

LICENSING & SAFETY COMMITTEE

Wednesday 10 June 2020 at 4.00 p.m.

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Councils Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present:

Councillor Samra (Chair)
Councillor Clarke (Vice Chair)
Councillor Hussain
Councillor Jukes
Councillor Kaur
Councillor Nawaz
Councillor Sarohi
Councillor Sears
Councillor Ward
Councillor Waters
Councillor Worrall

Officers

Mr P. Green, Solicitor
Mr D. Elrington, Regulatory Services Manager, Resilient Communities, Economy, Environment and Communities.
Mr S. Alom, Team Leader (Licensing)
Mr N. Picken, Senior Democratic Services Officer

Welcome

At this point in the meeting, the Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members confirmed that they could both see and hear the proceedings with the exception of Councillor Worrall who attended by telephone. Councillor Worrall confirmed that he could hear the proceedings.

An apology for non-attendance was received from Councillors Cooper and Hicken.

1859/20 Declarations of Interest

None.

1860/20 National Register for Refusals and Revocations

The report of the Director of Public Health was submitted which informed of the intention to start using the National Register of Taxi Refusals and Revocations (NR3):

(see annexed)

It was explained that the Register will enable appropriately authorised Licensing staff to scrutinise all new Private Hire Vehicle Driver and Hackney Carriage Driver applications and licence renewals to a higher degree. It will also allow staff to enter details of all refusals and revocations made by Walsall Council onto the register for other licensing authorities to view.

Members considered the content of the report and expressed their support for the National Register of Taxi Refusals and Revocations (NR3). It was suggested that the register should be made statutory across the country. Officers explained that should it be adopted, Walsall would be the first in the country to do so. Whilst officers had links with other authorities the register would streamline the process and make it more efficient. The Chair agreed that a national register was long overdue.

Resolved (Unanimously)

That the:

1. Use of the National Register of Taxi Refusals and Revocations in Walsall be supported; and
2. Licensing Service notifies the Private Hire and Hackney Carriage trade of the intention to use the register, the start date and their rights.

1861/20 Use of Delegations

The Committee received a verbal update on the use of delegations during lockdown.

In the absence of the Regulatory Services Manager, Community Protection, the Chair requested the Regulatory Services Manager,

Resilient Communities, Economy, Environment and Communities to provide an overview of all services.

The Regulatory Services Manager, Resilient Communities, Economy, Environment and Communities explained that with regard to Community Protection Matters, the manager had written to 3 drivers inviting them to comment on the circumstances appertaining to their case and had received replies. However, by the time replies were received, proposals to run virtual committees were ongoing and so these matters will be referred back to the committee in due course. There was one further matter which the manager (Community Protection) had determined using their normal delegations. This related to a driver charged with offences of violence. The mitigation that he put forward was such that this matter will be put to committee for determination.

The Regulatory Services Manager, Resilient Communities, Economy, Environment and Communities then outlined the use of delegations within his remit. He explained that they had relaxed rules where possible to assist the trade to continue working. For example, a vehicle had an MOT at the start of April but the driver couldn't collect the plate within 5 working days as the council building was closed. This condition was relaxed as the driver had tried to comply but was unable due to the closure of the building. A further driver had asked for extension so he could return from Pakistan. In May, a driver's medical note expired but GP's had ceased routine checks and so the driver couldn't get their medical certificate signed off. The driver was temporarily allowed to continue with his application and we are now waiting for his GP to reopen to get medicals signed off. In relation to a vehicle issue, an extension wasn't possible as the driver couldn't get an MOT due to closures. To accommodate this, the vehicle badge was extended and the driver was given a list of approved contractors.

Members were informed that there had also been some Policy decisions around operation of the service which empowered the Executive Director (Economy and Environment) to make policy decisions. The Government had written to local authorities in relation to premises, subject to licensing act 2003, requirement to pay annual fee. The Government had suggested that, as premises were closed, the cll should be sympathetic to that. In response, a decision was made to allow premises to re-apply at a later date without being detrimental to the term of the licence. In the interest of fairness, the fee would also be pro-rata in line with Governments request.

The Chair asked how many renewals there had been since Lockdown commenced. The Regulatory Services Manager, Resilient Communities, Economy, Environment and Communities explained that renewal requests were received daily which were easier to complete as pre checks had already been undertaken. The challenge was new requests as GP surgeries and test centres were closed due to the Pandemic.

A member asked what would happen if drivers disagreed with decisions taken by officers using delegated powers. The Senior Democratic Services Officer explained that drivers still had a right of appeal to Committee or the Magistrate Court. He emphasized that the committee entrusted officers to act on their delegations that were reviewed on an annual basis.

At this juncture, Councillor Hussain left the meeting.

A member asked whether the Council would continue to outsource MOT tests when the Pandemic ended. The Regulatory Services Manager, Resilient Communities, Economy, Environment and Communities advised that Clean and Green WERE considering reopening and it was likely that there would be a combination of the Councils garage and other private garages for the interim. However, when the Pandemic ends it was likely that the service would revert back to using only the councils garage.

Resolved

That the update be noted.

Termination of Meeting

There being no further business, the meeting terminated at 5.05 p.m.

Chair.....

Date.....