

LICENSING AND SAFETY COMMITTEE

Wednesday, 28th May, 2008 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Barton
Councillor Bird
Councillor Clarke
Councillor P. Hughes
Councillor Johnson
Councillor Rochelle
Councillor Smith
Councillor Tweddle
Councillor Wilkes

1151/08 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Beeley, Micklewright and Sarohi.

1152/08 Minutes

The minutes of the meeting held on 16th April, 2008, a copy having been circulated to each Member of the Committee, be approved and signed as a correct record.

1153/08 Declarations of Interest

There were no declarations of interest.

1154/08 Local Government (Access to Information) Act, 1985 (as amended)

There were no items on the agenda that the Committee considered should be dealt with in private session.

1155/08 Taxi Matters (a) Taxi / Private Hire Liaison Group

The report of the Head of Public Protection was submitted:-

(see annexed)

Resolved

- (i) That the report be noted and that the Taxi / Private Hire Liaison Group be re-established in accordance with the Terms of Reference appended to the report with the following representatives from the Licensing and Safety Committee:-

Councillor Anson
Councillor Bird
Councillor Micklewright
Councillor Rochelle
Councillor Sears (Chairman)

- (ii) That meetings of the Group be scheduled to meet at 6.00 p.m. as follows:-

Wednesday, 23rd July, 2008
Wednesday, 24th September, 2008
Wednesday, 19th November, 2008
Wednesday, 4th February, 2009
Wednesday, 18th March, 2009

(b) Establishment of Taxi Licensing Sub-Committees

The report of the Assistant Director, Legal and Constitutional Services was submitted:-

(see annexed)

Resolved

- (i) That approval be given to the re-establishment of Taxi Licensing Sub-Committees A and B to deal with the continuing backlog of applications under Local Government (Miscellaneous Provisions) Act 1976, the Sub-Committees to be politically balanced and to each comprise seven Members of the Licensing and Safety Committee. One to meet during the daytime and the other in the evening;
- (ii) That consequent on the above, the membership of the Sub-Committees be as follows:-

Taxi Licensing Sub-Committee A (to meet at 10.00 a.m.)
Councillor Tweddle (Chairman)
Councillor Anson
Councillor Barton
Councillor Clarke
Councillor P. Hughes
Councillor Micklewright
Councillor Rochelle

Taxi Licensing Sub-Committee B (to meet at 6.00 p.m.)
Councillor Sears (Chairman)
Councillor Beeley
Councillor Bird
Councillor Clarke
Councillor P. Hughes
Councillor Sarohi
Councillor Wilkes

- (iii) That a meeting of Taxi Licensing Sub A be convened on Tuesday, 17th June, 2008 at 10.00 a.m.

(c) Update on requirement for hackney carriage and private hire driver applicants to be able to speak, read and write English

The report of the Head of Public Protection was submitted:-

(see annexed)

The Committee was advised that the proposal was for new applicants to have taken and passed an English test before appearing at Committee. Any existing drivers would be referred to free B-Tech courses run by Walsall College of Continuing Education. It was anticipated that a report seeking Committees approval to implement such a scheme would be submitted to the July 2008 meeting.

Resolved

That the report be noted.

1156/08 Licensing Act 2003 – Licensing Sub-Committees

The report of the Assistant Director, Legal and Constitutional Services was submitted:-

(see annexed)

Resolved

- (i) That the report be noted;
(ii) That approval be given to the re-establishment of the Licensing Sub-Committees in accordance with Section 9 of the Licensing Act, 2003, solely to determine applications under that legislation. The Sub-Committees to comprise three Members of the Licensing and Safety Committee on a rota basis, subject to availability.

**1157/08 The Gambling Act 2005
(a) Licensing Sub-Committees**

The report of the Assistant Director, Legal and Constitutional Services was submitted:-

(see annexed)

Members were advised that paragraph 2.1 (b) of the report should refer to 'Gambling Act 2005' and not 'Licensing Act 2003'.

Councilor Bird referred to the subdivisions of licensed premises under the GA 2005, and the inconsistencies of determining such applications from authority to authority. Members were advised that the Gambling Commission is currently looking at this specific issue and further intends to clarify/strengthen the guidance issued to all licensing authorities in respect of the subdivision of licensed premises. Councilor Bird expressed the view that there should be a consistent approach to this issue by all neighboring authorities.

Resolved

- (i) That Sub-Committees be re-established in accordance with Section 9 of the Licensing Act 2003 to determine applications under the Gambling Act 2005;
- (ii) That the Head of Public Protection be delegated authority to determine Applications under the Gambling Act 2005 in the circumstances identified in the Appendix to the report.

(b) Temporary use Notices – fee level

The report of the Head of Public Protection was submitted:-

(see annexed)

Members were advised that paragraph 5.2 of the report should read '.....an endorsed copy of a temporary use notice'.

It was **MOVED** by Councillor Smith and duly **SECONDED**

That approval be given to a fee level of £500 for a submitted temporary use notice, and a fee of £25 for an endorsed copy of such a notice.

On being put to the vote, the motion was declared **carried** unanimously.

Resolved (unanimously)

That approval be given to a fee level of £500 for a submitted temporary use notice, and a fee of £25 for an endorsed copy of such a notice.

1158/08 Special Meeting

Members were advised that a Special Meeting would be held on Wednesday, 18th June, 2008 at 6.00 p.m.

Council, at its meeting on 7th July, 2008, will receive a report proposing amendments to the Licensing Policy under the Licensing Act 2003, and will consider findings from a cumulative impact assessment undertaken with a view to specifying a saturation policy within a given area. The purpose of the Special Meeting of Licensing and Safety Committee is to receive a report and to make recommendations on this issue to Council.

Termination of Meeting

The meeting terminated at 6.25 p.m.

Chairman

Date