Agenda Item No: 6



Licensing Committee

Report Title	Review of Decision Making 2014/2015		
Accountable Strategic Director	Tim Johnson Education and Enterprise		
Originating service	Licensing Services		
Accountable employee	Name Colin Parr Tel 01902 550105 Email colin.parr@wolverhampton.gov.uk		

# **Recommendations:**

The Licensing Committee are recommended to:

- (i) Endorse and approve the proposals in section 2 of this report relating to category 2 decisions.
- (ii) Endorse and approve the proposals in section 2 of this report relating to category 3 decisions.
- (iii) Delegate category 3 decision making powers to the Strategic Director for Education and Enterprise.
- (iv) Note the schedule attached at Appendix 1 to this report which includes further proposed delegations from the Strategic Director for Education and Enterprise to officers.
- (v) Receive annual delegation update reports at the beginning of the municipal year.

#### This report is PUBLIC [NOT PROTECTIVELY MARKED]

### 1.0 **Purpose of report**

- 1.1 To seek the endorsement and approval of a proposed decision making process and for proposed delegations in relation to category 2 and 3 decision making powers to the Strategic Director for Education and Enterprise.
- 1.2 To draw Councillors' attention to the delegations document attached at Appendix 1 which includes proposed delegations from the Director to officers within Education and Enterprise.

### 2.0 Background

- 2.1 The Licensing Committee has responsibility for a wide range of licensing functions. These relate principally to the issue of licences, permits, consents and their enforcement.
- 2.2 Councillors will be most familiar with premises applications made under the Licensing Act 2003 and a variety of taxi related matters. However, there are many other matters that are only occasionally brought to Councillors' attention for consideration e.g. sex establishments.
- 2.3 The licensing system is configured to allow the proper discharge of functions and operates through the Licensing Committee either taking decisions themselves or through the delegation of decisions to officers.
- 2.4 The aim of the delegation scheme is the achievement of a proper balance of responsibilities to enable the service to be delivered in an efficient and effective manner.
- 2.5 The current Committee approval arrangements categorise decisions into three categories. See table below.

Category	Who takes the decision?	Type of decision
1	Full Committee	Policy matters and those which have significant political, financial implications including fees and charges or service delivery issues.
2	Sub Committee	Contentious applications. Suspensions and Licence revocations not in accordance with revised criteria, responsibility for any function as prescribed by statute.
3	Delegated to Officers	Determination of consents, permits registrations, licence applications and reviews in accordance with agreed policies.

## **Current decision making progress**

#### This report is PUBLIC [NOT PROTECTIVELY MARKED]

## 3.0 Delegation of category 2 and 3 decisions

- 3.1 On 30 May 2012 the Licensing Committee considered a report on the review of decision making.
- 3.2 This report set out a review process for officer delegations.
- 3.3 Licensing Services produced a policy document which included a list of current and proposed delegation to officers for a range of decisions.
- 3.4 The Licensing Committee confirmed and endorsed category 2 and category 3 decisions and the continuation of the existing regime of officer delegations and approved delegation of category 3 decisions, to the Strategic Director for Education and Enterprise. This ensured the ongoing delivery of routine, non-contentious licensing functions in accordance with agreed policies and procedures.
- 3.5 Councillors agreed that an updated delegation report be presented to Licensing Committee on an annual basis to the first meeting of the municipal year.
- 3.6 Licensing Committee are asked to endorse and approve the delegation of category 3 decision making to the Strategic Director for Education and Enterprise.
- 3.7 The delegations document attached at Appendix 1 has been updated throughout the year and includes proposed delegations from the Director to officers within Education and Enterprise.
- 3.8 Should Councillors agree with recommendations within this report the proposed delegations document will be authorised by the Strategic Director for Education and Enterprise.

### 4.0 Legal implications

- 4.1 The Licensing Authorities (Functions and Responsibilities) (England) Regulations 2000 Schedule 1 specifies a range of functions which are not to be an executive responsibility and this includes licensing and registration functions.
- 4.2 The Licensing Committee has been appointed to exercise the Council's functions relating to the processing, determination and management of licensing. Specific powers and duties are listed in the Council's constitution and some can be delegated to officers.
- 4.3 One of the main principles of the constitution is the need to be able to ascertain who is responsible for any decision made by or on behalf of the Council and this is particularly so for officer delegations which must be comprehensive. [SH/05062014/F]

#### This report is PUBLIC [NOT PROTECTIVELY MARKED]

### 5.0 Financial implications

5.1 The proposals contained in this report can be met from the approved licensing revenue budgets 2014/15 and should generate efficiencies in the utilisation of both Councillor and officer resources. [TK/29052014/P]

### 6.0 Equal opportunities implications

6.1 The agreement of criteria relating to officer decisions will be subject to equality analysis to ensure the proposals are in accordance with the Council's Equal Opportunities Policy and the requirements of the Human Rights Act 1998.

