

East Dunbartonshire Licensing Board

The Licensing (Scotland) Act 2005

The Gambling Act 2005

**Scheme of Delegation of Powers to
Officials**

**Further copies of this Scheme of Delegation may be obtained from the
undernoted address or East Dunbartonshire Council's website:-**

www.eastdunbarton.gov.uk

**East Dunbartonshire Licensing Board
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**Any questions regarding this Scheme should be sent to the above
address**

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1.0 INTRODUCTION

1.1 This scheme of delegation sets out the powers delegated by East Dunbartonshire Licensing Board to the Clerk and any Depute Clerk of the Board under:-

- the Licensing (Scotland) Act 2005; and
- the Gambling Act 2005.

1.2 In any particular case where powers are delegated to the Clerk or any Depute Clerk under this scheme of delegation, if it appears to them that it is appropriate for the power to be exercised by the Board itself then they shall be entitled to refer the case to the Board for the exercise of the power.

2.0 POWERS DELEGATED UNDER THE LICENSING (SCOTLAND) ACT 2005

2.1 The following powers are delegated to and exercisable by the Clerk or any Depute Clerk:-

- Determining a premises licence variation application where the variation sought is a minor variation.
- Determining an application for the transfer of a premises licence where the applicant has not been convicted of a relevant offence or a foreign offence.
- Determining a personal licence application or a personal licence renewal application where the applicant has not been convicted of a relevant offence or a foreign offence.
- Granting an application for confirmation of a provisional premises licence with no variation of licence conditions.
- Determining an application for extended hours where there are no objections and the hours sought are within the policy hours set out in the Board's statement of licensing policy.
- Determining an application for an occasional licence where there are no objections/representations and the hours sought in the application are within the policy hours set out in the Board's statement of licensing policy.
- Variation of a premises licence under section 54(6) – no longer any premises manager specified in the licence.

2.2 All powers under the Licensing (Scotland) Act 2005 other than those set out in paragraph 2.1 above shall be exercisable by the Licensing Board.

3.0 POWERS DELEGATED UNDER THE GAMBLING ACT 2005

3.1 The following powers are delegated to and exercisable by the Clerk or any Depute Clerk:-

3.1.1 Premises Licences

- Determining an application for the variation of a premises licence where there are no representations.
- Determining an application for transfer of a premises licence where there are no representations and where the application is accompanied by the licensee's consent.
- Determining an application for a copy of a premises licence.

3.1.2 Temporary Use Notices

- Giving a counter-notice under section 218(3) – whole period of notice exceeds statutory limit for temporary use notification.
- Giving a counter-notice under section 218(5) – part of period of notice exceeds statutory limit for temporary use notification.

3.1.3 Family Entertainment Centre Gaming Machine Permits

- Determining an application for a family entertainment centre gaming machine permit or an application for renewal of such a permit where no representations are made.
- Determining an application for a copy of a permit.

3.1.4 Club Gaming Permits And Club Machine Permits

- Determining an application for grant/renewal where no objections are made and no grounds for refusal exist.
- Determining an application to vary a permit (unless it is considered that the Board would refuse an application for the permit were it made anew).
- Cancelling a permit for non payment of the annual fee.
- Determining an application for a copy of a permit.

3.1.5 Licensed Premises Gaming Machine Permits

- Determining an application for grant/variation/transfer of a permit where:

- no objections/representations are made;
 - no grounds for refusal exist; and
 - the permit is to be granted for the same number and categories of gaming machines stated in the application.
- Cancelling a permit for non payment of the annual fee.
 - Determining an application for a copy of a permit.

3.1.6 Prize Gaming Permits

- Determining an application for a permit/renewal of a permit where no objections/representations are made.
- Determining an application for a copy of a permit.

3.1.7 Registration of Small Society Lotteries

- Determining an application for registration where no ground for refusal exists.
- Refusing an application for registration under paragraph 47 of Part 5 of Schedule 11 to the Act.
- Cancelling a registration for non payment of the annual fee.

3.2 All powers under the Gambling Act 2005 other than those set out in paragraph 3.1 above shall be exercisable by the Licensing Board.

Other Formats

This document can be provided in large print, Braille or on audio cassette and can be translated into different community languages.

Contact the Public Affairs Unit at:

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Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòin gu 0141 578 8152

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0141 578 8152 पर फ़ोन कीजिए।

本文件可按要求翻譯成中文，如有此需要，請電 0141 578 8152。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0141 578 8152 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0141 578 8152 ਫੋਨ ਕਰੋ।