

Appendix 6: Delegation of licensing and regulatory decisions in respect of gambling

Delegation of powers pursuant to paragraph 8 of Schedule 4 to the Gambling Act 2005 (as amended)

1. The Commission hereby establishes a Committee of Commissioners and Adjudicators, on which any Commissioner and Adjudicator may sit, to be known as the Regulatory Panel. An Adjudicator is a legally qualified individual employed by the Commission to sit as a member of the Regulatory Panel.
2. The quorum for conduct of any business by the Regulatory Panel shall be a minimum of:
 - (a) one Commissioner and one Adjudicator, or;
 - (b) (in respect of personal licensee cases only) one Adjudicator
- ~~2.3.~~ Meetings of the Regulatory Panel ~~or hearings before a Director~~ may be conducted by telephone or video conference.
- ~~3.4.~~ The Chairman of the Commission shall, if present, preside at all meetings of the Regulatory Panel. If the Chairman is not to be present, he may designate a Commissioner or Adjudicator to chair the meeting. If there has been no such prior designation the Commissioners and Adjudicators present at the meeting shall elect a Chairman for the duration of the meeting.
- ~~4.5.~~ The Chief Executive may designate such staff as ~~she~~ considers appropriate to attend meetings of the Regulatory Panel ~~or hearings before a Director~~ to assist or advise the decision makers. Staff that do not form part of the Panel may not take part in the decision making process., but these staff may not take part in the decision making process of the Regulatory Panel. or Director.
- ~~5.6.~~ Subject to the provisions of paragraphs 7 and 8 below, the Commission hereby delegates the powers and functions set out in the first column of the table annexed hereto, to the persons respectively nominated in the second column of the table. Any other decisions to grant a licence or take regulatory action which are not otherwise specifically delegated under this resolution are hereby delegated to the Chief Executive or a Director (for the purposes of delegated decision making the term 'Director' includes the Commission's General Counsel).
- ~~6.7.~~ Where it is considered appropriate by the Chairman, or any Commissioner, or the Chief Executive, or a member of staff nominated in the table, a case may be referred to a more senior member of staff or the Regulatory Panel who will determine that case instead of the persons otherwise delegated to carry out that function.
- ~~7.8.~~ These arrangements shall supersede all previous delegation arrangements hitherto authorised by the Commission.

TABLE 1

DELEGATION OF FUNCTIONS UNDER THE GAMBLING ACT 2005 (the 2005 Act)

Function	Person to whom the function is delegated and conditions under which the authority is vested
Licensing decisions: grant or refusal of applications for licences	
<p>Determination of applications for operating or personal licences under section 69 of the 2005 Act, including the attachment of any condition under section 77 required to define the category of operating licence but subject to what is said below as to licensee specific conditions.</p>	<p>Licensing Administrators may grant applications for personal functional licences, where there are no issues to be resolved about the suitability of the applicant or where the applicant has previously held an operating or personal licence under section 69 of the 2005 Act and there are no issues to be resolved about the suitability of the applicant.</p> <p>Senior Account Managers and Account Managers may grant applications for non-remote operating licences and remote licences, ancillary remote licences and linked licences (remote and non-remote), and personal management and functional licences where no issues have been identified or where any issues have been satisfactorily resolved.</p> <p>Team Leaders may grant applications for non-remote operating licences and remote licences where no issues have been identified; and personal management and functional licences where the application raised issues which took it outside the authority to grant of a Licensing Officer but those issues have been satisfactorily resolved.</p> <p>The Chief Executive, a Director, a Programme Director or a Licensing Manager may grant an application for an operating licence or a personal licence, except for applications that are reserved to, or referred to the Regulatory Panel for consideration.</p> <p>Minded to refuse cases: Where the conclusion of staff is that an application should be refused a 'minded to refuse' letter will be sent to the applicant.</p>