### 7.0 Environmental implications

7.1 Many of the functions for which the Committee has responsibility have a bearing on environmental issues.

### 8.0 Schedule of background papers

Licensing Committee – 30 May 2012, 22 May 2013 - Review of decision making.

# Appendix 1

# Licensing Committee – Committee/Sub-Committee/Officer Delegations

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Licensing Act 2003			
Premises Licence/Club Premises Certificate – New/Variation Application/ Provisional Statement	No representations – Licensing Officer Representations resolved by conditions added to Licence – Licensing Sub- Committee, endorse to negate hearing Representations Not Resolved – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Premises Licence/Club Premises Certificate – Review Application	Licensing Sub-Committee	Licensing Committee 30/05/2012	
Temporary Event Notice – Standard	Acknowledge Receipt – Licensing Officer Representations/Service of Counter Notice – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Temporary Event Notice - Standard Agree hearing is not required where TEN modified	Section Leader Licensing, in consultation with Chair, Vice Chair or Shadow Chair of Licensing Committee	Licensing Committee 30/05/2012	
Temporary Event Notice – Late	Section Leader Licensing	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Licensing Act 2003 continued/			
Minor Variations – Grant/Reject Applications in accordance with Legislative Reform Orders 2009	Section Leader, Licensing	Licensing Committee 30/05/2012	
Personal Licence - Application	No Representations – Licensing Officer	Licensing	
	Representations – Licensing Sub-Committee	Committee 30/05/2012	
Designated Premises Supervisor – Variation	No Representations – Licensing Officer Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Application Transfer Premises Licence/ Club Premises Certificate	No Representations – Licensing Officer Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Application for Interim Authority	No Representations – Licensing Officer Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Licensing Act 2003 continued/			
Decision to object when Local Authority is a Consultee and not the relevant authority considering the application	Licensing Sub-Committee	Licensing Committee 30/05/2012	
Licensing Act 2003 Fees and Charges	Secretary of State (Subject to revisions resulting from the Police Reform and Social Responsibility Act 2011)	Licensing Committee 30/05/2012	
Statement of Licensing Policy	Full Council	Licensing Committee 30/05/2012	
Decision on whether a complaint is Irrelevant, Frivolous, Vexatious etc	Section Leader, Licensing	Licensing Committee 30/05/2012	
Power to suspend Premises Licence/Club Premises Certificate for non payment of annual fee	Section Leader, Licensing	Licensing Committee 30/05/2012	
To authorise Licensing Authority as a Responsible Authority	Licensing Manager/Section Leader, Licensing	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Gambling Act 2005			
New/Variations/Provisional Statements Applications	No Representations – Licensing Officer Representations Not Withdrawn – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Transfer of Premises Licence	No Representations – Licensing Officer Representations from Gambling Commission – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Premises Licence/Suspension/Revocation	Licensing Sub-Committee	Licensing Committee 30/05/2012	
Temporary Use Notice	No Representations – Section Leader, Licensing Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Occasional Use Notice	No Representations – Officers	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Gambling Act 2005 continued/			
Application Club Gaming/Club Machine Permit	No Representations – Licensing Officer Representations Not Withdrawn – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Cancellation of Club Gaming/ Club Machine Permit	Section Leader, Licensing/Licensing Officer	Licensing Committee 30/05/2012	
Alcohol Licensed Premises Gaming Machine Permit – Notification	Licensing Officer	Licensing Committee 30/05/2012	
Cancellation Licensed Premises Gaming Machine Permits	Section Leader, Licensing/Licensing Officer	Licensing Committee 30/05/2012	
Small Society Lotteries New/Renewal	Licensing Officer	Licensing Committee 30/05/2012	
Gambling Act Fees and Charges	Licensing Committee up to Maximum Limit set by Secretary of State	Licensing Committee 30/05/2012	
Statement of Gambling Policy	Full Council	Licensing Committee 30/05/2012	
To authorise the Local Authority as a responsible authority	Licensing Manager/Section Leader, Licensing	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation (s)
Street Trading			
Pitches – Create, Relocate or Deletion	Licensing Manager in consultation with Highways/Landscape Services	Licensing Committee	Section Leader, Licensing
Review of Decision	Head of Regulatory Services	14/11/2012	Licensing Manager
Consents – Grant, Renewal, Revocation	Licensing Manager in consultation with Highways/Landscape Services	Licensing Committee 14/11/2012	Section Leader, Licensing
Review of Decision	Head of Regulatory Services		Licensing Manager
Private Land Consents – Grant	Licensing Officer	Licensing Committee 22/5/2013	
Revocation of Consent	Licensing Manager	Licensing Committee 30/5/2012	
Temporary/Street Trading Occasional Consents	Section Leader, Licensing	Licensing Committee 30/05/2012	Licensing Officer
Change of Tradeline	Section Leader, Licensing	Licensing Committee 30/05/2012	
Transfer of Street Trading Consent Subject to Consent Conditions	Section Leader, Licensing	Licensing Committee	
Review of Decision	Licensing Manager	30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation (s)
Street Trading continued /			
Street Tradings Fees and Charges	Licensing Committee	Licensing Committee 30/05/2012	
Change of Unit Design - Approval			Licensing Manager

