

# **Minutes of the Licensing and Safety Committee held in the Council Chamber, Walsall Council House**

**5 June 2024**

## **Committee Members present:**

Councillor K. Ferguson (Chair)  
Councillor S.J. Cooper (Vice Chair)  
Councillor G. Ali  
Councillor A. Hussain  
Councillor K. Hussain  
Councillor T. Jukes  
Councillor K. Mehmi  
Councillor A. Nawaz  
Councillor A. Parkes  
Councillor W. Rasab  
Councillor K. Sears

## **Officers Present:**

Mr P. Green, Solicitor  
Mr N. Picken, Principal Democratic Services Officer  
Mrs H. Owen, Democratic Services Officer  
Mr D. Elrington, Head of Community Safety and Enforcement  
Mr S. Alom, Team Leader, Licensing

### **025 Apologies**

Councillor C. Bott, Councillor I Hussain and Councillor M. Ward.

### **026 Substitutions**

Councillor T. Jukes for Councillor M. Ward.

### **027 Minutes**

A copy of the Minutes of the meeting held on 13 September 2023 was submitted:

(see annexed)

### **Resolved**

That the minutes of the meeting held on 13 September 2023 be approved and signed by the Chair as a correct record.

028 **Declarations of Interest**

Cllr Rasab declared a prejudicial interest in item 10 of the agenda in the private session and said that he would leave the room for that item.

029 **Local Government (Access to Information) Act 1985 (as amended)**

**Resolved:**

That the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

030 **Establishment of Licensing Sub-Committee**

A report seeking approval to establish a Licensing Sub Committee for the 2024/25 Municipal Year was submitted:

(see annexed)

**Resolved:**

- 1) That a Licensing Sub-Committee be established for the 2024/25 municipal year in accordance with Section 9 of the Licensing Act, 2003 to determine applications under that legislation in circumstances as set out in Appendix 1 attached to this report and under the Gaming Act 2005 in the circumstances detailed in appendix 2
- 2) That membership of the Sub-Committee shall comprise three members of the Licensing and Safety Committee on a rota basis, subject to availability.
- 3) That Committee notes that a Chair shall be appointed at each meeting of the Licensing Sub-Committee
- 4) That the Director of Resilient Communities be authorised to determine applications under the Licensing Act 2003 and the Gambling Act 2005, in the circumstances identified in appendix 1 and 2 attached to the report.

031 **Establishment of Taxi Licensing Sub-Committees**

A report was submitted which sought approval to establish two taxi licensing sub-committees and to appoint members thereto

(see annexed)

The Chair confirmed that the political balance principles applied this year to the sub-committees would be 4 Conservative members, 2 Labour members and 1 Walsall Independent Group member. Accordingly, the chair sought nominations in turn.

It was noted that whilst Cllr I. Hussain had submitted his apologies, he had requested a place on both sub-committees.

The following nominations were received for Taxi Sub-committee A.

Conservative - Councillors Cooper, A. Hussain, I. Hussain, Rasab and Sears

Labour – Councillor Mehmi and Cllr Ward

Walsall Independent Group – Councillor Nawaz

The principal Democratic Services Officer, Mr Picken, advised that there were more nominations from the conservative group than places and therefore that either a member could withdraw their nomination or each nomination could be put to the vote with those having the most votes taking the place.

At this point in the meeting, Councillor Samra said that he understood that whilst it was normal practice to apply political balance to the sub-committees, the committee could choose not to. He said that he had been a member of this committee and the taxi sub-committees for a number of years and therefore his experience would add value to the meetings. He therefore nominated himself as a member of Taxi Sub-Committee A.

Mr Picken gave the following advice in relation to the committee regarding the application of political balance to its taxi sub-committees:

*“As required by sections 101 and 102 of the Local Government Act 1972, the Council, at its annual meeting, established committees. Section 102(1) of the 1972 Act provides that members of subcommittees are appointed by a Committee. The appointments process follows political balance principles as set out in Local Government and Housing Act 1989.*

*It is a statutory requirement that where a relevant authority has a members divided into different political groups (and members are to be treated as so divided when there is at least one political group in existence constituted as prescribed) then, unless there is a decision to the contrary taken with no members voting against (section 17 of the LG HA1989), it must ensure that appointments to fill seats on a sub committee appointed by an advisory committee are allocated in the same proportion as that in which the council as a whole is divided. This should be applied as far as reasonably practicable conform with the following prescribed principles:-*

- A) That not all the seats are allocated to the same political group;*
- B) That a political group with an overall council majority gets a majority of seats allocated;*
- C) Subject to a) and b) that the total number of seats each political group has on all ordinary committees is in proportion to that groups share of the total council elected membership; and*
- D) Subject to a) and c), that each political group has the same proportion of seats as it holds on the council as a whole.*

*Given the above, the officers report confirms that the political balance for sub committees dealing with taxi matters is 4 conservatives, 2 Labour and 1 Walsall Independent Group. This ensures accordance with principals above, in particular C, that the number of seats on committees is in proportion to the groups share of the total elected membership.*

*Should the committee agree unanimously to vary the political balance, this is permissible. A decision would be required as to which Group allocation this seat should come from whilst being mindful of the overall principles that apply”.*

He further advised that this issue must be dealt with at this point as it would have a bearing on the nominations proposed for the sub-committees.

