

**APPENDIX 10**

**INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

Titles of sub delegates, where sub delegation is applicable:

- MDE Manager Development & Environment
- MWI Manager Works & Infrastructure
- MGC Manager Governance & Community
- MFA Manager Finance & Administration
- PO Development Officer – Planning
- BO Development Officer – Building
- CO Compliance Officer
- EHO Environmental Health Officer

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Last amended: 1 January 2014



CLARE & GILBERT VALLEYS COUNCIL

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

Provision	Item Delegated / Authorisation	Date of Delegation to CEO	CEO Authorised Sub Delegate / Authorised Officer	Conditions and Limitations	Date of Sub Delegation
s22(1), 22(2) and (3)	0. Application for Review of Commissioner's Decision The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	27 April 2015	MGC, MDE		5 December 2016
s69(3)(e)	1. Extension of Trading Area 1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	27 April 2015	MGC, MDE		5 December 2016
s76(2)	2. Rights of Intervention 2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	27 April 2015	MGC, MDE		5 December 2016
s106(2)(b)	3. Noise 3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).	27 April 2015	Not Delegated - Remains with CEO		5 December 2016
s106(4)	3. Noise 3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	27 April 2015	Not Delegated - Remains with CEO		5 December 2016
s106(5)	3. Noise 3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).	27 April 2015	Not Delegated - Remains with CEO		5 December 2016
s120(1) and (2)	4. Disciplinary Action Before the Court 4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	27 April 2015	Not Delegated - Remains with CEO		5 December 2016
s120A(3)	5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action 5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	27 April 2015	Not Delegated - Remains with CEO		5 December 2016

Head Delegation Reviewed by Council on 16 May 2016 (no amendments required)