THE HIGHLAND LICENSING BOARD

SCHEME OF DELEGATION

APPROVED AT A MEETING ON 7 AUGUST 2012 (and as amended by the Board at a meeting on 27 August 2013 with additional delegation on 1 October 2013 and on 2 August 2017)

It was resolved that the Clerk be authorised to exercise on behalf of the Board the following functions:

1. Premises licence

a) The granting of a minor variation, that is

   i) any variation of the layout plan provided there is no inconsistency with the operating plan;
   ii) any variation restricting the terms on which children or young persons are allowed entry;
   iii) any variation of information relating to the premises manager (including the substitution of a new premises manager);
   iv) any other variation as may be prescribed by the Government.

b) The substitution of a new premises manager.

c) The transfer of a premises licence where the applicant has not been convicted of a relevant or foreign offence.

d) Confirming a provisional premises licence.

e) Updating changes to name and address of premises licence holder or premises manager.

f) A variation under section 54(6)

g) Certification under section 55(a)

h) Rejecting a premises licence review application in terms of section 36 after consulting the Convener whom failing the Vice Convener.

i) Granting a temporary premises licence in terms of section 47 after consultation with the Convener whom failing the Vice Convener, subject to such variation (if

any) of the existing conditions to which the principal premises licence is subject as is considered appropriate.

j) To make a premises licence review proposal under section 44(7) where the Board receives a notice from the Chief Constable under section 44(4)(b) confirming a conviction for a relevant or foreign offence and including a recommendation that the premises licence be varied, suspended or revoked and thereafter to fix a review hearing before the Board under section 83.

k) Where the Board has received a notice from the Chief Constable under section 44(4)(b) confirming a conviction for a relevant or foreign offence but not including a recommendation that the premises licence be varied, suspended or revoked, (a) to make a premises licence review proposal under section 44(7A)(a) and to thereafter fix a review hearing before the Board, or (b) to decide to take no further action in relation to the conviction, but in either case only after consultation with the Convener, whom failing the Vice-Convener, whom failing any other member of the Board, and only with their agreement.

2. Occasional licences (see also 3. c) below)

a) Granting for an event where the hours applied for are within policy and there is no notice of objection or representation, subject to such local conditions and/or special conditions as are considered appropriate.

b) If the hours of the event applied for are outwith policy or there is a notice of objection or representation, then the application will be referred to Convener of the Board whom failing the Vice Convener whom failing any member of the Board, provided that in the period between the election of Highland Councillors and members of the Board producing evidence of compliance with the prescribed requirements as to training, there will be no requirement to refer the application as detailed in this sub-paragraph.

3. Extended hours

a) Granting where the hours applied for are within policy and there is no notice of objection from the Chief Constable.

b) If the hours applied for are outwith policy or there is a notice of objection from the Chief Constable, then the application will be referred to the Convener whom failing the Vice Convener whom failing any member of the Board, provided that in the period between the election of Highland Councillors and members of the Board producing evidence of compliance with the prescribed requirements as to

training, there will be no requirement to refer the application as detailed in this sub-paragraph.

c) *Festive Period Hours:* The Clerk to the Board, in consultation with the Convener, will fix annually the specific dates over the Christmas and New Year period between which the Board's adopted festive period hours (as detailed in the Board's Policy Statement) may be permitted, both as extended hours at licensed premises and as hours permitted under occasional licences. *(These dates will normally cover a period of approximately three weeks over the festive period. The Board will aim each year to notify the dates for the next festive period to premises and to Police Scotland prior to end August.)*

4. Personal licences

a) Granting a personal licence application or renewal where the applicant has not been convicted of a relevant or foreign offence.

b) Updating changes in the licence holder's name and address.

c) Issuing a replacement licence in terms of S.92.

d) Where the Board has received a notice from the Chief Constable under section 83(4)(b) confirming a conviction and that it is a conviction for a relevant or foreign offence but not including a recommendation that the personal licence be revoked, suspended or endorsed, (a) to fix a hearing before the Board under section 83(7A)(a), or (b) to decide to take no further action in relation to the conviction, but in either case only after consultation with the Convener, whom failing the Vice-Convener, whom failing any other member of the Board, and only with their agreement.

e) To fix a hearing where a Licensing Standards Officer submits a report to the Board under section 84B advising that the LSO considers that a personal licence holder who is or was working in licenced premises in the Board's area has acted in a manner which is inconsistent with any of the licensing objectives.

5. Competency of applications

a) Prior to a hearing where there is the issue of the competency of any application the Clerk shall determine the matter.

In any case falling under the aforementioned delegated powers, where the Clerk considers it appropriate the Clerk may refer the decision to the Board.

In this scheme

"**Act**" means the Licensing (Scotland) Act 2005

"**Convener**" means the Convener appointed in terms of Schedule 1 Paragraph 6 of the Act.

"**Clerk**" means the person appointed under Schedule 1 Paragraph 8 of the Act or any member of staff provided under that paragraph and authorised by the Clerk to act on the Clerk's behalf.

"**Vice Convener**" means any member appointed by the Board to that office.