

LICENSING AND SAFETY COMMITTEE

Wednesday, 20th April, 2011 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Barton
Councillor Burley
Councillor P. Hughes
Councillor Rochelle
Councillor Sarohi
Councillor Wilkes

1341/11 **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Tweddle, Beeley, C. Bott and Clarke.

1342/11 **Minutes**

Resolved

That the minutes of the meeting held on 2nd March, 2011, a copy having been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1343/11 **Declarations of Interest**

There were no declarations of interest.

1344/11 **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).

Guidelines relating to the relevance of convictions**Reference from Taxi/Private Hire Liaison Group:-****“Resolved**

- (1) That the Group agrees the report, subject to any observations from the Trade Associations, and refers the guidelines to the Licensing and Safety Committee for approval;
- (2) That, if approved by Licensing and Safety Committee, the guidelines do not come into operation until 1st July, 2011 to enable them to be circulated to agents, solicitors representing licensed drivers/applicants and for Members to familiarise themselves with the new criteria;
- (3) That the report be submitted to the next meeting of the Liaison Group with the variations highlighted.”

The report of the Head of Public Safety to the Liaison Group was submitted:-

(see annexed)

A letter from the Walsall Private Hire Associations relating to this matter was also submitted:-

(see annexed)

Mr. Knapper confirmed that the guidelines did not indicate that drivers with more than six points on their licence would be prevented from obtaining a licence. Each case would be considered by the Committee on its merits, together with any supporting information submitted. The guidelines would not affect existing drivers, the proposed policy would not apply retrospectively but if it was approved, all drivers would be bound by the criteria.

In response to questions raised, Mr. Knapper referred to Appendix 2, Paragraph 11.1 and re-iterated that each case would be considered on its merits and decisions made accordingly. The document was guidance only and Committee could depart from the guidance if appropriate.

Mr. Patouchas confirmed that issues in relation to convictions would be brought to Committee by officers. Mr. Knapper pointed out that Appendix 1 related to the guidance used by the Council since 1992 and as a result of recent publicity, it was felt necessary to re-draft the policy which was designed to satisfy members of the public in respect of public safety and to clarify how licensed vehicles operated in the Borough.

In response to questions, the Committee was advised that with regard to insurance offences as set out in Paragraph 15.2 of Appendix 2 relating to driving without insurance, the Authority prosecuted drivers for plying for hire and having no insurance. The Council did have a high success rate of convictions in this respect. In the last twelve months, approximately ten operators were convicted and subsequently disqualified.

After further discussion it was,

Resolved

That approval be given to a new convictions guidelines policy as set out in Appendix 2 of the annexed report to come into force on 1st July, 2011 in order that the guidelines can be circulated to agents, solicitors representing licensed drivers/applicants and Members to enable them to familiarise themselves with the new criteria.

1346/11 **Private Hire Vehicle Stickers**

The report of the Head of Public Safety to the Liaison Group was submitted:-

(see annexed)

Resolved

That the side identification sticker on private hire vehicles be permanently fixed centrally on the rear door panel, immediately below the window.

At this point in the meeting, Mr. Patouchas informed the Committee that he was of the view that the representatives of the Taxi/Private Hire Owners Association should be given an opportunity to speak on the earlier item on the "Guidelines relating to the relevance of convictions".

Mr. Knapper reminded the Committee that drivers did have a right of appeal against a decision of the Committee to the Magistrates Court. Mr. Khalid of the Hackney Carriage Association informed the Committee that the relevance of convictions should be referred to the Liaison Group for discussion prior to a decision. He indicated that he had not received a copy of the document prior to its submission to this meeting.

Committee was advised by the Clerk that a decision on this matter had already been made and should not be re-visited at this stage.

1347/11 **Sex Establishment Fees**

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

(see annexed)

Resolved

That the fee levels be approved as reasonable under the terms of the Act for all defined sex establishments:-

Grant	-	£4,500
Renewal	-	£2,500
Transfer	-	£1,500
Variation	-	£1,500

1348/11 **Licensing Age Limits for Private Hire Vehicles**

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

(see annexed)

Mr. Knapper introduced the report and advised Committee that if the age limit for private hire vehicles was increased, the frequency of vehicle testing as set out in Paragraph 3.9 would need to be re-visited.

It was **moved** by Councillor Rochelle and **seconded** by Councillor P. Hughes:-

That the age limit remain at five years as vehicles used for special events could request approval for an increase in the age limit as an exception.

Mr. Knapper referred the Committee to the letter from the Walsall Private Hire Association requesting that this item be deferred in order that the organisation could obtain a copy of the report.

After consideration, Councillors Rochelle and Hughes agreed to withdraw their motion.

Resolved

That the licensing age limit for private hire vehicles be deferred to the next meeting of the Committee.

1349/11 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the remaining items on the agenda, the Committee considers that the items for consideration are exempt information by virtue of the 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 items considered in private session

1350/11 **Application for an Annual Street Trading Ward Consent: Local Government (Miscellaneous Provisions) Act, 1982**

The Committee considered the application and made a decision thereon.

1351/11 **Additional Recommendations**

The Committee referred additional recommendations to the Taxi/Private Hire Liaison Group for comment.

1352/11 **Revocation of Adult Gaming Centre Premises Licence under Section 193 of the Gambling Act, 2005**

The Committee considered the matter and made a decision thereon.

1353/11 **Application for a Private Hire Vehicle Licence**

The Committee considered the application and made a decision thereon.

Termination of meeting

The meeting terminated at 8.10 p.m.