	<p>Where, in response to such a letter, the applicant for a personal licence requests a hearing, this will be before a Regulatory PanelDirector, who will determine the case, otherwise the Chief Executive, a Director, a Programme Director, a Licensing Manager or a Team Leader may decide to refuse the application.</p> <p>Where, in response to such a letter, the applicant for an operating licence requests a hearing, this will be before a Regulatory Panel, the Panel will determine the case, otherwise the Chief Executive, a Director, a Programme Director or a Licensing Manager may decide to refuse the application.</p>
<p>Imposition of a condition attached to a licence under section 77 (including that section applied by section 128) specific to the licensee.</p>	<p>The Chief Executive, a Director, a Programme Director or a Licensing Manager may decide to attach a condition to a licence.</p> <p>Where the conclusion of staff is that an application should be granted with a condition, a ‘minded to grant with condition’ letter will be sent to the applicant.</p> <p>Where, in response to such a letter, the applicant for a personal licence requests a hearing, this will be before a Regulatory PanelDirector who will determine the case, other wise the Chief Executive, a Director, a Programme Director, a Licensing Manager or a Team Leader may decide to attach the condition.</p> <p>Where, in response to such a letter, the applicant for an operating licence requests a hearing, this will be before a Regulatory Panel who will determine the case, other wise the Chief Executive, a Director, a Programme Director or a Licensing Manager may decide to attach the condition.</p>
<p>Licensing: continuance applications</p>	
<p>Determining an application under section 102(2)(b) that the operating licence shall continue to have effect following a change of corporate control; or</p>	<p>Continuance: Team leaders, Senior Account Managers and Account Managers</p>

<p>alternatively that the licence should be revoked.</p>	<p>have been identified or where issues have been satisfactorily resolved AND at the time the application is made the “new controller” is the holder of an operating licence, or is a financial institution (as defined by article 4.5 of the Banking Consolidation Directive (a)) regulated by the Financial Conduct Authority, or which has its registered office in an EEA state and which is regulated by its home state regulator.</p> <p>The Chief Executive, a Director, a Programme Director or a Licensing Manager may grant an application.</p> <p>Revocations: Where the conclusion of staff is that the licence should be revoked a 'minded to revoke' letter will be sent to the licence holder.</p> <p>Where, in response to such a letter, the licence holder requests a hearing before the Regulatory Panel, the Panel will determine the case, otherwise the Chief Executive, a Director, a Programme Director or a Licensing Manager may decide to revoke the licence.</p>
<p>Licensing: variation applications</p>	
<p>Determination of an application to vary a licence under section 104 (including personal licence)</p>	<p>Applications made under sub-section (1)(a) (add, amend, remove a licensed activity) may be determined by the person delegated to grant or refuse applications for licences as set out above. In addition, Licensing Administrators may determine applications made under sub-section (1)(b) (amend another detail of the licence).</p> <p>The Chief Executive, a Director, a Programme Director, a Licensing Manager or a Team Leader may determine an application falling under sub-section (1)(c) (add, amend, remove a condition attached under section 77).</p>

Licensing: administrative suspensions / revocations	
Deciding whether an operating or personal licence should be suspended under section 118(3) on the grounds that: the licensee has failed to comply with a requirement of regulations under section 101 (notification of change of circumstances); or the licensee has failed to submit the licence to the Commission for amendment in accordance with section 105 (amendment).	The Chief Executive, a Director or a Programme Director may take the decision.
Deciding whether an operating or personal licence should be revoked under section 119(2) on the grounds that: the licensee has failed to comply with a requirement of regulations under section 101 (notification of change of circumstances); or the licensee has failed to submit the licence to the Commission for amendment in accordance with section 105 (amendment).	Where the conclusion of staff is that a licence should be revoked, a 'minded to revoke' letter will be sent to the licence holder. Where, in response to such a letter, the licence holder requests a hearing before the Regulatory Panel, the Panel will determine the case, otherwise the Chief Executive, a Director or a Programme Director may decide to revoke the licence.
Licensing: annual fees	
Decision to disapply section 119(3) of the Act (otherwise automatic revocation for non-payment of annual licence fee).	The Chief Executive, a Director, a Programme Director, or a Licensing Manager may take the decision.

