

LICENSING AND SAFETY COMMITTEE

Wednesday, 21 October, 2009 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (**Chairman**)

Councillor Aftab

Councillor Anson

Councillor Beeley

Councillor Clarke

Councillor P. Hughes

Councillor Sarohi

Councillor Underhill

Councillor Wilkes

1225/09 Apologies

Apologies for non-attendance were submitted on behalf of Councillors C. Bott, Barton, Rochelle and Twedde.

1226/09 Minutes

Resolved

That the minutes of the meeting held on 9 September, 2009, a copy having been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1227/09 Declarations of Interest

There were no declarations of interest.

1228/09 Local Government (Access to Information) Act, 1985 (as amended)

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100a of the Local Government Act, 1972 (as amended).

1229/09 Private Session

Exclusion of Public

Resolved

That, during consideration of the following items on the agenda, the Committee considers that the items for consideration are exempt information by virtue of appropriate paragraphs of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended), and accordingly resolves to consider those items in private session.

Summary of Matters considered in Private Session

1230/09 Licensed driver – to consider whether still a fit and proper person to hold such licence

The Committee considered representations in respect of a licensed driver – to consider whether still a fit and proper person to hold such licence and made a decision thereon.

(Exempt information under Paragraphs 3 and 7 of Part I of Schedule 12A of the Local Government Act, 1972) (as amended)

1231/09 Application for discrete plates / identification stickers on private hire vehicles

The Committee considered representations in respect of an application for discrete plates / identification stickers on private hire vehicles and made a decision thereon.

(Exempt information by virtue of paragraphs 1,2 and 3 of Schedule 12A of the Local Government Act, 1972) (as amended)

Public Session

1232/09 Gambling Act 2005 Revision of statement of principles

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

(see annexed)

Steven Knapper requested the Committee to approve the revised statement of principles contained in appendix 2 to the report and recommend its approval to Council. He added that the revised statement of principles would be effective from 31 January, 2010 and would need to be published by 3 January, 2010 to comply with prescribed regulation. He drew attention to section 8 of the report and indicated that the existing statement of principles was effective from 31 January, 2007. Consultation on the revised policy had been carried out between 15 June and 14 September, 2009 and only two minor amendments were required.

Councillor Anson referred to the recent seminar on the Gambling Act, 2005 when it had been stated that applications were difficult to refuse in the majority of cases. Steven Knapper reported that two category B or C machines could be provided in any public house. In the Town Centre it was the premises that was licensed rather than the number of machines.

Councillor Clarke asked whether monitoring showed that clients were complying with the regulations in Walsall. Steven Knapper referred to the split between licensing and enforcement. He informed the meeting that the Gaming Board and the Gaming Commission, as well as the police, were involved in enforcement.

Councillor Underhill referred to the signs in betting shops warning about gambling addiction. Steven Knapper replied that these signs were required in all premises with gaming machines under the prescribed regulations for England and Wales.

Resolved to recommend to Council

That approval be given to the proposed revised statement of principles contained in Appendix 2 to the report now submitted.

1233/09

West Midlands Police Walsall Borough Licensing Team

Sergeant John De-Hayes (West Midlands Police) introduced himself to the Committee and reported that he had been a police officer for twenty years. He had been a Sergeant for five years and had worked in Walsall for three years. He was in charge of the police's borough licensing team and from the 1 April, 2010 his team would be responsible for the whole of the borough. He referred to his colleagues PC Brian Doyle and WPC Angie Forster who were already known to the Committee from their licensing work. He asked whether Members of the Committee would like to join the police on a Friday evening in Walsall Town Centre to see how Operation Be Safe was carried out. He added that Walsall Police Station would also be open for Members to visit and see some of the work done behind the scenes. He referred to the 900+ premises which were licensed across the borough and indicated that the police did not undertake reviews likely. With the neighbourhood teams, officers tried to monitor licensed premises, targeting those that caused problems. He offered to answer any questions from Members.

Councillor Clarke welcomed the opportunity to get to know Sergeant De-Hayes and his team.

Sergeant De-Hayes asked if he might be allowed to attend the Licensing and Safety Committee on a regular basis. The Committee felt that this would be useful.

Councillor Sears asked whether legislation regarding on-street drinking was used much by the police. Sergeant De-Hayes replied that it was not used very often but he was pleased that the Council had provided additional signs to help the police enforce the DPPO. He indicated that his officers preferred to use preventative measures wherever possible but the police could ban a person from a premises or area for drink related offences. He added that from April 2010 the police would be able to apply for a drinks ban when an offender was taken to court for committing other offences.

Steven Knapper reported that his staff had monthly meetings with partners to discuss problem premises etc.

PC Doyle stated that Licensing Officers went to premises with the West Midlands Fire Service on a regular basis.

Resolved

- (1) That the verbal report be noted;
- (2) That Members be invited to go out with the police in Walsall Town Centre on a date to be agreed to see how Operation Be Safe is conducted.

1234/09 Street Trading Review Report 3 – list of designated street trader sites

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

(see annexed)

Steven Knapper enlarged upon the report and drew attention to the contents of the various appendices. He added that a further consultation period of three months would be carried out before the proposals were implemented.

Councillor Sears asked if the proposals had been referred to Local Neighbourhood Partnerships for consideration. Steven Knapper replied that they had.

Councillor Underhill referred to a shopkeeper in Willenhall who set out fruit and vegetables on a designated area outside the shop. Steven Knapper replied that the shopkeeper would have an opportunity to object to the loss of this area during the consultation period. It would be for the Committee to decide whether the designated area should remain.

Resolved to recommend to Council

- (a) That the following proposals be approved in pursuance of the powers conferred by virtue of Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982:-

- (i) That the Council hereby designates the whole of Walsall Town Centre as prohibited for the purpose of street trading except for certain sites listed within **Appendix 4** and detailed in the plans 20 to 44A (excluding 23, 25 and 32) of the attached **Appendix 5** which sites be designated consent streets (street being defined as part of a street) for the purposes of street trading, such designations coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements (this proposal being subject to the temporary relocation of Walsall Market);
- (ii) That in re-designating the streets from licence to consent, for existing licence holders, the licensing service will not propose any changes to the permit held during its lifetime (including renewals) without the agreement of the permit holder. There are only five current licence holders and these are detailed below:-

NAME	LOCATION
F. Smith	Walsall Town Centre
C. Baxter	Walsall Town Centre
B. Singh	Walsall Town Centre
W. Tweddle	Walsall Town Centre
P. Smith	Bloxwich Cemetery

- (iii) That the Council designates the streets listed at **Appendix 6** as prohibited for the purpose of street trading except for certain sites identified at plans 1 to 5, 8 to 16 and 18, of the attached **Appendix 5**, which sites be designated consent streets (street being defined as part of a street) for the purposes of street trading, such designation coming into force on a date to be determined by Council and that the Head of Public Protection be authorised to make the necessary statutory advertisements;
 - (iv) That the Council hereby designates the sites identified at plans 6, 7 and 17 of the attached **Appendix 5** as designated sites within a consent street;
 - (v) That the establishment of designated sites for other street activity as detailed at paragraphs 9.3 c and 9.4 of the report be approved;
- (b) That the list of designated sites for street trading in the Districts be reviewed on a regular basis at intervals not exceeding two years and in the case of Walsall Town Centre on the permanent siting of Walsall market and thereafter at intervals not exceeding two years;
 - (c) That a further three month consultation period be undertaken prior to final approval by Council and implementation from 1 April, 2010; and
 - (d) That the fees outlined at Appendix 1 to the report be approved.

1235/09 **Street Trading – licence applications and partnerships**

This matter was withdrawn.

1236/09 **Report regarding taxi / private hire vehicle testing**

The report of Fleet Services MOT Test Centre was submitted:-

(see annexed)

Steven Knapper enlarged upon the report for the benefit of the Committee.

Councillor Underhill expressed concern at the number of vehicles failing the MOT test. She asked how many tests hackney carriage and private hire vehicles could have in a year. Steven Knapper replied that under current legislation three MOT tests per annum were required. He indicated that from April 2009 licences were issued for a twelve month period which would enable better monitoring of the situation and added that statistics were being compiled which would be brought to Committee when the new system had been in operation for twelve months i.e. after April 2010.

Councillor Peter Hughes asked if spot checks of hackney carriage / private hire vehicles were undertaken. Steven Knapper replied that regular enforcement action was carried out.

After further discussion it was:-

Resolved

- (1) That the report be noted;
- (2) That approval be given to the retention of the current vehicle testing intervals together with no change to the vehicle age limits.

Termination of Meeting

There being no further business, the meeting terminated at 8.30 p.m.

Chairman

Date