

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Committee</b> 14 June 2023
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<b>Report title</b>	Review of decision making in 2022 - 2023 and the scheme of delegation for 2023 - 2024	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Roseblade, Director of Resident Services	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Paul Dosanjh	Service Manager; Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None	

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**Recommendations for decision:**

The Statutory Licensing Committee is recommended to:

1. Endorse and approve the proposals in section 2 of this report relating to category 2 decisions.
2. Endorse and approve the proposals in section 2 of this report relating to category 3 decisions.
3. Delegate category 3 decision making powers to the Director of Resident Services.
4. Agree to receive further annual delegation update reports at the beginning of each municipal year.

**Recommendations for noting:**

The Statutory Licensing Committee is asked to note:

1. The schedule attached at Appendix 1 to this report which includes further proposed delegations from the Director of Resident Services.
2. The schedule of employee decisions for 2022 - 2023 attached at Appendix 2 to this report in relation to the Licensing Authority as a Responsible Authority.
3. The schedule of decisions for 2022 - 2023 attached at Appendix 3 to this report in relation Magistrates and Crown Court appeals

## 1.0 Purpose

- 1.1 To seek the endorsement and approval of a proposed decision-making process and the proposed delegations in relation to category 3 decision making powers to the Director of Resident Services (formally the Director for City Housing and Environment.)
- 1.2 To draw Councillors' attention to the delegations document attached at Appendix 1 which includes proposed delegations from the Director of Resident Services to employees within -Commercial Regulation.

## 2.0 Background

- 2.1 The Statutory Licensing Committee has responsibility for a range of licensing functions. These relate principally to the issue of licences in relation to the Licensing Act and the Gambling Act, and their enforcement.
- 2.2 Councillors will be most familiar with premises applications made under the Licensing Act 2003. However, there are other matters that are only occasionally brought to Councillors' attention for consideration e.g., applications under the Gambling Act 2005.
- 2.3 The licensing system is configured to allow the proper discharge of functions and operates through the Statutory 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 Statutory Licensing Committee approval arrangements categorise decisions into three categories. See table below

### Current decision-making process

Category	Decision maker	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 for new and existing permissions/consents and licences to include suspensions and licence revocations, where appropriate and in accordance with agreed policy/criteria responsibility for any function as prescribed by statute
3	Delegated to officers	Delegated to Officers Determination of consents, permits, registrations, licence applications and reviews, to include contentious applications for new and existing permissions/consents and licences, where relevant and in accordance with agreed policies/criteria

### **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 sets 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 Statutory 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 (Director of Resident Services). 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 the Statutory Licensing Committee on an annual basis to the first meeting of the municipal year.
- 3.6 The Statutory Licensing Committee are asked to endorse and approve the delegation of category 3 decision making to the Director of Resident Services.
- 3.7 The delegations document attached at Appendix 1 has been updated throughout the year and includes proposed delegations from the Director of Resident Services to officers within the directorate.
- 3.8 Should Councillors agree with recommendations within this report the proposed delegations document will be authorised by the Director of Resident Services.

### **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 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.
- 4.3 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.
- 4.4 Advice will often be taken from legal colleagues but accountability for appreciating and detailing the legal implications remains with the accountable officer(s).

## **5.0 Financial implications**

- 5.1 The recommendations in the report are designed to enable efficient and effective decision making processes. There are no direct financial implications arising from this report.

[SB/31052023/R]

## **6.0 Equalities 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 All other Implications**

- 7.1 There are no direct implications arising from climate change and environmental, Digital, Human Resources, Corporate Landlord, Health and Wellbeing and any implications that have arisen from the Covid-19 Pandemic.

## **8.0 Schedule of background papers**

- 8.1 Licensing Committee – 30 May 2012, 22 May 2013, 18 June 2014, 3 June 2015, 15 June 2016, 6 June 2017, 6 June 2018, 10 July 2019, 27 May 2020 - Review of decision making. 9 June 2021 and 13 June 2022 -Review of decision making.

## **9.0 Appendices**

- 9.1 Appendix 1 - Statutory Licensing Committee – Committee/Sub-Committee/Officer Delegations

Appendix 2 –Licensing Authority as a Responsible Authority employee decisions 2022-2023

Appendix 3 – Licensing Act 2003 appeals to the courts during 2022-2023