Regulatory decisions: lapse	
Deciding whether an operating licence or personal licence has lapsed on the grounds that the licensee is incapable of carrying on the licensed activities by reason of mental or physical incapacity per section 114(1)(b).	<p>Where staff reach a provisional view that the licensee is incapable of carrying on the licensed activities by reason of mental or physical incapacity a notice to that effect shall be sent to the licensee.</p> <p>Where, in response to such a notice, the licensee requests a hearing before the Regulatory Panel, the Panel will determine the case, otherwise the Chief Executive, a Director or a Programme Director may decide that the licence has lapsed.</p>
Regulatory decisions: deciding to conduct a licence review	
Institution of licence reviews under section 116(1) or 116(2) of the Act.	The Chief Executive, a Director, a Programme Director or a Senior Manager may decide that a licence review should be commenced.
Suspension of licences at the time of deciding to conduct, or during the course of a review, under section 118(2), on the grounds that the Commission suspects that any of the conditions specified in section 120(1) applies.	<p>The Chief Executive, a Director or a Programme Director may take the decision to suspend a licence.</p> <p>The Regulatory Panel may review the decision to suspend the licence.</p>
Decisions following a review of an operating or personal licence	
<p>Deciding whether or not to:</p> <ul style="list-style-type: none"> • issue a warning to the licensee under section 117(1)(a); • attach an additional condition under section 77; • remove or amend a condition under section 77; • exercise the power to suspend a licence under s118(1) on the grounds that the Commission thinks that any of the conditions of section 120(1) applies; • exercise the power to revoke a licence under section 119(1) on the grounds that the Commission thinks that any of the conditions of section 120(1) applies; • impose a financial penalty under 	<p>Where the conclusion of staff is that the Commission should exercise its powers under section 117 of the Act, a 'minded to' letter will be sent to the licence holder to inform them of that preliminary conclusion.</p> <p>Where, in response to such a letter, the personal licence holder requests a hearing, this will be before a <u>Regulatory Panel Director</u> who will determine the case, otherwise the Chief Executive, a Director, a Programme Director or a Senior Manager may take the decision.</p> <p>Where, in response to such letter, the operating licence holder requests a hearing, this will be before a Regulatory Panel, the Panel will determine the case,</p>

section 121.	otherwise the Chief Executive, a Director or a Programme Director may take the decision or a Senior Manager may take the decision to the issue a warning, attach, remove or amend a condition.
Deciding to revoke a licence following a review requested by the Horserace Betting Levy Board under the Gambling Act 2005 (Horserace Betting Levy) Order 2007	The Chief Executive, a Director, a Programme Director or Senior Manager may take the decision.
Other decisions	
Imposing a financial penalty under section 121 without a licence review.	The Chief Executive, a Director or a Programme Director may take the decision.
Voiding decisions	
Deciding whether to make an order under section 336 to void a bet.	The Chief Executive or a Director may take the decision.
Deciding whether to make an order under section 338 (interim moratorium), to extend the period of moratorium under any such order or to cancel such an order.	The Chief Executive or a Director may take the decision.
Decisions in relation to premises licence applications	
Deciding whether to exercise the right under section 161 to make representations on a premises licence application.	The Chief Executive, a Director or a Programme Director may take the decision.
Deciding whether to exercise the power under section 197 to seek a review of a premises licence.	The Chief Executive, a Director or a Programme Director may take the decision.
Deciding whether to exercise the power under section 221 to give notice of objection to a temporary use notice.	The Chief Executive, a Director or a Programme Director may take the decision.
Prosecution decisions	
Deciding whether to prosecute or caution a person for an offence under the Gambling Act 2005.	The Chief Executive or a Director may take the decision.

Appendix A: Delegation of decisions of the Commission as a competent authority under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (as amended) (the Regulations)

Delegation of powers pursuant to paragraph 8 of Schedule 4 to the Gambling Act 2005 (as amended)

1. Subject to the provisions of paragraph 2, the Commission hereby delegates the powers and functions set out in the first column of the table below to the persons respectively nominated in the second column of the table. In the table the term 'Director' includes the Commission's General Counsel.
2. Where it is considered appropriate by the Chief Executive, or a member of staff nominated in the table, a case may be referred to a more senior member of staff or the Commission's Regulatory Panel who will determine the matter instead of the person otherwise delegated to carry out the particular function.

Table 1

Delegation of functions under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulation 2015 (as amended)

Function	Person to whom the function is delegated
Approval of an ADR applicant as an ADR entity under regulation 9 of the Regulations.	The Chief Executive, a Director, a Programme Director, or a Senior Manager.
Review of information provided to the Commission by an ADR entity pursuant to regulation 11(3) of the Regulations.	The Chief Executive, a Director, a Programme Director, or a Senior Manager.
A decision to give an ADR entity notice pursuant to regulation 13(1) of the Regulations.	The Chief Executive, a Director, a Programme Director, or a Senior Manager.
Withdrawal of the approval of an ADR entity pursuant to regulation 13(3) of the Regulations.	The Chief Executive or a Director.