

Director of Legal and Democratic Services

1. The Director of Legal and Democratic Services is the Monitoring Officer for the Council.
2. Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the following Council (non-executive) functions:

Licensing and Regulations:

(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 register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
(e)	*To grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
(f)	*To licence inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963
(g)	*To grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968
(h)	*To register societies wishing to promote lotteries	Schedule 1 to the Lotteries Amusements Act 1976
(i)	*To grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976
(j)	*To licence sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3
(p)	*To license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 section 4 of the customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
(q)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act

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Officer Delegation Scheme (Council (non-executive) functions)

		1964
(f)	*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)
(s)	*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
(t)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

♦ From 1 September 2007 these provisions will be repealed and licences will be granted under the Gambling Act 2005 by the Licensing Committee. From 30 April 2007 the Licensing Committee will have delegated power to deal with transitional applications to convert these licences to licences under the 2005 Act. The Panel will deal with any new applications made prior to 1 September 2007 where these are permitted by legislation

Functions relating to elections:

(a)	Functions in relation to parishes and parish councils	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to standing orders:

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Exceptions:

The Director of Legal and Democratic Services is not authorised to discharge those functions marked *above where objections have been received.

Licensing Functions delegated by Licensing Committee:

Subject to the exceptions listed below, the Director of Legal and Democratic Services is authorised to discharge the licensing functions ⁸ of the licensing authority.	Licensing Act 2003
<u>Exceptions:</u>	

⁸ "Licensing functions" means functions under the 2003 Act

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Officer Delegation Scheme (Council (non-executive) functions)

- any licensing function¹ reserved to full Council;⁹ and
- any licensing function where full Council has referred a matter to a committee other than the Licensing Committee;¹⁰ and
- any licensing function within the terms of reference of the Licensing Sub-committees¹¹; and
- any function under Section 52(2) or (3) of the Act; and
- any function under Section 88(2) or (3) of the Act; and
- any function under Section 167(5) of the Act: and
- to determine whether Section 20(3) or 74(3) applies to a film and make recommendations about the admission of children to that film; and
- to object when the Authority is consultee and not the relevant authority considering an application.

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 to an Officer.

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