

Licensing and Safety Committee

Minutes of the meeting held on Tuesday 12 October 2022 in the in a Conference Room at the Council House, Lichfield Street, Walsall at 6.00pm.

Present: Councillor Gandham (Chair)
Councillor Samra (Vice-Chair)
Councillor C. Bott
Councillor A. Hussain
Councillor P. Kaur
Councillor Nawaz
Councillor S. Nasreen
Vacancy
Vacancy

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

9/22 Welcome

Councillor Gandham welcomed everyone, introductions took place and a quorum of members present in-person was established.

10/22 Apologies

Apologies were received from Councillors Bains, Cooper, A. Hussain, I. Hussain and Rasab.

11/22 Changes in Membership

The Committee noted that since the last meeting, Councillors Harrison and Sears had left the committee, Cllr I Hussain had been appointed; and Cllr Samra had been appointed Vice-Chair.

12/22 Minutes of the last meeting

Resolved:

That the minutes of the last meeting held on 31 May 2022, copies having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

13/22 Declarations of Interest

There were no declarations of interest

14/22 Local Government (Access to Information) Act, 1985

There were no items to be considered in private session.

15/22 Taxi Licensing Sub-Committees 'A' & 'B' – appointment to vacant position

The Chair asked for nominations to the vacant position on each of the Taxi Licensing Sub-Committees.

It was noted that in accordance with the decision of the Licensing and Safety Committee on 31 May 2022 regarding the political balance of these sub-committees, this appointment should be drawn from the Conservative Group members of the Licensing and Safety Committee.

The following nominations were received and put to the vote:

Taxi 'A' – Councillor Gandham
Taxi 'B' – Councillor I. Hussain

Resolved (Councillors C. Bott, Gandham, Nasreen and Nawaz abstained)

That Councillor Gandham be appointed to Taxi 'A' sub-committee and that Councillor I. Hussain be appointed to Taxi 'B' for the remainder of the municipal year.

16/22 Licensing Sub-Committee – amendment to hearing procedure

A report was submitted which advised of a revised order of proceedings for Walsall Council Licensing and Safety Sub-Committee hearings relating to applications for premises licences.

(see annexed)

Resolved

That the revised procedure for hearings by the Licensing and Safety Sub-committee relating to applications for premises licences be approved.

17/22 Timeframe for supporting documents to be accepted under the Licensing Act 2003

The Team Leader, Licensing, Mr S. Alom presented a report which sought approval to a time frame in relation to when it was acceptable for the Licensing Authority to receive supporting information from third parties or responsible authorities prior to the date of the hearing.

(see annexed)

Mr Alom responded to questions and points of clarification from members, during which time he confirmed that late documents could be accepted in certain circumstances with members' agreement subject to there being sufficient time for each party to read and consider any such documentation prior to the hearing.

Resolved (unanimous)

- 1) That the Licensing Authority recommends that any further information submitted from any party is to be supplied at least ten clear working days before the date on when the hearing is to take place for any applications other than Temporary Event Notices (TENs), where supporting information is to be provided five clear working days prior to the date of the hearing.
- 2) That introduction of late evidence is only likely to be permitted if there is:
 - a) Good reason for its late submission and;
 - b) Its admission will not undermine the fairness of proceedings.

18/22 **Gambling Act 2005 – Revision of Statement of Principles**

The Team Leader, Licensing, Mr S. Alom presented a report which advised of a revised draft Statement of Principles that is required to be put to statutory consultation regarding Section 349 of the Gambling Act 2005.

(see annexed)

Mr Alom responded to questions and points of clarification from members, during which time he explained that the Responsible Authorities had been consulted both on the original draft and also the final draft which would be put to statutory consultation. In response to members' concerns relating to the lack of responses from the Responsible Authorities, Mr Alom confirmed that this related to the latter consultation, however, notwithstanding this, members' remained concerned and asked Mr Alom to write to those Authorities on behalf of the Chair expressing the committee's disappointment that they were not responding to consultation requests.

With regard to members questions regarding paragraph 14.5 of the draft statement which required operators to demonstrate that measures were in place to prevent or deter people involved in unlawful activities from using their premises, the Director, Resilient Communities, Mr Gordon, advised that current licensees would not need to reapply for licenses but would need to comply however, this should not result in a significant cost.

Members were assured that all current licence holders would be informed of the new requirements.

It was **Moved** by Councillor Gandham, duly seconded and:

Resolved:

That the Gambling Act 2005 revised draft Statement of Principles be approved for statutory consultation.

19/22 **Update on the Business and Planning Act 2020**

The Team Leader, Licensing, Mr S. Alom presented a report which updated on arrangements to comply with the Act.

(see annexed)

Mr Alom advised that the Act had introduced a fast-track application process for the management of pavement cafés during the pandemic as a temporary measure to support that sector to continue to operate. He said that discussions had been had regarding making that process permanent however, the government had decided to extend the temporary process to September 2023.

Whilst accepting the reason and necessity for the introduction of the temporary arrangements, members reported that there were areas where they had been made aware of residents' concerns relating to reduced pavement space for wheelchairs and pushchairs, and increased littering.

In response, Mr Alom advised that Councils had made representations to the Local Government Association requesting that the consultation period for such licences be increased to 21 days from the current 5 days. Mr Alom also explained that not all premises with outside seating had to be licensed, as this requirement would only apply to areas on the public highway, not on private land and the precise details and space requirements were set out in the Road Traffic regulations. He confirmed that there were currently five licensed premises with tables and chairs outside which were mainly in Walsall town centre. Mr Alom undertook to discuss potential ways of identifying premises which required licences with the Community Protection team.

Resolved:

That the report be noted

20/22 **Work Programme**

The work programme was submitted for information.

Members asked for clarification regarding the status of the emergency delegations given to officers during the covid pandemic and whether these were still in force. In addition, members asked for data regarding applications for taxi and private hire licences. The Chair advised that a briefing session for

Licensing and safety committee members was being arranged where these matters would be discussed.

In response to a question from members regarding provisions for taxi and private hire applicants and drivers to access support following the closure of the Civic centre building to the public, the Director, Resilient Communities, Mr Gordon, advised that this matter was currently being discussed and would be considered at the next meeting of the Taxi/Private Hire Liaison Group.

The Meeting terminated at 6.53p.m.

Chair:

Date: