

Appendix 1 – List of Delegated Powers

The District of Stirling Licensing Board delegates to the Clerk its powers to determine applications made under the Licensing (Scotland) Act 2005. The Clerk can further delegate these powers to officers to exercise,

Before exercising any authority the Clerk must satisfy herself/himself that s/he has the necessary delegated authority under this Scheme of Delegated Functions and any power contained in this Scheme has not been modified by a more recent decision of the Board.

1. Any application for a minor variation of premises licences (Section 29).
2. Any application for variation to substitute a new premises manager (Section 29, 31).
3. Any application to transfer a premises licence – where the transferee has not been convicted of any relevant or foreign offence (Section 33-35).
4. Any application for confirmation of a provisional premises licence – where no variation (other than a minor variation) has been made to the operating plan or layout plan for the premises to which the licence relates since the provisional licence was issued or since a variation of a provisional premises licence was granted (Section 46).
5. Any application for an occasional licence – where no objections or representations have been received, nor any notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (Section 56-61).
6. Any application for extended hours where:-
 - a. the application is for extended hours which are within the Board's policy hours as detailed in its Statement of Licensing Policy;
 - b. no objections or representations have been received;
 - c. no recommendation for refusal are received from the Chief Constable or the Licensing Standards Officer; and
 - d. there are no unusual aspects to the application.

All such applications will be determined by the Clerk in consultation with the Chair and Vice Chair of the Board.

7. The determination in terms of Section 74(7) and (8) of the 2005 Act as to whether or not the Licensing Board will hold a hearing to determine the application for a personal licence, where the applicant has held a personal licence which has expired, or been surrendered, in the previous three years.
8. Any application for a personal licence or renewal of a personal licence where the applicant has not been convicted of a relevant or foreign offence (Section 74).

Date: 9 November 2022