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Hackney Carriage & Private Hire			
New Applications – Hackney Carriage/Private Hire Vehicle Driver's Licence	Clear of guidelines – Licensing Officer	Licensing Committee 30/05/2012	
	Not clear of guidelines – Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Section Leader, Licensing/Licensing Sub-Committee	Licensing Committee 25/07/2012	Licensing Manager / Section Leaders, Licensing Licensing Sub-Committee
New Applications - Private Hire Vehicle Operators Licence	Clear of guidelines – Licensing Officer	Licensing Committee 30/05/2012	Licensing Manager / Section Leaders, Licensing Licensing Sub-Committee
	Not clear of guidelines – Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Section Leader, Licensing/Licensing Sub-Committee	Licensing Committee 25/07/2012	Licensing Manager / Section Leaders, Licensing Licensing Sub-Committee
Renewal Applications Hackney Carriage/Private Hire Vehicle Drivers Licences/Operators Licence	Clear of guidelines - Licensing Officer	Licensing Committee 30/05/2012	
Reviews/Reviews Prior to Renewal – Hackney Carriage/Private Hire Vehicle Drivers/Operators Licence	Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Licensing Sub-Committee	Licensing Committee 25/07/2012	Licensing Manager / Section Leaders / Licensing Sub-Committee
New/Renewal Hackney Carriage/Private Hire Vehicle Applications	Subject to Criteria - Licensing Officer	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Hackney Carriage & Private Hire co	ontinued /		
Hackney Carriage Exceptional Condition Criteria	Licensing Officer, in accordance with approved Policy Appeal to Licensing Manager	Licensing Committee 20/11/13	
Hackney Carriage/Private Hire Fees and Charges	Licensing Committee	Licensing Committee 30/05/2012	
Advertising on/in Hackney Carriages	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
Reviews/Reviews Prior to Renewal – Hackney Carriage/Private Hire Vehicle Drivers Immediate Suspensions	Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Licensing Sub-Committee		Licensing Manager / Section Leaders, Licensing
(a) "All Over"	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
(b) Tip Up Seats	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
(c) Doors	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
(d) Rear Window	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Hackney Carriage & Private Hire co	ontinued /		
Advertising on/in Private Hire Vehicles	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
(a) Rear Window	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
(b) Rear Doors and Rear Wings	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
Private Hire Vehicle Identification Plate – Exemption Policy	Licensing Manager/Section Leader, Licensing in line with agreed policy	Licensing Committee 30/05/2012	
Limousines/Applications for Private Hire Vehicles	Licensing Manager/Section Leader, Licensing	Licensing Committee 30/05/2012	
Novelty Vehicles Applications for Private Hire Vehicles, Fire Engines etc	Licensing Manager/Licensing Sub-Committee	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Hackney Carriage & Private Hire co	ontinued /	·	
Approval of Hackney Carriage – Types	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
Approval of Hackney Carriage Fares	Licensing Committee	Licensing Committee 30/05/2012	
Digital Advertising in Hackney Carriage/Private Hire Vehicle	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
Hackney Carriage/Private Hire Vehicles – Section 68 Notices Suspension/Removal of Suspension for Non-Mechanical Tests	Licensing Manager/ Section Leader, Licensing Section Leaders - Environmental Health Compliance Officers - Environmental Health (Commercial)	Strategic Director Education & Enterprise 3/12/2012 Licensing Committee 22/5/2013	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Hackney Carriage & Private Hire co	ontinued /		
VOSA MOT Testing Facilities for Hackney Carriage/Private Hire Vehicles Mechanical Safety checks. Approval/Revocation/Attachment of Conditions	Licensing Manager	Licensing Committee 17/04/2013	
Review of Decision	Licensing Sub-Committee		
Non-Mechanical compliance check of Hackney Carriage and Private Hire Vehicles - Approval	Licensing Officers	Licensing Committee 17/04/2013	
Review of Decision.	Section Leader – Licensing		
Private Hire Exceptional Condition Criteria	Licensing Officer, in accordance with approved Policy Appeal to Licensing Manager	Licensing Committee 20/11/2013	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
Scrap Metal			
Scrap Metal Licence Site/Collectors Applications	No representations - Licensing Officer Representations	Licensing Committee 25/9/2013	Section Leader Licensing
Scrap Metal Licence Site/Collectors Refusal	Licensing Manager	Licensing Committee 25/9/2013	
Scrap Metal Licence Site/Collectors Review/Revocation	Licensing Manager	Licensing Committee 25/9/2013	
Scrap Metal Licence Site/Collectors Variation	Licensing Manager Representations	Licensing Committee 25/9/2013	No representations - Licensing Officer Section Leader Licensing
