

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

18 September 2024

Committee Members present:

Councillor K. Ferguson (Chair)

Councillor G. Ali

Councillor C. Bott

Councillor K. Hussain

Councillor K. Mehmi

Councillor A. Nawaz

Councillor A. Parkes

Councillor S. Samra

Councillor K. Sears

Councillor M. Ward

Officers Present:

Mr S. Gill, 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

037 Apologies

Councillor S. Cooper, Councillor A Hussain and Councillor I Hussain

038 Substitutions

There were no substitutions for this meeting.

039 Minutes

A copy of the Minutes of the meeting held on 5 June 2024 was submitted:

(see annexed)

Resolved

That the minutes of the meeting held on 5 June 2024 be approved and signed by the Chair as a correct record subject to the inclusion of Councillor Samra on the list of members present.

040 Declarations of Interest

Councillor Nawaz declared that he held a licence to drive taxis. There were no items for consideration on the agenda for this meeting which precluded Councillor Nawaz from taking part.

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

There were no items for consideration in the private session of the agenda.

042 **Hearing Protocol (Licensing Act 2003)**

The Principal Democratic Services Officer, Mr N. Picken presented a report seeking approval to adopt a protocol for conducting remote hearings under the Licensing Act 2003:

(see annexed)

In presenting the report and responding to questions from members, Mr Picken stressed that the protocol only related to hearings under the Licensing Act 2003 and did not apply to hearings under other legislation such as those for taxi and private hire licences or to normal meetings of the Licensing and Safety Committee.

Whilst members cautiously welcomed the flexibility this offered, particularly in relation to the availability of the reserve member and being mindful that the method of meeting would be decided on a case by case basis, they were adamant that the expectation was for hearings, particularly complex cases, to be held fully in person to ensure fairness to all parties.

Mr Picken reminded members that the applicant had a right to request to join the hearing remotely but that the hearing notice would stress that this should be in exceptional circumstances. In response to questions from members, Mr Picken and the legal advisor, Mr Gill, gave examples of what could be considered as exceptional circumstances.

It was noted that should the applicant make such a request, the three committee members involved would be consulted by the Democratic Services Officer and an appropriate way forward would be agreed as to the method of meeting either fully remote or hybrid.

Mr Picken offered to review the arrangements in 12 months' time and report back to the committee to reflect and amend the protocol as necessary.

It was **Moved** by Councillor K. Hussain, duly **seconded** and upon being put to the vote it was:

Resolved (unanimously)

- 1) That the protocol for conducting remote hearings under the Licensing Act 2003, attached at appendix 1 to the report, be adopted.
- 2) That the arrangements be reviewed after 12 months.

043 **Street Trading Review – Change of designation to Consent Streets**

The Team Leader, Licensing, Mr S. Alom presented a report which informed members of the intention to change the designations of streets in the borough to consent streets

(see annexed)

In response to members questions regarding the method of consultation, Mr Alom explained that consultation took place between 2 July 2024 and 30 August 2024 and that an e-mail was sent to all councillors and existing street traders on 22 July 2024 with a link to the online consultation and information page. He added that in addition to posters being displayed at all local authority buildings, libraries, community buildings, over five thousand leaflets had been distributed and over 150 notices had been displayed on streets providing a QR code for access to the consultation with and offer of face to face or telephone conversations for any queries. Mr Alom confirmed that all street traders had been visited in person.

During further discussion, the Head of Community Safety and Enforcement, Mr D. Elrington, advised members that 90–95% of streets were already designated as consent streets and the request was to bring the remaining streets in line to enable the licensing authority to have more control to review and revoke consents than the regulations for licensed streets currently allowed. He pointed out that the designations of licensed or prohibited streets had been made over forty years ago and that the street scene had changed since then. Mr Elrington confirmed that there had been no complaints regarding the existing consent holders and that no consent had been revoked to date.

With regard to the operation of the street trading consents, Mr Alom advised that legislation restricted the duration of to 12 months and that conditions attached to those consents would vary depending upon the outcome of consultation with the Responsible Authorities. In addition, he said that he would be widening the scope of consultation on applications to include planning, highways, trading standards and environmental health services. Members asked for consideration to be given to including ward councillors in that consultation or enabling ward councillors to call-in applications where they perceived that an issue needed to be addressed.

In response to further questions, Mr Alom advised that that the intention was to retain the existing fee structure and review this after the first year and amend as appropriate.

Members indicated that they had no objection in principle, however, requested that their concerns be taken into consideration in the preparation of the new policy and consequent consent conditions.

It was Moved by Councillor K. Hussain, duly seconded and upon being put to the vote, it was:

Resolved (unanimously)

- 1) That, having regard to the consultation responses set out at 3.7 of this report and attached as appendix 6 the licensing and safety committee recommends Council as follows:

That the Council, in pursuance of the powers conferred upon it by virtue of Section 3 and schedule 4 paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982, authorises the designation of all streets in the controlled borough of Walsall as consent streets with effect from 1 December 2024; and that the prescribed statutory notice of intention be published accordingly.

- 2) That the concerns raised by the members of the committee during the discussion on this item be taken into consideration in the preparation of the new policy and consequent conditions attached to consents.
- 3) To note that the relevant changes to permits for existing licence holders will be made at the renewal stage in April 2025.

044 Date of next meeting

20 November 2024 – 6pm

There being no further business, the meeting terminated at 19:15.

Signed:

Date: