




**RECORD OF POWERS DELEGATED BY THE
EXECUTIVE DIRECTOR FOR PLACE**

Scheme of Delegation for Licensing

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DELEGATED POWERS

Purpose

To set out the delegations from the Executive Director for Place in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

Business and Planning Act 2020	House to House Collections Act 1939
Charities Act 1960	Hypnotism Act 1952
Commons Act 2006	Licensing Act 2003
Commons Registration Act 1965	Local Government (Miscellaneous Provisions Act) 1982
Environment Protection Act 1990	Local Government (Miscellaneous Provisions) Act 1976
Environmental Protection Act 1990	Safety at Sports Grounds Act 1975
Equalities Act 2010	Scrap Metal Dealers Act 2013
Gambling Act 2005	Town & Police Clauses Act 1847
Highways Act 1980	Vehicles (Crime Act) 2001

Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Executive Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Executive Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Executive Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Service's business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Executive Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
Business and Planning Act 2020 as amended by the Levelling and Regeneration Act 2023								
Authority to Issue licences under Part 1 of the Business and Planning Act 2020 (Consumption of food and drink outdoors)	✓	✓	✓		✓	✓	✓	
Authority to refuse or revoke licences issued under Part 1 of the Business and Planning Act 2020 (Consumption of food and drink outdoors)			✓		✓	✓	✓	
Commons Registrations Act 1965 & Commons Act 2006								
To act on behalf of the Authority under the regulations made relating to registration of Commons and Town and Village Greens under the Commons Registration Act 1965 and the Commons Act 2006 in relation to maintaining the Registers of Common Land Rights of Commons and Town and Village Greens and in dealing with searches under those regulations			✓		✓	✓	✓	
To deal with any unopposed applications for changes in the registers of Common Land and Village Greens			✓		✓	✓	✓	
To determine whether an application must be referred to a hearing before the Licensing & safety Committee			✓		✓	✓	✓	
Environmental Protection Act 1990								
Authority to issue or vary licences & permits in respect of distribution of free printed matter	✓	✓	✓		✓	✓	✓	
Authority to refuse to renew or revoke licences and permits issued under section 94B and Schedule 3A of the Environmental Protection Act 1990			✓		✓	✓	✓	
Equalities Act 2010 and Taxis and Private Hire Vehicles (Disabled Persons) Act 2022								
Authority to issue animal carrying exemptions in respect of hackney carriage/private hire drivers	✓	✓	✓		✓	✓	✓	
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
Gambling Act 2005								
Section 157 to submit representations to the licensing authority in connection with relevant applications under the Gambling Act 2005	✓	✓	✓		✓	✓	✓	
Section 158 to determine whether a person is an interested party under Section 158 of the Gambling Act 2005.	✓	✓	✓		✓	✓	✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
Section 161 determination of an application for a premises licence in respect of which representations have been made (and not withdrawn),								Note 1
Section 161 determination of an application for the variation of a premises licence in respect of which representations have been made (and not withdrawn),								Note 1
determination of an application for transfer following representations by the Commission								Note 1
Section 162 to determine whether representations submitted in respect of applications relating to premises licences are frivolous, vexatious or will certainly not influence the authority's determination of the application.	✓	✓	✓		✓	✓	✓	
Sections 164, 187, 188, 195, 204 to determine all applications for a premises licence, variation of a premises licence, transfer of a premises licence, reinstatement of a premises licence; and a provisional statement, where no representations have been made in relation to any such application or where such representations have been made and subsequently withdrawn.	✓	✓	✓		✓	✓	✓	
Section 193, where the holder of a premises licence fails to pay the annual fee in accordance with the regulations under section 184 the licensing authority shall revoke the licence.			✓		✓	✓	✓	
Section 197 to apply to the licensing authority for a review of a premises licence			✓		✓	✓	✓	
Section 198 to determine whether an application for review of a premises licence should be rejected			✓		✓	✓	✓	
Section 201 determination of a review of a premises licence								Note 1
Section 204 determination of an application for a provisional statement in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn),								Note 1
Sections 214 – 234 to deal with all matters relating to temporary use notices on behalf of the licensing authority, as prescribed by Part 9 of the Gambling Act 2005 and any relevant regulations, subject to any requirement for a hearing in circumstances prescribed by the Act or relevant regulations	✓	✓	✓		✓	✓	✓	
235 to 251 266 to 302 Schedules 10, 12, 13 and 14 to determine all matters in respect of family entertainment centre gaming machine permits; licensed premises gaming machine permits; prize gaming permits; club gaming permits; and club machine permits, subject to any requirement for a hearing in circumstances prescribed by the Gambling Act 2005	✓	✓	✓		✓	✓	✓	
Sections 252 – 265 to determine all matters in respect of the registration of small society lotteries.	✓	✓	✓		✓	✓	✓	
Section 284 to make an Order under Section 284 of the Gambling Act 2005 removing the right to undertake exempt gaming or to have gaming machines on premises licensed for	✓	✓	✓		✓	✓	✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
the sale of alcohol under the Licensing Act 2003 where no representations have been made by the licensee or where such representations have been withdrawn.								
Section 307 – Power to enter premises for the purpose of the inspection of gambling		✓	✓	✓	✓	✓	✓	
Powers of investigation contained under Section 317		✓	✓	✓	✓	✓	✓	
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
Health Act 2006								
Authority to issue Fixed Penalty Notices under section 7 for the offence of smoking in a smoke free place	✓	✓	✓		✓	✓	✓	
Authority to authorise prosecutions and bring proceedings for any offences committed under the Act			✓	✓	✓	✓	✓	
Highways Act 1980								
Authority to issue licences under Part VIIA of the Highways Act 1980 (Provision of Amenities on Certain Highway).	✓	✓	✓		✓	✓	✓	
Authority to refuse to renew or revoke licences issued under Part VIIA of the Highways Act 1980 (Provision of Amenities on Certain Highway).			✓		✓	✓	✓	
House to House Collections Act 1939								
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
Authority to issue and renew licences in respect of house-to-house collections	✓	✓	✓		✓	✓	✓	
Authority to refuse to renew or revoke licences in respect of house-to-house collections			✓		✓	✓	✓	
Hypnotism Act 1952								
Authority to issue licences in respect of staged hypnotism shows	✓	✓	✓		✓	✓	✓	
Authority to prohibit the giving of an exhibition, demonstration, or performance of hypnotism at places licensed for public entertainments, as prescribed by Section 1 of the Hypnotism Act 1952.			✓		✓	✓	✓	
Licensing Act 2003								
Section 18 determine applications where no representations	✓	✓	✓		✓	✓	✓	
Section 18 to determine whether representations submitted are irrelevant, frivolous, vexatious, etc.			✓		✓	✓	✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
Determine applications Section 18 representations made								Note 1
Section 31(3) determination of application for provisional statement where no representations have been made	✓	✓	✓		✓	✓	✓	
Section 31(3) determination of application for provisional statement where representations have been made								Note 1
Section 35(3) determination of application for variation of premises licence where no representations have been made	✓	✓	✓		✓	✓	✓	
Section 35(3) determination of application for variation of premises licence where representations have been made								Note 1
Section 39(3) determination of application to vary designated premises supervisor – no police objection	✓	✓	✓		✓	✓	✓	
Section 39(3) determination of application to vary designated premises supervisor following police objection								Note 1
Determination of application under Section 41 (Minor Variation) where no representations have been received			✓		✓	✓	✓	
Decision whether to consult other responsible authorities on application under Section 41 (Minor Variation)		✓	✓		✓	✓	✓	
Determination of application under Section 41 (Minor Variation) where no representations have been received			✓		✓	✓	✓	
Section 41 – Request to be removed as Designated Premises Supervisor		✓	✓		✓	✓	✓	
Section 41(D) – Application by community premises to dis-apply DPS requirements			✓		✓	✓	✓	
Section 44(5) determination of application for transfer of premises licence – no police objection	✓	✓	✓		✓	✓	✓	
Section 44(5) (determination of application for transfer of premises licence following police objection								Note 1
Section 48(3) consideration of police objection made to interim authority notice								Note 1
Section 51 to determine whether an application for review of premises licence/club premises certificate should be rejected where the ground for review is not relevant to one or more of the licensing objectives or, in a case where the applicant is not a responsible authority, the ground for review is frivolous, vexatious or is a repetition			✓		✓	✓	✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
Any function under section 88(2) or (3) determination of application for review of club premises certificate in a case where relevant representations (within the meaning of section 88(7)) have been made, or								Note 1
Any function under section 167(5) review following closure order, in a case where relevant representations (within the meaning of section 167(9)) have been made.								Note 1
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
To determine the classification of a Film where there is no BBFC classification, or the Licensing Authority do not agree with the BBFC classification under Section 20			✓		✓	✓	✓	
Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847								
Applications for Hackney Carriage/Private Hire Vehicles	✓	✓	✓		✓	✓	✓	Note 3
Determination of 'straight forward' applications for Hackney Carriage/Private Hire Driver's Licence	✓	✓	✓		✓	✓	✓	Note 3
Determination of applications for Hackney Carriage/Private Hire Driver's Licence where relevant non-safeguarding criminal convictions are recorded.			✓		✓	✓	✓	Note 3
Determination of applications for Hackney Carriage/Private Hire Driver's Licence where relevant safeguarding criminal convictions are recorded			✓		✓	✓	✓	Note 3
Determination of applications for Hackney Carriage/Private Hire Driver's Licence where relevant information is recorded or known			✓		✓	✓	✓	Note 3
To determine suspensions of a Hackney Carriage / Private Hire Driver's licences, under section 61 of the 1976 Act.			✓		✓	✓	✓	Note 3
To determine revocation of a Hackney Carriage / Private Hire Driver's licences under section 61 of the 1976 Act where relevant non-safeguarding criminal convictions are recorded.			✓		✓	✓	✓	Note 3
To determine revocation of a Hackney Carriage / Private Hire Drivers licence, under section 61 of the 1976 Act, where relevant safeguarding criminal convictions are recorded.			✓		✓	✓	✓	Note 3
To determine the suspension or revocation of a Hackney Carriage / Private Hire drivers' licence, under section 61 of the 1976 Act, where the licensing authority are in receipt of any intelligence and / or any information which calls into question the licence holders' fitness to hold a licence.			✓		✓	✓	✓	Note 3

