

Report title	Review of Decision Making 2021-2022	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Greg Bickerdike	Licensing Manager
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Report to be/has been considered by	None	

Recommendations for decision:

The Regulatory 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 Housing and Environment.
4. Agree to receive further annual delegation update reports at the beginning of each municipal year.

Recommendations for noting:

The Regulatory Committee is asked to note:

1. The schedule attached at Appendix 1 to this report which includes further proposed delegations from the Director for City Housing and Environment.
2. The schedule of employee decisions for 2020 - 2021 attached at Appendix 2 to this report in relation to new hackney carriage and private hire applications.

3. The schedule of employee decisions for 2020 - 2021 attached at Appendix 3 to this report in relation to hackney carriage and private hire reviews.
4. The schedule of decisions for 2019 - 2021 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 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 City Housing and Environment to officers within Commercial Regulation.

2.0 Background

- 2.1 The Regulatory 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 Regulatory 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 approval arrangements categorise decisions into three categories:

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

4.0 Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

- 4.1 A report titled 'Mobile Homes Site Licensing and Fees Policy' was considered by the Regulatory Committee on 10 November 2021.
- 4.2 It stated under the Recommendations for Decision:

'3. Delegate authority to grant applications for 'fit and proper' persons to Licensing and compliance officers where there are no objections.'

- 4.3 This was erroneous as the legislation that governs this decision does not allow for objections to this decision. The recommendation should have reflected the proposal in the detail of the same report under Decision/Delegation:

3.12 It is proposed that the decision to grant without conditions be delegated to Service Manager and Section Leader roles within Commercial Regulation. If officers were minded to require conditions or to refuse the application, this would be considered by members at a Regulatory Sub-Committee hearing.

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/07062022/W]

6.0 Legal implications

- 6.1 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.
- 6.2 The Regulatory 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.
- 6.3 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. [DA/24/05/2022/2]

7.0 Equalities implications

- 7.1 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.

8.0 All other Implications

- 8.1 There are no other direct implications.

9.0 Schedule of background papers

- 9.1 Review of Decision Making - Licensing Committee - 30 May 2012
- 9.2 Review of Decision Making - Licensing Committee - 22 May 2013
- 9.3 Review of decision Making 2014/15 - Licensing Committee - 18 June 2014
- 9.4 Review of Decision Making 2015/16 - Licensing Committee - 3 June 2015

- 9.5 Review of Decision Making 2015/16 - Licensing Committee - 15 June 2016
- 9.6 Review of Decision Making 2016/17 - Licensing Committee - 6 June 2017
- 9.7 Review of Decision Making – 2017/18 - Licensing Committee – 6 June 2018
- 9.8 Review of Decision Making 2018 - 2019 - Non-Statutory Licensing Committee – 10 July 2019
- 9.9 Review of Decision Making 2019 - 2020 - Non-Statutory Licensing Committee – 27 May 2020
- 9.10 Review of Decision Making 2021 – 2022 - Regulatory Committee - 9 June 2021
- 9.11 Mobile Homes Site Licensing and Fees Policy – Regulatory Committee - 10 November 2021

10.0 Appendices

- 10.1 Appendix 1: Regulatory Committee – Committee/Sub-Committee/Officer Delegations
- 10.2 Appendix 2: New hackney carriage and private hire applications
- 10.3 Appendix 3: Hackney carriage and private hire reviews
- 10.4 Appendix 4: Magistrates and Crown Court appeals