

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:

Regulatory Functions

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*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)
(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Exceptions²

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

Functions of the Licensing Authority delegated by Full Council

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

<u>Functions of the Licensing Authority.</u>	<u>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011.</u>
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Exceptions:

- any function of the Licensing Authority reserved to full Council³; and

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

Licensing Functions of the Licensing Authority delegated by Licensing Committee

Subject to the exceptions listed below, the Assistant Chief Executive (Citizens and Communities) is authorised to discharge the licensing functions⁴ of the licensing authority as set out below:-

Functions of the Licensing Authority.	Licensing Act 2003 and the Gambling Act 2005.
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Exceptions:

- any licensing function of the Licensing Authority⁵ reserved to full Council⁶; and
- any licensing function of the Licensing Authority where full Council has referred a matter to a committee other than the Licensing Committee⁷; and
- any licensing function of the Licensing Authority within the terms of reference of the Licensing Sub-committees⁸; and
- to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act

Functions related to the Licensing Functions delegated by Licensing Committee⁹

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
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⁴ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

⁵ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

⁶ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

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

⁸ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer.

⁹ These functions were delegated to the Licensing Committee by full Council on 14 July 2010.

(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 licence 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, renewal or transfer of a licence irrespective of whether 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.