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
To determine the suspension or revocation of a Hackney Carriage / Private Hire drivers' licence, under section 61 of the 1976 Act, where the licence holder has been interviewed or arrested for, but not necessarily charged with, any offence that calls into question the licence holders' fitness to hold a licence.			✓		✓	✓	✓	Note 3
Section 63 Power to appoint stand for hackney carriage vehicles where no representations are received			✓		✓	✓	✓	
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
To carry out enforcement activity in relation to licensed drivers and licensed vehicles	✓	✓	✓		✓	✓	✓	Note 2
Local Government (Miscellaneous Provisions) Act 1982								
Authority to issue, renew, transfer, and vary licences/permits and registrations in respect of applications for Sexual Entertainment Venues & Sex Shops	✓	✓	✓		✓	✓	✓	
Authority to revoke or refuse to renew licences / permits and registrations issued under Part II and Schedule 3 to the Local Government Miscellaneous (Provisions Act 1982) – (Sex Establishments)			✓		✓	✓	✓	
Authority to issue, renew and transfer licences/permits and registrations in respect of street trading applications	✓	✓	✓		✓	✓	✓	
Authority to revoke or refuse to renew licences / permits and registrations issued under Part III and Schedule 4 to the Local Government Miscellaneous (Provisions Act 1982) – (Street Trading)			✓		✓	✓	✓	
To authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
Police, Factories, & c. (Miscellaneous Provisions) Act 1916								
Authority to issue licences and permits in respect of charitable street collections	✓	✓	✓		✓	✓	✓	
Power to make regulations with respect to the places where and the conditions under which persons may be permitted to collect money or sell articles for the benefit of charitable or other purposes.			✓		✓	✓	✓	
Scrap Metal Dealers Act 2013								
Authority to authorise prosecutions and bring proceedings for any offences committed under the Act			✓		✓	✓	✓	
Authority to issue or vary, licences issued under the Scrap Metal Dealers Act 2013	✓	✓	✓		✓	✓	✓	

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director	Procedure Reference
Authority to refuse to renew or revoke a site or collectors licence issued under the Scrap Metal Dealers Act 2013			✓		✓	✓	✓	

Note 1: Statute specifically provides for this function to be carried out by L&S Committee delegated to a sub-committee.

Note 2: Authority to carry out these activities also delegated to licensing and enforcement officers of Calderdale Borough Council, Leeds County Council, Bradford County Council, Wakefield County Council and York City Council.

Note 3: Kirklees Council issue 'Dual Drivers Licence', any reference in this scheme of delegation to hackney carriage ! private hire drivers licence includes 'dual drivers' licences'

Key to authorised officers:

Responsibility	Post Title/Section
Officer A	Assistant Licensing Officer
Officer B	Licensing Officer
Officer C	Senior Licensing Officer / Group Leader
Officer D	Complex Enforcement Officer
Officer E	Operational Manager, Licensing
Head of Service	Head of Service for Licensing
Service Director	