

Statutory Licensing Committee

Minutes - 11 January 2023

Attendance

Members of the Statutory Licensing Committee

Cllr Phil Page (Chair)
Cllr Rashpal Kaur (Vice-Chair)
Cllr Greg Brackenridge
Cllr Wendy Dalton
Cllr Celia Hibbert
Cllr Jaspreet Jaspal
Cllr Anwen Muston
Cllr Andrew Randle
Cllr Gillian Wildman

Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Paul Dosanjh	Service Manager -Trading Standards and Licensing Act
Emma Caddick	Service Manager - Environmental Health
Donna Cope	Democratic Services Officer
Dave Abel	Solicitor

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Rita Potter, Councillor Asha Mattu and Councillor Jonathan Crofts.
- 2 Declarations of interest**
There were no declarations of interest made.
- 3 Minutes of previous meeting**
Resolved:

That the minutes of the meeting of the Statutory Licensing Committee held on 28 September 2022 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

Items 8 and 9 – C Howell reported that on investigation it had been found that these Licensing Sub-Committees had included a councillor who was no longer a member of the Statutory Licensing Committee. The two other members of the Sub-Committee were members of the Statutory Licensing Committee. A Licensing Sub-Committee is quorate with two members. The same Sub-Committee had made two decisions, one on 19th July 2022 and another on 18th August 2022. One was to grant a premises licence for a one-off event that had since been held, and the premises licence for that event had now expired. The second decision was to grant a six-month licence to the Blakenhall Service Station for a limited period of six months. That premises licence would therefore expire in February 2023.

On 18 August 2022 the City Council took external legal advice on the status of the decisions and the premises licences. Counsel advised that the courts had recognised that public bodies may make errors in the taking and making of decisions. These errors did not necessarily invalidate the decision taken. Legal certainty in the decision making of public bodies was an important public interest. The courts recognised a principle of presumed regularity of public body decisions. That meant that unless or until a decision was challenged in a court of proper jurisdiction, decisions of public bodies were valid and could be relied upon.

In the case of Blakenhall Service Station the proper legal challenge was to appeal the decision to the local Magistrates' Court. The time within which such an appeal should have been made expired in September 2022. A consequence of the presumption was that the decision of the Sub-Committee was valid, and the premises licence was properly issued.

In the case of Blakenhall Service Station the premises licence would expire in February 2023. Should the operator wish to continue providing licensable activities a fresh application would be made. Responsible Authorities, local councillors and local residents would therefore have an opportunity to make representations on any fresh applications should they wish to.

Democratic Services had investigated how then error had happened and measures had been put in place to avoid a repeat. The City Council had taken legal advice on the status of the decisions and the premises licences which concluded that the decisions and licences were valid and that no further action was taken.

5 **Minutes of meeting Wednesday, 8 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 8 June 2022 be confirmed as a true record and signed by the Chair.

6 **Minutes of meeting Thursday, 23 June 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 23 June 2022 be confirmed as a true record and signed by the Chair.

7 **Minutes of meeting Tuesday, 11 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 11 October 2022 be confirmed as a true record and signed by the Chair.

8 **Minutes of meeting Tuesday, 25 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 25 October 2022 be confirmed as a true record and signed by the Chair.

9 **Minutes of meeting Thursday, 27 October 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 27 October 2022 be confirmed as a true record and signed by the Chair.

10 **Minutes of meeting Thursday, 17 November 2022 of Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Statutory Licensing Sub-Committee held on 17 November 2022 be confirmed as a true record and signed by the Chair.

11 **Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented a report outlining the Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005 for the year 2023-2024.

The Service Manager reported that the fees and charges remained the same as last year, and the payment plans that were introduced to assist businesses that had been adversely affected by Covid-19, would continue.

The Chair, Councillor Page moved the recommendations. Councillor Dalton seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the non-discretionary fees and charges set by statute in relation to the Licensing Act 2003.

2. Approved the fees and charges in relation to the Gambling Act 2005 with effect from 1 April 2023 over which the Council had fee setting powers.
3. Noted other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005 over which the Council had no local control.

12 **Trade with Confidence -Trading Standards and Licensing**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented a report outlining the new Licensing Consultancy and Responsible Trader schemes within the Commercial Regulation Service. The schemes would fall under the "Trade with Confidence" banner and aim to improve legal compliance through the provision of advice on a discretionary basis.

The report was considered by Committee, and members emphasised that the officer providing consultancy advice must not have any involvement whatsoever with the processing of the application.

Chris Howell, Commercial Regulatory Manager assured members that such behaviour would not be tolerated and would be investigated thoroughly subject to the disciplinary procedure of the council.

The Chair, Councillor Page moved the recommendations. Councillor Brackenridge seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Mandated that an Officer involved with providing paid for consultancy advice should not be permitted to be involved with the processing of that application.
2. Noted and endorsed the implementation of the Licensing Consultancy and Responsible Trader Scheme under the "Trade with Confidence" banner.
3. Noted that both schemes formed part of the efforts of the Commercial Regulation Service to improve legal compliance through the provision of advice on a discretionary basis

13 **Late Night Safe Haven**

Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented the report: Late Night Safe Haven. The report outlined the recent enhancements to the safe haven facility and noted the successful partnership working of the Wolverhampton Business Improvement Company Ltd (BID), West Midlands Police and Licensing Services.

Members of the Committee welcomed the report and commended the initiative.

The Chair, Councillor Page moved the recommendations. Councillor Muston seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the successful partnership working, professionally and financially of the Wolverhampton Business Improvement Company Ltd (BID), West Midlands Police and Licensing Services to deliver the revamped Late Night Safe Haven.
2. Noted the use of current revenue budgets within Licensing Services to fund the staffing of the safe haven.

14

Current Consultations and Updated s182 Guidance

Chris Howell, Commercial Regulation Manager, gave a verbal update on the revised section 182 guidance and current licensing consultations.

The amendments to the section 182 guidance were outlined and members of the committee were asked to note the revisions made. The Commercial Regulation Manager advised that a copy of the updated guidance, highlighting the changes, would be circulated to members.

It was noted that there were currently two government consultations on Licensing matters:

1. To update Section 182 Guidance to make reference to Spiking.
2. Relaxation of licensing hours for His Majesty the King's coronation.

Both consultations were outlined, and members were asked to delegate authority to the Chair of Statutory Licensing Committee in consultation with the Commercial Regulation Manager to respond to the consultations.

Councillor Muston moved the recommendations. Councillor Brackenridge seconded the recommendations.

Resolved:

That Members of the Statutory Licensing Committee:

1. Noted the content of the update to the Section 182 guidance.
2. Delegated authority to the Chair of Statutory Licensing Committee in consultation with the Commercial Regulation Manager to respond to the consultations.