

CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Committee

27 May 2020

Report Title	Review of Decision Making 2019 – 2020	
Wards affected	All Wards	
Accountable Director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell	Commercial Regulation Manager
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Report to be/has been considered by	None	

Recommendations for decision:

The Non-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 for City Environment.
4. Agree to receive further annual delegation update reports at the beginning of each municipal year.

Recommendations for noting:

The Non-Statutory Licensing Committee is recommended to note:

1. The schedule attached at Appendix 1 to this report which includes further proposed delegations from the Director for City Environment.
2. The schedule of employee decisions for 2019 - 2020 attached at Appendix 2 to this report in relation to new hackney carriage and private hire applications.

3. The schedule of employee decisions for 2019 - 2020 attached at Appendix 3 to this report in relation to hackney carriage and private hire reviews.
4. The schedule of decisions for 2019 - 2020 attached at Appendix 4 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 for City Environment.
- 1.2 To draw Councillors' attention to the delegations document attached at Appendix 1 which includes proposed delegations from the Director for City Environment to officers within Place.

2.0 Background

- 2.1 The Non-Statutory Licensing Committee has responsibility for a wide range of licensing functions. These relate principally to the issue of licences, permits, registrations, consents and their enforcement.
- 2.2 Councillors will be most familiar with 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 Non-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 Non-Statutory Committee approval arrangements categorise decisions into three categories. See table below.

Current decision-making progress

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

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 Non-Statutory 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/15052020/A]

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. [NC/15052020/O]

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 Environmental implications

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

8.0 Human resources implications

- 8.1 There are no human resources implications arising directly from this report.

9.0 Corporate Landlord implications

- 9.1 There are no Corporate Landlord implications arising directly from this report.

10.0 Covid Implications

- 10.1 There are no Covid implications arising from the recommendations of this report.

11.0 Schedule of background papers

- 11.1 Licensing Committees – 30 May 2012, 22 May 2013, 18 June 2014, 3 June 2015, 15 June 2016, 6 June 2017, 6 June 2018, 10 July 2019 - Review of decision making.