

LICENSING AND SAFETY COMMITTEE

Wednesday, 28th November, 2012 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)

Councillor Clarke (Vice-Chairman)
Councillor Burley
Councillor Cook
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Harrison
Councillor Hussain
Councillor Rochelle
Councillor Sarohi
Councillor Whyte

1466/12 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Anson, Murray and Smith.

1467/12 Minutes

Resolved

That the minutes of the meeting held on 17th October, 2012, a copy having been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1468/12 Declarations of Interest

There were no declarations of interest.

1469/12 **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 agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

1470/12 **Police Reform and Social Responsibility Act, 2011: Amendments of the Licensing Act, 2003 – Early Morning Alcohol Restrictions Orders**

The report of the Interim Regulatory Manager and procedure to be followed were submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report and drew the attention of the committee to the salient points contained therein.

Councillor Burley asked if Early Morning Alcohol Restriction Orders (EMROs) would apply to supermarkets and who would enforce the legislation. Mr. Knapper replied that it would apply to supermarkets and the Licensing Team would enforce it. He added that officers did not expect there to be any problems with premises not complying with the orders should they be introduced.

Councillor Burley felt that if an EMRO was introduced in Walsall then it should be borough-wide otherwise drink problems would simply move to those areas not covered by the order. She asked if night clubs would be covered by the legislation. Mr. Knapper confirmed that they would.

Councillor Hussain asked how the EMROs would be funded. Mr. Knapper replied that licensing fees would pay for their enforcement. He added that costs were unlikely to be prohibitive.

Councillor Cook commented that if supermarkets were affected then a blanket ban would be necessary otherwise those in the areas affected by an EMRO could claim inequality against the Council because of those not affected.

Councillor Rochelle felt that the Police would want EMROs to be introduced in problem areas of the borough but would not want Walsall Town Centre covered as the Cumulative Impact Policy was already in force there.

Councillor Clarke stated that he would support an EMRO covering the whole of the borough. Mr. Knapper reminded the meeting that problem premises could be dealt with by means of the Licensing Act, 2003. He added that he was not aware of any neighbouring Councils intending to introduce EMROs at the present time.

After further discussion it was

Resolved

- 1) That the report be noted;
- 2) That the report be referred to Council (as the Licensing Authority) for notification only at this stage. Council will need to ratify any EMROs subsequently made.

1471/12 **Police Reform and Social Responsibility Act, 2011 – Late Night Levy Provision**

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee. He added that the Late Night Levy Provision had come into effect on 31st October, 2012. The majority of the premises in Walsall would fall within bands A or B and the earliest a levy could come into force would be July/August 2013. He added that few local authorities supported the provision because of the 30/70 revenue split in favour of West Midlands Police.

Councillor Hussain stated that businesses in the Town Centre were already suffering from the recession and did not need the extra pressures the levy would bring. He felt that it was the wrong measure at the wrong time and that it should not be supported.

Councillor Burley felt that the report should be referred to Council for consideration.

After further discussion it was

Resolved

- 1) That the report be noted;
- 2) That the report be referred to Council (as the Licensing Authority) for consideration and to decide whether the Late Night Levy be progressed further following initial formal consultation with the Chief Officer of Police and the Police and Crime Commissioner.

Licensed Vehicle Testing Frequency

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee and indicated that the new testing regime, if approved, would be effective from the 1st January 2013.

Councillor Douglas-Maul expressed concern that as hackney carriage and private hire vehicles were carrying members of the public around the borough the failure rate should be lower than 25%. He added that he would like to see the MOT test on a monthly basis. Mr. Knapper advised the meeting that under existing legislation hackney carriage and private hire vehicles could only be MOT tested 3 times within a year.

Councillor Rochelle referred to the fact that the MOT failure rate had fallen from 60% in 2007 to 40% in 2009. Between May 2010 and April 2012 it had fallen again to 32% for hackney carriage and 33% for private hire vehicles. For May to October, 2012 the failure rate had fallen again to 25% for both types of vehicles.

In view of this fact, 6 monthly testing of vehicles over 3 years of age taken from date of first registration should be introduced from 1st January, 2013. The failure rate should continue to be monitored and if it rose again then the frequency of testing could be increased.

Councillor Hussain concurred with Councillor Rochelle's remarks and added that to be fair to hackney carriage and private hire drivers in these straitened economic times it should not be made harder for them to earn a living.

Councillor Clarke felt that the trade had come a long way in the last 2 to 3 years. He agreed that the failure rate would never go down to zero but 25% was better than 60%. A lot of faults were for minor things like blown bulbs or headlight aim.

