

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Committee

22 November 2023

Report title	Amendment to Scheme of Delegations	
Wards affected	All	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
	Tel	01902 556056
	Email	Paul.Dosanjh@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Statutory Licensing Committee is recommended to:

1. Approve an amendment to the scheme of delegation 2023-2024

1.0 Purpose

- 1.1 To seek formal endorsement of the decision made by the Chair of Statutory Licensing Committee, in consultation with Commercial Regulation Manager, to make a single amendment to the scheme of delegations previously approved at Statutory Licensing Committee on 14 June 2023.

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 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.
- 2.3 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.

3.0 Proposal

- 3.1 Following the departure of the Commercial Regulation Manager on 31 October 2023 a change needs to be made to the scheme of delegations in respect of the authority to mediate the outcome of an appeal.
- 3.2 The Licensing Authority Sub-Committee can make determinations in respect of grants, variations, transfers of reviews of a premises licence. Similar decisions are made in respect of club premises certificates, temporary event notices (TEN's), designated Premises Supervisors' personal licences, reviews of premises after the issuing of closure orders.
- 3.3 Those determinations can be appealed by any person involved in that decision, including applicants and anyone who has made a "relevant representation". The formal appeal is made to the Magistrates Court, however attempts may be made to reach a compromise between the parties so as to remove the need and cost of a court hearing. Such a compromise is only made after having received legal advice, often from outside counsel. This mediation of appeals is the matter which requires a new approval for delegation.
- 3.4 Where it is the opinion of the Licensing Authority that compliance with the licensing objectives is well served through an agreement (mediation), the scheme of delegation currently (since 14th June 2023) allows for this to be agreed by the Commercial Regulation Manager in consultation with the chair of the Licensing Committee.
- 3.5 Prior to his departure, the Commercial Regulation Manager agreed with the Chair of the Statutory Licensing Committee to amend the wording for the delegation from "Commercial Regulation Manager - recommendation to Chair" to "Service Manager

Trading Standards and Licensing Act - recommendation to Chair” with the proviso that an endorsement would be sought formally from the Committee at this meeting.

- 3.6 This change does not affect the practice and procedure for deciding when an appeal is to be mediated and is reflected on page four of the appendix to this report.

4.0 Financial implications

- 4.1 There are no financial implications arising from this decision.

[SB/09112023/D]

5.0 Legal implications

- 5.1 As this is in effect a continuation of an existing practice and procedure there are no legal implications.

[RS/08/11/2023-3]

6.0 Equalities implications

- 6.1 As this is in effect a continuation of an existing practice and procedure there are no equality implications.

7.0 All other Implications

- 7.1 There are no implications for climate change and the environment, Human Resources, Corporate Landlord, Health and Wellbeing and no implications that have arisen from the Covid-19 Pandemic.

8.0 Schedule of background papers

- 8.1 Review of decision making in 2022 - 2023 and the scheme of delegation for 2023 – 2024 - Statutory Licensing Committee - 14 June 2023

9.0 Appendices

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