

Perth and Kinross Licensing Board

Licensing (Scotland) Act 2005

Scheme of Delegation

In terms of the Licensing (Scotland) Act 2005, Schedule 1, Paragraph 10, Perth and Kinross Licensing Board has delegated the following functions under that Act:-

Clerk or Officials

The Clerk of the Board or any member of staff appointed by the Clerk may determine:-

1. Applications for a minor variation of a premises licence as defined by Section 29(6).
2. Whether to cite an Applicant to a hearing for a premises licence variation application which is not a minor variation.
3. Applications for the transfer of a premises licence where a notice under Section 33(6)(a) is received from the Chief Constable.
4. Whether to make a premises licence review proposal under Section 37(1).
5. To exercise the powers under Section 38(5) and (6) for the purposes of a review hearing to obtain further information, request any person to attend to provide information and/or request production of any document at a review hearing.
6. The grant of confirmation of a provisional premises licence under Section 46.
7. Whether to require a premises licence holder to produce the premises licence under Section 49(3).
8. Whether to shorten the notice period for occasional licence applications under Section 57(5).
9. The grant of occasional licence applications where there is no notice of objection or representations in relation to the application.
10. The imposition of conditions under Section 60.
11. Whether to shorten the notice period for extended hours applications under Section 69(5).
12. The grant of extended hours applications where there is no notice of objection from the Chief Constable under Section 69(2).

13. Personal licence applications or personal licence renewal applications where a notice is received under Section 73(3)(a) from the Chief Constable.
14. Whether to hold a hearing on a personal licence application under Section 74(8).
15. Revocation of personal licences where the personal licence holder fails to comply with Section 87(1).
16. Determining how to hold a hearing under Section 133A and Schedule 1, Paragraph 12.
17. What category a premises falls within in terms of The Licensing (Fees) (Scotland) Regulations 2007.
18. To institute, defend or appear in any legal proceedings or any inquiry held by or on behalf of any Minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority).
19. To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to execute, publish or serve under any Act or any regulation or order made thereunder.

Although an application or decision may fall within the above categories, the Clerk of the Board or any member of staff appointed by the Clerk may decline to exercise delegated powers where it is considered appropriate in the circumstances to remit a particular matter to the Licensing Board.

Approved: 18 January 2023