

# Wolverhampton City Council

## OPEN DECISION ITEM

Committee / Panel	<b><u>LICENSING COMMITTEE</u></b>	Date	<b><u>22 MAY 2013</u></b>
Originating Service Group(s)	<b><u>EDUCATION AND ENTERPRISE</u></b>		
Contact Officer(s)/ Telephone Number(s)	<b><u>COLIN PARR</u></b> <b><u>x0105</u></b>		
Title/Subject Matter	<b><u>REVIEW OF DECISION MAKING</u></b>		

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Councillors are recommended to agree 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.

## **REVIEW OF DECISION MAKING**

### **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, motor salvage etc.
- 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 1.

**Table 1 - Current Decision Making Progress**

<b>Category</b>	<b>Who takes the decision?</b>	<b>Type of decision</b>
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.

### **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/10052013/0]

#### **5.0 Financial Implications**

- 5.1 The proposals contained in this report can be met from the approved licensing revenue budgets 2013/14 and should generate efficiencies in the utilisation of both Councillor and officer resources. [TK/09052013/U]

#### **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.

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

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Licensing Act 2003</b>			
<b>Premises Licence/Club Premises Certificate – New/Variation Application/ Provisional Statement</b>	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	
<b>Premises Licence/Club Premises Certificate – Review Application</b>	Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Temporary Event Notice – Standard</b>	Acknowledge Receipt – Licensing Officer  Representations/Service of Counter Notice – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Temporary Event Notice - Standard Agree hearing is not required where TEN modified</b>	Section Leader Licensing, in consultation with Chair, Vice Chair or Shadow Chair of Licensing Committee	Licensing Committee 30/05/2012	
<b>Temporary Event Notice – Late</b>	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)
<b>Licensing Act 2003 continued/...</b>			
<b>Minor Variations – Grant/Reject Applications in accordance with Legislative Reform Orders 2009</b>	Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>Personal Licence - Application</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Designated Premises Supervisor – Variation</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Application Transfer Premises Licence/ Club Premises Certificate</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Application for Interim Authority</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Licensing Act 2003 continued/...</b>			
<b>Decision to object when Local Authority is a Consultee and not the relevant authority considering the application</b>	Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Licensing Act 2003 Fees and Charges</b>	Secretary of State (Subject to revisions resulting from the Police Reform and Social Responsibility Act 2011)	Licensing Committee 30/05/2012	
<b>Statement of Licensing Policy</b>	Full Council	Licensing Committee 30/05/2012	
<b>Decision on whether a complaint is Irrelevant, Frivolous, Vexatious etc</b>	Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>Power to suspend Premises Licence/Club Premises Certificate for non payment of annual fee</b>	Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>To authorise Licensing Authority as a responsible authority</b>	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)
<b>Gambling Act 2005</b>			
<b>New/Variations/Provisional Statements Applications</b>	No Representations – Licensing Officer Representations Not Withdrawn – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Transfer of Premises Licence</b>	No Representations – Licensing Officer Representations from Gambling Commission – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Premises Licence/Suspension/Revocation</b>	Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Temporary Use Notice</b>	No Representations – Section Leader, Licensing Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Occasional Use Notice</b>	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)
<b>Gambling Act 2005 continued/...</b>			
<b>Application Club Gaming/Club Machine Permit</b>	No Representations – Licensing Officer  Representations Not Withdrawn – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Cancellation of Club Gaming/ Club Machine Permit</b>	Section Leader, Licensing/Licensing Officer	Licensing Committee 30/05/2012	
<b>Alcohol Licensed Premises Gaming Machine Permit – Notification</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Cancellation Licensed Premises Gaming Machine Permits</b>	Section Leader, Licensing/Licensing Officer	Licensing Committee 30/05/2012	
<b>Small Society Lotteries New/Renewal</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Gambling Act Fees and Charges</b>	Licensing Committee up to Maximum Limit set by Secretary of State	Licensing Committee 30/05/2012	
<b>Statement of Gambling Policy</b>	Full Council	Licensing Committee 30/05/2012	
<b>To authorise the Local Authority as a responsible authority</b>	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)
<b>Street Trading</b>			
<b>Pitches – Create, Relocate or Deletion Review of Decision</b>	Licensing Manager in consultation with Highways/Landscape Services Head of Regulatory Services	Licensing Committee 14/11/2012	
<b>Consents – Grant, Renewal, Revocation Review of Decision</b>	Licensing Manager in consultation with Highways/Landscape Services Head of Regulatory Services	Licensing Committee 14/11/2012	
<b>Private Land Consents – Grant Revocation of Consent</b>	Section Leader, Licensing  Licensing Manager	Licensing Committee 30/05/2012	Licensing Officer
<b>Temporary/Street Trading Occasional Consents</b>	Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>Change of Tradeline</b>	Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>Transfer of Street Trading Consent Subject to Consent Conditions</b>	Section Leader, Licensing  Appeal to Licensing Manager	Licensing Committee 30/05/2012	
<b>Street Tradings Fees and Charges</b>	Licensing Committee	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Hackney Carriage &amp; Private Hire</b>			
<b>New Applications – Hackney Carriage/Private Hire Vehicle Driver’s Licence/Operators Licence</b>	Clear of guidelines – Licensing Officer  Not clear of guidelines – Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Section Leader, Licensing/Licensing Sub-Committee	Licensing Committee 30/05/2012  Licensing Committee 25/07/2012	
<b>Renewal Applications Hackney Carriage/Private Hire Vehicle Drivers Licences/Operators Licence</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Reviews/Reviews Prior to Renewal – Hackney Carriage/Private Hire Vehicle Drivers/Operators Licence</b>	Head of Regulatory Service/Licensing Manager and Service Managers within Regulatory Service/Licensing Sub-Committee	Licensing Committee 25/07/2012	
<b>New/Renewal Hackney Carriage/Private Hire Vehicle Applications</b>	Subject to Criteria - Licensing Officer	Licensing Committee 30/05/2012	
<b>Hackney Carriage/Private Hire Fees and Charges</b>	Licensing Committee	Licensing Committee 30/05/2012	
<b>Advertising on/in Hackney Carriages</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>(a) “All Over”</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Hackney Carriage &amp; Private Hire continued /...</b>			
<b>(b) Tip Up Seats</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>(c) Doors</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>(d) Rear Window</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>Advertising on/in Private Hire Vehicles</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>(a) Rear Window</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>(b) Rear Doors and Rear Wings</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>Private Hire Vehicle Identification Plate – Exemption Policy</b>	Licensing Manager/Section Leader, Licensing in line with agreed policy	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Hackney Carriage &amp; Private Hire continued /...</b>			
<b>Limousines/Applications for Private Hire Vehicles</b>	Licensing Manager/Section Leader, Licensing	Licensing Committee 30/05/2012	
<b>Novelty Vehicles Applications for Private Hire Vehicles, Fire Engines etc</b>	Licensing Manager/Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Approval of Hackney Carriage – Types</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>Approval of Hackney Carriage Fares</b>	Licensing Committee	Licensing Committee 30/05/2012	
<b>Digital Advertising in Hackney Carriage/Private Hire Vehicle</b>	Section Leader, Licensing, in accordance with approved policy	Licensing Committee 30/05/2012	
<b>Hackney Carriage/Private Hire Vehicles – Section 68 Notices Suspension/Removal of Suspension for Non-Mechanical Tests</b>	Licensing Manager/ Section Leader, Licensing	Strategic Director Education & Enterprise 03/12/2012	Section Leaders - Environmental Health  Compliance Officers - Environmental Health (Commercial)

Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>Hackney Carriage &amp; Private Hire continued /...</b>			
<b>VOSA MOT Testing Facilities for Hackney Carriage/Private Hire Vehicles Mechanical Safety checks. Approval/Revocation/Attachment of Conditions</b>  <b>Review of Decision</b>	Licensing Manager   Licensing Sub-Committee	Licensing Committee 17/04/2013	
<b>Non-Mechanical compliance check of Hackney Carriage and Private Hire Vehicles - Approval</b>  <b>Review of Decision.</b>	Licensing Officers  Section Leader – Licensing	Licensing Committee 17/04/2013	

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

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>General continued/...</b>			
<b>Free Printed Matter – Grant</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Suspension, Revocation</b>	Licensing Manager	Licensing Committee 16/01/2013	
<b>Review of Decision</b>	Licensing Sub-Committee	Licensing Committee 16/01/2013	
<b><u>NEW</u> Mediate outcome of Appeal to Licensing Sub-Committee Decisions</b>	Licensing Committee	-	Licensing Manager – Recommendations to Chair

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>General continued/...</b>			
<b>Marriage Venues</b>	Licensing Officer – signed off by Proper Officer  Appeal to Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>'A' Boards</b>	No Representations – Licensing Officer  Representations/Non-Compliant with policy - Section Leader, Licensing  Appeal to Licensing Manager	Licensing Committee 30/05/2012	
<b>Table and Chairs</b>	No Representations – Licensing Officer  Representations/Non-Compliant with policy - Section Leader, Licensing  Appeal to Licensing Manager	Licensing Committee 30/05/2012	
<b>Goods on the Highways</b>	No Representations – Licensing Officer  Representations/Non-Compliant with policy - Section Leader, Licensing  Appeal to Licensing Manager	Licensing Committee 30/05/2012	



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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>General continued/...</b>			
<b>Sale of Non-Medical Poisons</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Motor Salvage Operators</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Scrap Metal Dealers Registration</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Mini Bus Permits</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Pet Shops</b>	No Representations – Licensing Officer  Representations – Licensing Sub-Committee	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>General continued/...</b>			
<b>Applications Acupuncture/Tattooing/ Electrolysis/Cosmetic Piercing and Permanent Skin Colouring</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Zoos</b>	No Representations – Licensing Officer  Representations/Review of Licence – Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Hypnotism</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Caravan Sites Grant – Attachment of Model Conditions</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Caravan Sites Grant – Attachment of Conditions other than all Model Conditions</b>	Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Caravan Sites Transfer</b>	Licensing Officer	Licensing Committee 30/05/2012	
<b>Caravan Sites Refusal</b>	Licensing Officer	Licensing Committee 30/05/2012	

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Licence/Consent/Permit Type	Current Delegation(s)	Date of Committee Authorisation	Proposed Delegation(s)
<b>General continued/...</b>			
<b>Caravan Sites Alteration of Conditions</b>	No Representations - Licensing Officer Representations - Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Animal Boarding Establishments</b>	Licensing Officer  Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Dog Breeding</b>	Licensing Officer  Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Dangerous Wild Animals</b>	Licensing Officer  Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Riding Establishments</b>	Licensing Officer  Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	
<b>Performing Animals</b>	Licensing Officer  Grounds for Refusal Under the Act/Revocation of Licence - Licensing Sub-Committee	Licensing Committee 30/05/2012	

**2013-2014**

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

Date: .....