Executive (Citizens and Communities) is not authorised to discharge those functions marked *** above where objections have been received.