

ABERDEENSHIRE LICENSING BOARD

South Division

SCHEME OF DELEGATION

This Scheme of Delegation covers the powers of the Licensing Board, in terms of the following legislation:-

- The Gambling Act 2005

These delegations will be subject to any alterations made necessary due to amendments to Legislation, Regulations, Codes of Practice or Government Circulars. In the event of a conflict between the terms of this Scheme of Delegation and the relevant legislation, the Scheme of Delegation shall be amended forthwith to accord with the provisions of the said relevant legislation.

Gambling Act 2005

1. Designated Officers

The Board, as Licensing Authority for the purposes of the Gambling Act 2005, has designated the Clerk to the Board, The Depute Clerks to the Board, the Licensing Standards Officers, any Environmental Health Officer, and any Building Control Officer of Aberdeenshire Council as authorised persons for the purposes of Section 304 of the Gambling Act 2005.

2. Reserved to the Licensing Board

Decisions on the following matters are not subject to delegation and shall only be discharged by the Licensing Board:-

- 2.1. Determination of an application of a premises licence in respect of which representations have been made under Section 161 (and not withdrawn).
- 2.2. Determination of an application for the variation of a Premises Licence in respect of which representations have been made under Section 161 as applied by Section 187 (and not withdrawn).
- 2.3. Determination of an application for transfer under Sections 188 and 189 following representations by the Gambling Commission.
- 2.4. Determination of an application for a provisional statement under Section 204 in respect of which representations have been made under Section 161 as applied by Section 204 (and not withdrawn).
- 2.5. A review of a Premises Licence under Section 201.

- 2.6. Determination of whether to issue a counter notice to a temporary use notice under Section 224 of the Gambling Act 2005.
- 2.7. Determination of an application for, or the cancellation of, a Club Gaming Permit or Club Machine Permit under Sections 271 and 273 of the Gambling Act 2005 in respect of which objections have been made and not withdrawn.
- 2.8. Determination of whether to cancel a Club Gaming Permit or Club Machine Permit.
- 2.9. Determination of an application for a gaming machine permit for 3 or more gaming machines for licensed premises under Section 283 of the Gambling Act 2005 in respect of which objections have been made and not withdrawn.
- 2.10. Determination of whether to cancel a Gaming Machine Permit in respect of Licensed Premises.
- 2.11. Determination of an application for a Prize Gaming Permit under Section 289 of the Gambling Act 2005 in respect of which objections have been made and not withdrawn.
- 2.12. Determination of applications for registrations for the grant and renewal of registrations for the promotion of lotteries by small, non-profit making societies in respect of which objections have been made and not withdrawn.
- 2.13. Making a resolution not to issue Casino Licences under Section 166 of the Gambling Act 2005.
- 2.14. Formulating Licensing Policy under Section 349 of the Gambling Act 2005.
- 2.15. Determining whether a representation is vexatious, repetitious or one which will not influence the authority's determination of the application.

3. Delegation to the Clerk, or Depute Clerks to the Licensing Board

Decisions on the following matters are delegated to the Clerk or the Depute Clerks to the Licensing Board:-

- 3.1. To determine an application for a premises licence where no relevant representations have been made or where relevant representations have been made and then withdrawn.
- 3.2. To determine an application for a variation of a premises licence where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.3. To determine an application for transfer of a premises licence where no representations have been made by the Gambling Commission.

- 3.4. To determine an application for a provisional statement under Section 204 of the Gambling Act 2005 where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.5. To determine an application for a Club Gaming Permit or Club Machine Permit where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.6. To determine an application for a Gaming Machine Permit for 3 or more machines in respect of licensed premises where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.7. To determine an application for a Family Entertainment Centre Gaming Machine Permit where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.8. To determine an application for a Prize Gaming Permit where no relevant representations have been made or, where relevant representations have been made and then withdrawn.
- 3.9. To issue registrations for the grant and renewal of registrations for the promotion of lotteries by small, non-profit making societies, where no relevant representations have been made or, where relevant representations have been made and then withdrawn.

[Note: The Clerk or Depute Clerks may elect not to use their delegated powers in a particular case in which case the matter will be referred either to the Convener, in the case of Occasionals or to the Board on all other matters].

4. Other Matters

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Gambling Act 2005 or related Regulations shall be determined by the Licensing Board at a meeting as may be arranged by the Clerk in consultation with the Convenor of the Licensing Board.