Councillor K. Hussain said that he considered that the sub-committees should be politically balanced. Given this view, Mr Picken advised that as Councillor Hussain had shown clear intent, any vote a change to political balance would not be unanimous and therefore the motion proposed by Councillor Samra, which was not seconded, was disposed of.

The following nominations were then received for Taxi B sub-committee as follows:

Conservative – Councillors Ali, A. Hussain, Rasab, Parkes, Sears  
Labour – Councillors C. Bott and Ward  
Walsall Independent Group – Councillor K. Hussain

The committee then considered the nominations received, in particular that there were more conservative nominations than places on both sub-committees. A secret ballot was called for.

Mr Picken explained that a minimum of five members were needed to call for a ballot. The Chair noted that 5 members in the room had made that request and therefore, the time being 18:24pm, the meeting was adjourned to enable the arrangements to be made.

The meeting was reconvened at 18:32pm. Mr Picken advised that during the adjournment, the nomination of Councillor I. Hussain for Taxi sub-committee A had been withdrawn and that Councillor Rasab had withdrawn his nomination for Taxi sub-committee B.

The Chair then asked for a show of hands in turn, for the establishment of both Taxi licensing sub-committees. These were unanimously in favour.

The Chair then moved onto the election of Chairs of sub-committees and the following nominations were received:

Taxi A – Councillor Cooper

Taxi B - Councillor G A. Hussain and Councillor K. Sears.

A vote was taken for the election of Chair for Taxi A by way of a show of hands and Councillor Cooper was elected.

The Chair then called for a vote on the election of the Chair of Taxi B sub-committee. Seven members then called for a secret ballot.

A ballot took place and the result was declared as follows:

Councillor A. Hussain – 7 (elected)

Councillor K Sears – 5

The chair then called for the election of vice-chairs. Nominations were received as follows:

Taxi Sub-Committee A – Councillor Rasab

Taxi Sub-Committee B – Councillor G. Ali.

Following a vote by way of a show of hands, both Councillor Rasab and Ali were elected.

**Resolved:**

- 1) That Taxi Licensing Sub Committee 'A' and Taxi Licensing Sub committee 'B' be established to deal with taxi licensing applications under the Local Government (Miscellaneous provisions) Act, 1976 for the 2024/25 municipal year.
- 2) That the following members be appointed to the Sub-Committees:

**Taxi Licensing Sub Committee 'A'**

Councillors Cooper (Chair); Rasab (vice-chair); Mehmi, A. Hussain, Nawaz, Sears.

**Taxi Licensing Sub Committee 'B'**

Councillors A. Hussain (Chair); Ali (Vice-Chair); C. Bott, K. Hussain, Parkes, Sears, Ward

**032 Establishment of Taxi Private Hire Liaison Group**

A report was submitted which sought agreement to the re-establishment of Taxi/Private Hire Liaison Group and to appoint members thereto

(see annexed)

**Resolved:**

That a Taxi/Private Hire Liaison Group be established for the municipal year 2024/25 in accordance with the terms of reference set out in the appendix to the report and that the Group shall consist of all members of the Licensing and Safety Committee.

**033 Licensing matters – update from Team Leader, Licensing**

The team Leader, Licensing, Mr S. Alom presented a briefing covering a variety of licensing matters:

(see annexed)

Members noted the updates and thanked Mr Alom.

At this point in the meeting, the time being 18:58pm, the public session and livestream ended.

The Principal Democratic Services Officer, Mr N. Picken and the Team Leader, Licensing, Mr S. Alom left the meeting.

Councillor Rasab left the meeting having declared a prejudicial interest in the remaining item on the agenda.

The Head of Community Safety and Enforcement, Mr D. Elrington, withdrew from the room until called to attend the next item at the same time as the appellant and his representative.

**034 Private Session – Exclusion of Public**

**Resolved**

That during consideration of the remaining item on the agenda, the Committee considers that the item for consideration is exempt information by virtue of paragraph 1, 2 and 3 of part I of Schedule 12A of the Local Government Act 1972 (as amended) and accordingly resolves to consider the item in private.

**035 Appeal to Licensing and Safety Committee under part 3.5 of the Council's Constitution – Revocation of licence to drive Private Hire and Hackney Carriage Vehicles.**

Members conducted a hearing regarding the above appeal, considering representations from all parties and made a decision thereon.

(exempt information by virtue of paragraph 1, 2 and 3 of part I of Schedule 12A of the Local Government Act 1972, as amended)

**036 Date of next meeting**

Wednesday 18 September 2024.

There being no further business, the meeting terminated at 8.42 p.m.

Signed:

Date: