

Licensing and Safety Committee

Minutes of the meeting held on Tuesday 6 June 2023 in a Conference Room at the Council House, Lichfield Street, Walsall at 6.00pm.

Present: Councillor N. Gandham (Chair)
Councillor S. Cooper (Vice-Chair)
Councillor B. Bains
Councillor P. Gill
Councillor A. Hussain
Councillor K. Hussain
Councillor P. Kaur
Councillor R. Martin
Councillor S. Nasreen
Councillor A. Nawaz
Councillor W. Rasab
Councillor K. Sears
Councillor R. Worrall

In Attendance: Mr P Gordon, Director Resilient Communities
Mr S. Alom, Team Leader, Licensing
Mrs H. Owen, Democratic Services Officer

001 Welcome and changes in membership

Introductions took place. and a quorum of members present in-person was established.

002 Apologies

An apology for non-attendance was received from Councillor C. Bott.

003 Minutes of the last meeting

Resolved:

That the minutes of the last meeting held on 5 April 2023, copies having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

004 Declarations of Interest

There were no declarations of interest

005 **Local Government (Access to Information) Act, 1985**

There were no items to be considered in private session

006 **Establishment of Licensing Sub Committee**

A report was submitted which sought approval to establish a Licensing Sub-committee for the 2023/24 Municipal Year

(see annexed)

It was **Moved** by Councillor Gandham, duly seconded and upon being put to the vote was:

Resolved

- 1) That a Licensing Sub-committee be established for the 2023/24 Municipal Year in accordance with Section 9 of the Licensing Act, 2003 to determine applications under that legislation in circumstances as set out in Appendix 1 attached to this report and under the Gambling Act 2005 in the circumstances detailed in Appendix 2 to the report.
- 2) That the membership of the Sub-Committee shall comprise three members of the Licensing and Safety Committee on a rota basis, subject to availability.
- 3) To note that the Chair of the Sub-committee shall be appointed at each meeting of the Licensing Sub-committee.
- 4) that the Director of Resilient Communities be authorised to determine applications under the Licensing Act 2003 and the Gambling Act 2005, in the circumstances identified in appendix 1 and 2 to the report.

007 **Establishment of Taxi Licensing Sub Committees**

A report was presented which sought approval to establish two taxi licensing Sub Committees and to appoint members thereto.

(see annexed)

Members were minded to approve the establishment of the sub committees following political balance and the following members were nominated accordingly:

Taxi Licensing Sub Committee 'A'

Councillors Cooper, Gandham, Bains, Martin, K Hussain, Nawaz and Nasreen.

Taxi Licensing Sub Committee 'B'

Councillors Rasab, A Hussain, Gill, Kaur, K. Hussain, Nawaz and C. Bott.

Councillor Worrall asked if he as an Independent would be eligible to sit on one or both sub committees. The Democratic Services Officer, Mrs H. Owen,

advised that as the sub committees would follow political balance rules it would be for the Labour Group to give up one of their seats to enable him to sit on a sub committee. The Leader of the Labour Group, Councillor Nawaz, indicated that he was not minded to do so.

The Chair then asked for nominations for the Chair and Vice Chair of each sub committee. At this point, Councillor Hussain raised a point of order in that the was of the view that the Chair and Vice-Chair should be appointed by the Sub Committee at the first meeting rather than the main committee and asked whether this was normal practice. Mrs Owen advised that it would be acceptable either way and that both methods of appointing the Chair and Vice-Chair had been used in the past.

Councillor Nawaz asked for the minutes to record the opposition of the Labour Group to the main committee choosing the chairs and vice-chairs of the sub committees as they considered that this did not follow the convention of many years.

Councillor Gandham asked for nominations for Chair and Vice-Chair of each sub-committee and the following nominations were received:

Taxi Licensing Sub Committee 'A'

Chair: Councillor Cooper Vice-Chair: Councillor Bains

Taxi Licensing Sub Committee 'B'

Chair: Councillor Rasab Vice-Chair: Councillor A. Hussain.

