



## REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

### LICENSING AND SAFETY COMMITTEE

22 FEBRUARY 2023

#### Progress Report on Various Policies

### **1.0 Summary of Report**

1.1 Update on current Policies under review. Below is a list of current policies that are being reviewed by the Council as the Licensing Authority.

- Gambling Statement of Principles (SoP)
- Taxis – Fit & Proper, Convictions Policy, Statutory Guidance, Best Practise Guide.
- Street Trading Policy

1.2 The council's role is to ensure that a fair hearing takes place and all parties have had a fair chance to consider and respond to any concerns. The council should always ensure that there is transparency in the process and any changes to processes are justifiable.

### **2.0 Recommendation**

To note the report

### **3.0 Background**

#### **Gambling Policy**

3.1 The Gambling Act 2005 requires the council to regulate and administer gambling across the borough. The act requires the council as licensing authority, to publish a statement of principles we propose to apply in exercising our functions under the act.

3.2 The Act sets out three licensing objectives:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
- Ensure that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited in gambling.

- 3.3 The SoP is out for consultation. The consultation on the policy ends on 21/03/23. Following the end of the consultation, the responses will be collated, analysed and included within a report with the final draft for Licensing & Safety Committee to approve.
- 3.4 Once Licensing & Safety Committee approve the final draft, a report will be presented at full council for the adoption of the final policy.

### **Taxi Licensing Policy**

- 3.5 The Licensing Authority is currently reviewing Walsall Council's Taxi Licensing Policy. There are different parts to the policy, which regulate the different legislations. The policies include the following:
- Fit and Proper Policy
  - Convictions Policy
  - Driver Licence Policy & conditions
  - Vehicle Licence Policy & Conditions
  - Operator Policy & Conditions.
- 3.6 Policies assist the council in determining applications, setting their standards on applicants and what is expected and also inform applicants and members of the public in relation to the process and requirements to be licensed and then once licensed the conditions and policies that they must adhere to.
- 3.7 In 2020, the government released statutory guidance for local authorities. This helped by introducing a national approach on applications in relation to convictions and fit and proper requirements and the need to have a policy in place.
- 3.8 As with most council's nationally there has been a delay in implementing the changes within our policies due to the delay in the best practise guide. This is a guidance from central government which will try and nationalise some requirements when being licensed as a driver, vehicle proprietor or an operator.
- 3.9 The statutory guidance is already implemented in reports that come before Licensing & Safety Sub-Committee as it's a statutory guidance and local authorities must refer to.
- 3.10 The Licensing Authority along with other authorities within the West Midlands have decided to take a pragmatic approach and await for the release of the best practise guide before going out to consultation on the current policies. This will save the council time and cost of consulting on the policy twice.
- 3.11 The government intend to release the best practise guide towards May/June this year following communication from Local Government Association (LGA).

### **Street Trading Policy**

- 3.12 Walsall Council currently does not have a policy setting out the council's decision making process, criteria for applicants to meet and our own standard in terms of licensing someone to street trade in the borough of Walsall.
- 3.13 Walsall Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading licence or consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.14 The aim of the Street Trading Policy is to create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment, set application requirements and process, whilst ensuring public safety, and preventing crime, disorder and nuisance.
- 3.15 A report seeking approval to consult on a draft policy was put on hold until further information on the timescale for implementation of the various phases of the Town Centre Masterplan was known as there was a likelihood that it included changes that would affect the street trading policy. However, it is understood that the relevant phase is not due to be commence for some years and therefore the draft policy will be scheduled for consideration by the committee.

#### **4.0 Resource Considerations**

- 4.1 **Financial:** Any additional administrative tasks following changes to policy or procedures will have to be incorporated within processes. This may have an impact on licence fees which may also have to be reviewed depending on the changes. Any changes to the policy may also be judicially reviewed, and should the council not succeed in defending the appeal could also be liable to costs.
- 4.2 **Legal:** The Council can exercise its functions by way of committees or officers. When exercising delegated authority, in addition to any policies the Council may have, both committees and officers are bound by natural justice, human rights, the legal framework, and relevant and statutory guidance.

#### **5.0 Staffing issues:**

None

#### **6.0 Citizen Impact**

None

#### **7.0 Community Safety**

None.

## **8.0 Environmental Impact**

8.1 None

## **9.1 Performance and Risk Management Issues**

9.1 Decisions by the committee must be compliant with all relevant legislation.

One of the overwhelming priorities of the Licensing Authority is to ensure fairness in its processes.

## **10.0 Equality Implications**

10.1 Nothing arising from this report.

## **11.0 Consultation**

11.1 None required.

## **12.0 Contact Officer**

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