Scrap Metal Site Issue of Closure Notice - Application to Magistrates for Closure Order / Termination of Order	Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service	Licensing Committee 25/9/2013	Licensing Manager / Section Leader Licensing
Scrap Metal Licence Authorisation of Prosecution Proceeding	Assistant Director for Regeneration or Head of Regulatory Service	Licensing Committee 25/9/2013	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General			
Sex Establishment Licence Shops/Cinema/Sexual Entertainment Venues New Applications	All Cases - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Sex Establishment Licence Shops/Cinema/ Sexual Entertainment Venues Renewal Applications	No Representations – Section Leader, Licensing Representations - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Sex Establishment Shop/Cinema/ Sexual Entertainment Venues Variation Applications	Licensing Sub-Committee	Licensing Committee 30/05/2012	No representations - Section Leader, Licensing Representations - Licensing Sub-Committee
Sex Establishment Licence Shop/Cinema/Sexual Entertainment Venues Transfer Applications	Section Leader, Licensing Licensing Sub-Committee	Licensing Committee 30/05/2012	No representations Section Leader, Licensing Representations - Licensing Sub-Committee
Revocation of Sex Establishment Licence	Licensing Sub-Committee	Licensing Committee 30/05/2012	
Street Collections	Licensing Officer	Licensing Committee 30/05/2012	
House to House	Licensing Officer	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General continued/			
Free Printed Matter – Grant	Licensing Officer	Licensing Committee 30/05/2012	
Suspension, Revocation	Licensing Manager	Licensing Committee 16/01/2013	Section Leader, Licensing
Review of Decision	Licensing Sub-Committee	Licensing Committee 16/01/2013	Licensing Manager
Mediate outcome of Appeal	Licensing Manager – Recommendations to Chair	Licensing Committee 22/5/2013	
Applications Acupuncture/Tattooing/ Electrolysis/Cosmetic Piercing and Permanent Skin Colouring	Licensing Officer	Licensing Committee 30/05/2012	
Hypnotism	Licensing Officer	Licensing Committee 30/05/2012	
Marriage Venues	Licensing Officer – signed off by Proper Officer Appeal to Licensing Sub-Committee	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General continued/			
'A' Boards	No Representations – Licensing Officer Representations/Non-Compliant with policy - Section Leader, Licensing	Licensing Committee 30/05/2012	Licensing Officer
	Appeal to Licensing Manager		Section Leader, Licensing
Table and Chairs	No Representations – Licensing Officer Representations/Non-Compliant with policy - Section Leader, Licensing	Licensing Committee 30/05/2012	Licensing Officer
	Appeal to Licensing Manager		Section Leader, Licensing
Goods on the Highways	No Representations – Licensing Officer Representations/Non-Compliant with policy - Section Leader, Licensing	Licensing Committee 30/05/2012	Licensing Officer
	Appeal to Licensing Manager		Section Leader, Licensing
Sale of Non-Medical Poisons	Licensing Officer	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General continued/			
Caravan Sites Grant – Attachment of Model Conditions	Licensing Officer	Licensing Committee 30/05/2012	
Caravan Sites Grant – Attachment of Conditions other than all Model Conditions	Licensing Sub-Committee	Licensing Committee 30/05/2012	
Caravan Sites Transfer	Licensing Officer	Licensing Committee 30/05/2012	
Caravan Sites Refusal	Licensing Officer	Licensing Committee 30/05/2012	
Caravan Sites Alteration of Conditions	No Representations - Licensing Officer Representations - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Mini Bus Permits	Licensing Officer	Licensing Committee 30/05/2012	

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General continued/			
Pet Shops	No Representations – Licensing Officer Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
Animal Boarding Establishments	Licensing Officer Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Dog Breeding	Licensing Officer Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Dangerous Wild Animals	Licensing Officer Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Riding Establishments	Licensing Officer	Licensing Committee 30/05/2012	
	Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee		

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
General continued/			
Performing Animals	Licensing Officer Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
Zoos	No Representations – Licensing Officer Representations/Review of Licence – Licensing Sub-Committee	Licensing Committee 30/05/2012	

The proposed delegation to officers is subject to an administrative process by working through checklists of approved policy/criteria prior to the issue of Licence/Registration/Permit/Notice etc.

I delegate authority for the decision making processes within the functions detailed above to the posts named in the proposed delegation column.

Tim Johnson Strategic Director for Education and Enterprise

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Date: .....