It was **Moved** by Councillor Gandham, duly **seconded** and upon being put to the vote was:

Resolved

1) That Taxi Licensing Sub Committee 'A' and Taxi Licensing Sub Committee 'B' be established to deal with taxi licensing applications under the Local Government (Miscellaneous Provisions) Act 1976 for the 2023/24 Municipal Year.

2) That in accordance with political balance rules, the following members of the Licensing and Safety Committee be appointed to each of the Sub Committees:

Taxi Licensing Sub Committee 'A'

Councillors Cooper, Gandham, Bains, Martin, K Hussain, Nawaz and Nasreen.

Taxi Licensing Sub Committee 'B'

Councillors Rasab, A Hussain, Gill, Kaur, K. Hussain, Nawaz and C. Bott.

3) That the following members be appointed Chair and Vice-Chair of the Taxi Licensing Sub Committees:

Taxi Licensing Sub Committee 'A'

Chair: Councillor Cooper Vice-Chair: Councillor Bains

Taxi Licensing Sub Committee 'B'

Chair: Councillor Rasab Vice-Chair: Councillor A. Hussain.

- 4) To note that Taxi Licensing Sub Committee 'A' shall convene at 10.00 a.m. and that Taxi Licensing Sub Committee 'B' shall convene at 6.00 p.m.

008 **Establishment of Taxi/Private Hire Liaison Group**

A report was submitted which suggested the re-establishment of the Taxi/Private Hire Liaison Group

(see annexed)

It was **Moved** by Councillor Gandham, duly seconded and upon being put to the vote was:

Resolved:

That a Taxi/Private Hire Liaison Group be established in accordance with the terms of reference set out in the appendix to the report and that the membership should include all members of the Licensing and Safety Committee.

009 **Street Trading Review – Change of Designation to Consent Streets**

The Team Leader, Licensing, Mr S. Alom presented a report which informed members of the intention to change the designations of the streets in the borough to consent streets and sought approval to commence statutory consultation.

(see annexed)

A lengthy discussion took place on the proposal, during which time members expressed concerns regarding the ability to control the location occupied by vendors in such streets to ensure public safety, the protection of the local environment and the protection of established local businesses which were premises based. Members did however recognise the changing dynamics of high streets and that the proposals could provide a balance by positively encouraging businesses in low economy areas. Members also asked that the list of streets assigned to Wards be checked for accuracy.

Mr Alom and the Director of Resilient Communities, Mr P. Gordon, responded to members concerns and gave assurances that whilst all streets would be consent streets, this was primarily to provide flexibility for both the Licensing Authority and vendors and that a formal application would need to be submitted which would be consulted upon in the usual way with Responsible Authorities. Members were reminded that this proposal was the first stage in a two-stage approach to the review of street trading in the borough and that the controls on determining applications would be dealt with at stage two when the associated policy was formulated.

In response to a question regarding rights of appeal by applicants, Mr Alom confirmed that currently applications for licensed streets had a right of appeal and that there was no similar right of appeal for consent streets.

Mr Gordon said that he had heard the genuine concerns raised by members and advised that this report was seeking consent to consult and that a further report would be submitted in due course following the conclusion of the consultation.

It was **Moved** by Councillor Gandham, duly seconded and upon being put to the vote was:

Resolved:

- 1) That in pursuance of the powers conferred upon it by virtue of Section 3 and schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Licensing and Safety Committee authorises the commencement of the procedure under Schedule 4 paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982 that all streets in the controlled borough of Walsall be designated as consent streets, such designation coming into force on a date determined by the Council and that the Head of Community Safety and Enforcement be authorised to make the necessary statutory advertisements and undertake the necessary consultations.
- 2) That, in re-designating the streets from licence and prohibited to consent, for existing licence holders, no changes to existing permits be made until the next renewal as set out in paragraph 4.4
- 3) That a further report be submitted following the consultation.

Date of next meeting: 13 September 2023

The Meeting terminated at 18:57pm

Chair:

Date: