

## **LICENSING AND SAFETY COMMITTEE**

**Wednesday, 9 September, 2009 at 6.00 p.m.**

**In a Conference Room at the Council House, Walsall**

### **Present**

Councillor Sears (**Chairman**)  
Councillor C. Bott (**Vice-Chairman**)  
Councillor Anson  
Councillor Barton  
Councillor P. Hughes  
Councillor Mushtaq  
Councillor Rochelle  
Councillor Sarohi  
Councillor Tweddle  
Councillor Underhill  
Councillor Wilkes

1216/09      **Apologies**

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

1217/09      **Minutes**

### **Resolved**

That the minutes of the meeting held on 27 May, 2009 a copy having been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1218/09      **Declarations of Interest**

Councillor Tweddle declared a personal non-prejudicial interest in item 8 (2) of the agenda relating to the change of designation to consent streets and withdrew from the meeting during consideration of this item.

1219/09      **Local Government (Access to Information) Act, 1985 (as amended)**

The Clerk referred to item 9 on the private session of the agenda and indicated that, in his view there was no reason for this being considered in private session.

## **Resolved**

That item 9 regarding Byelaws and legislation relating to Hackney Carriage Meters be considered in the public session of the agenda.

In the light of the above, there were no items for consideration in the private session of the agenda.

### 1220/09 **Safety at Sports Ground**

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

(see annexed)

## **Resolved**

- (i) That the minor amendments made to the group membership set out in Appendix A, be noted;
- (ii) That the activities referred to in the report be noted;
- (iii) That a further report be received in six months time.

### 1221/09 **Taxi Matters:- (a) 6 Monthly MOT Testing**

A resolution from Taxi/Private Hire Liaison Group from a meeting held on 22 July, 2009, was submitted:-

(see annexed)

## **Resolved**

That the resolution be noted and that a report be submitted to the next meeting of the Committee on 21 October, 2009.

### **(b) Vehicle Licences Application Fee**

A resolution from Taxi/Private Hire Liaison Group from a meeting held on 22 July, 2009, was submitted together with a report of the Head of Public Protection:-

(see annexed)

A discussion took place and the general consensus was that the initial application fee should remain.

## **Resolved**

That no change be made to the initial application fee of £25.

**(c) Vehicle Age Restriction**

A resolution from Taxi/Private Hire Liaison Group from a meeting held on 22 July, 2009, was submitted:-

(see annexed)

Mr. Knapper confirmed that he had not received a request from Mr. Hussain regarding this policy.

**Resolved**

That the resolution be noted and, should a formal request be received from Mr. Hussain, consideration be given at a future meeting.

1222/09

**Request for variation of street trading licence, Park Street, Walsall – Balbir Singh Garcha**

Members were advised that several legal issues needed to be looked at prior to consideration of this request by the Committee. In view of this, Mr. Garcha had agreed, should the Committee so wish, to defer his application to a future meeting.

**Resolved**

That consideration of this request be deferred to a future meeting to enable officers to seek clarification of the legal issues.

1223/09

**Street Trading Review:-  
(1) Criteria for shop displays and advertisements on the highway**

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

(see annexed)

A discussion ensued during which concerns regarding charging were raised. Mr. Beavon indicated that the fee would be used to fund inspections and administration work in connection with the process.

After a short discussion it was:-

**Resolved (Councillor Underhill voting against)**

That Council be recommended to approve:-

- (a) the fees outlined at Appendix 1;
- (b) the criteria for shop displays as detailed at Appendix 2;
- (c) the criteria for licensed advertisements on the highway as detailed in Appendix 4;

- (d) that a 3 month consultation period be undertaken prior to final approval by Council and implementation from 1<sup>st</sup> April, 2010;
- (e) that Licensing and Safety Committee determine applications when representations are received and not subsequently withdrawn.

## **(2) Change of designation to consent streets**

Councillor Tweddle withdrew from the meeting during consideration of this item.

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

(see annexed)

### **Resolved to recommend to Council**

- a) The following proposals for approval by Council in pursuance of the powers conferred upon it by virtue of Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982.
- b) The Council authorises the commencement of the procedure under Schedule 4 Paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982 to designate all streets currently designated as licensed for the purposes of street trading as consent streets, other than those designated sites identified in the report in paragraph 2.1d below that are to remain as licensed sites. 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 (a list of all streets currently designated as licensed streets is attached as **Appendix 1**).
- c) That a further three month consultation period be undertaken before final approval by Council and implementation from 1st April 2010.
- d) 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 license 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

## **(3) List of designated street trader sites**

Members were advised that this document was not yet ready for consideration by the Committee and that it was anticipated that it would be available for the October 2009 meeting.

Councillor Tweddle rejoined the meeting.

#### **(4) Street Trading Policy**

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

(see annexed)

Councillor Underhill referred to paragraph 13 of Appendix 3 regarding indecency offences and asked Committee to consider varying the terms.

#### **Resolved (Unanimously)**

- (a) to approve the statement of Street Trading Policy detailed at Appendix 3 subject to paragraph 13 of the policy being amended by the deletion of the words 'three to five years free of such offences' and replaced with the words 'five to eight years free of offences' and the deletion in the last sentence of that paragraph of the words 'at least five years' and replacement with the words 'a minimum of 10 years';
- (b) to review the statement of street trading policy on a regular basis, at intervals not exceeding two years;
- (c) to establish a two tier consent system as detailed in the statement of street trading policy at Appendix 3;
- (d) to delegate authority to Licensing and Safety Committee to:-
  - i) determine applications when representation are received and not subsequently withdrawn;
  - ii) to revoke a consent for street trading or other street activity;
  - iii) to add, remove or amend conditions attached to street trading and other street activity consents;
  - iv) to set annual fees for street trading and other street activity consents;
- (e) to delegate authority to Officers to:
  - i) amend the application process as may be set out from time to time in the Council's Street Trading Policy;
  - ii) issue a consent if an application is properly made out and no representations are received from consultees, or representations have been received but subsequently withdrawn;
  - iii) amend the Street Trading Policy in accordance with future requirements of the EU Services Directive 2006/123/EC and report those changes to Licensing and Safety committee.
- (f) In accordance with the resolution of Licensing & Safety Committee on 19th March 2008, the Trading Standards Manager be delegated the authority to devise specifications for vehicles/units but in the event of disagreement on the suitability of a particular unit, the matter be referred to the Licensing and Safety Committee for consideration.

1224/09 **Byelaws and legislation relating to Hackney Carriage meters**

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

(see annexed)

**Resolved**

That the report be noted.

**Termination of Meeting**

There being no further business, the meeting terminated at 7.19 p.m.

Chairman .....

Date .....