

CITY OF WOLVERHAMPTON COUNCIL	Special Urgency Decision
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Report title	Statement of Licensing Policy	
Decision Maker	Council	
Cabinet member with lead responsibility	Councillor Ian Brookfield Leader of the Council	
Wards affected	All Wards	
Accountable Director	Ross Cook, Director of City Environment	
Originating service	Licensing	
Accountable employee	Chris Howell	Licensing Manager
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Recommendation for decision:

That the Leader of the Council, two cabinet members, and the Chair and Vice Chair Scrutiny Board formally authorise the following decision under the special urgency provisions as detailed in the Council's Constitution namely paragraphs 6.10 and 6.11 of article 6

1. Approve the revised Statement of Licensing Policy.

This is agreed by the following:

Leader of the Council

Cabinet member

Cabinet member.....

Chair of Scrutiny Board.....

Vice-Chair of Scrutiny Board.....

Dated – 30 March 2020

1.0 Purpose

- 1.1 The purpose of this report is to seek approval of the revised Statement of Licensing Policy due to the cancellation of Full Council due to the Covid 19 outbreak.

2.0 Background

- 2.1 On 22 January 2020, Statutory Licensing Committee considered a report on the Review of the Statement of Licensing Policy.
- 2.2 A copy of the report can be accessed online on the Council's website [here](#).
- 2.3 Statutory Licensing Committee recommended to Council that it approves:
1. The draft policy for implementation on or before 3 April 2020.

3.0 Reasons for Special Urgency

- 3.1 In the light of the current situation involving Covid-19 the Council has, as a result of the Government's decision on restriction of movement, taken the decision to cancel all physical meetings until at least **15 June 2020**. In the intervening period it will use the Council's urgent action powers for any decisions that must be taken. These powers are to be used sparingly and the guiding principles for any decisions are:
- I. Only those decisions that have to be made (i.e. as a result of Covid-19 or related matters, including support of businesses in this difficult time or as a result of an immovable deadline) will be made
 - II. The decisions will be made or endorsed (where the decisions have to be made very urgently) using the Urgent Action powers
 - III. The decisions will be made available on a regular basis to Councillors through the daily update to Councillors and in any event through a weekly roundup of the decisions made through the relevant pages on the Council's website so that the Public can access them

The relevant powers under the Constitution are:

Council Decision

6.10 Urgent Decisions outside the Budget or Policy Framework

An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.

6.11 Cabinet Decision

Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Director, in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.

The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 4, although they may be examined after implementation to determine whether the justification for the course of action was appropriate.

3.2 This proposed decision falls into the criteria for urgent decisions set out above. Section 5 of the Licensing Act 2003 requires that all licensing authorities prepare and publish a Statement of Licensing Policy in order to exercise their functions under the Act.

3.3 The policy must be revised every five years or sooner if revisions are considered appropriate.

3.4 The Current Statement of Licensing Policy was implemented on 3 April 2015 for a five year period. The new policy must be published and in force on or before 3 April 2020. This decision would have been made at Council on 1 April 2020. That meeting has been cancelled and as such an urgent decision is needed.

4.0 Reasons for decision

4.1 The Council is statutorily required to determine and publish its Statement of Licensing Policy every 5 years. As part of that process, statutory consultation takes place. This includes any Cumulative Licensing zones.

5.0 Evaluation of alternative options

5.1 It is a statutory duty for the Council to determine and publish its Statement of Licensing Policy and there is no alternative option to this. As such an urgent decision must be made.

6.0 Financial implications

6.1 The financial implications are detailed in the Statutory Licensing Committee report of 22 January 2020.

7.0 Legal implications

7.1 The legal implications are detailed in the Statutory Licensing Committee report of 22

January 2020.

8.0 Schedule of background papers

- 8.1 Statutory Licensing Committee – Review of the Statement of Licensing Policy – 22 January 2020.
- 8.2 Licensing Act 2003

9.1 Appendices

- 9.1 Appendix 1: Statement of Licensing Policy

Appendix 2: Statutory Licensing Committee – Review of the Statement of Licensing Policy – 22 January 2020.