Councillor Burley agreed with Councillor Clarke and suggested that cars should be checked regularly, and especially before being taken for MOT, so that failure rates could be reduced even further. She was happy to support 6 monthly testing.

Councillor Rochelle felt that other local authorities were not as rigorous as Walsall when it came to testing hackney carriage and private hire vehicles.

Councillor Hussain commented that spot checks were carried out by the police and council officers to weed out the rogue element. He added that he supported 6 monthly testing for vehicles over 3 years of age.

After further discussion it was

Resolved

(Councillor Douglas-Maul voting against)

- 1) That vehicles over 3 years of age (taken from date of first registration) be tested on a 6 monthly basis from 1st January, 2013;
- 2) That vehicles under 3 years of age continue to be tested on a annual basis;
- 3) That the Committee continue to be advised of the failure rates for licensed vehicles following taxi/private hire liaison group meetings so that remedial measures can be considered if necessary.

1473/12

References from taxi/private liaison group from its meeting held on 30th November, 2012

Specific Advertising Restriction on Hackney Carriage Vehicles

“Resolved to recommend to Licensing and safety Committee

That adverts for private hire companies be allowed on hackney carriage vehicles, using magnetic strips to affix them, containing the name or phone number of the company concerned providing it does not exceed A3 size and is removed whilst the hackney carriage is stationary on the rank.”

The report of the Interim Regulatory Manager to Taxi/Private Hire Liaison Group was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee.

Councillor Clarke moved and it was duly seconded

That no action be taken on the recommendation and the Committee awaits the outcome of a review by the Law Commission who are currently undertaking a fundamental review of the Hackney Carriage and Private Hire Legislation that operates throughout England and Wales.

Resolved (Councillor Rochelle voting against)

That the recommendation of the Taxi/Private Liaison Group be not supported and the Committee awaits the outcome of a review by the Law Commission of the Hackney Carriage and Private Legislation that operates throughout England and Wales.

(A report with final proposals and a draft Bill is expected by November 2013).

1474/12 **Replacement Private Hire Vehicles**

“Resolved to recommend to Licensing and Safety Committee

That no action be taken on the request by the Walsall Private Hire Association to amend Section 1.2 of the licensing conditions for private hire vehicles pending the results of the Law Commission’s review into the Hackney Carriage and Private Hire Legislation that operates throughout England and Wales.

(A report with final proposals and a draft Bill is expected by November 2013).”

The report of the Interim Regulatory Manager to Taxi/Private Hire Liaison Group was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee.

Resolved

That no action be taken on the request by the Walsall Private Hire Association to amend Section 1.2 of the licensing conditions for private hire vehicles pending the results of the Law Commission’s review into the Hackney Carriage and Private Hire Legislation that operates throughout England and Wales.

(A report with final proposals and a draft Bill is expected by November 2013).

1475/12 **Licensing Age Limits for Private Hire Vehicles**

“Resolved to recommend to Licensing and Safety Committee

That no action be taken on the request by the Walsall Private Hire Association to increase the age limit for private hire vehicles and mini buses to 15 years of age to mirror the condition attached to hackney carriage vehicles pending the results of the Law Commission’s review into Hackney Carriage and Private Hire Legislation that operates throughout England and Wales.

(A report with final proposals and a draft Bill is expected by November 2013).”

The report of the Interim Regulatory Manager to Taxi/Private Hire Liaison Group was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Committee.

The Private Hire Association representative (Mr. Ali) was invited to address the Committee on this matter and reported that it would be appropriate in these harsh economic times to extend the age limits for private hire vehicles. As vehicles were MOT tested twice a year he felt that private hire conditions should be amended to mirror those for hackney carriage vehicles. This would mean that private hire vehicles would be replaced with a vehicle that was younger than the vehicle being replaced instead of being under 5 years of age at first registration. He also requested the Committee to allow private hire vehicles to be continued to be licensed to 15 years of age rather than taken off at 10 years of age as at present. This would again mirror conditions agreed for hackney carriage vehicles of euro style construction.

Mr. Ali then showed the Committee photographs of identical vehicles, one of which was a euro style hackney carriage and the other was a private hire vehicle. The hackney carriage could currently be licensed for 15 years but the private hire vehicle could only be licensed to 10 years despite being identical in manufacture to the hackney carriage vehicle. This he felt was unfair to the private hire trade. Mr. Ali continued that if the proposal was not accepted then many private hire drivers would simply run their vehicles into the ground and the image of Walsall would suffer as a result. He added that the private hire trade only wanted equality and parity with the hackney carriage trade.

Councillor Burley felt that having listened to Mr. Ali, the Committee should hear from a representative of the Hackney Carriage Association. Mr. Khalid (Walsall Hackney Carriage Association) stated that his members were happy for private hire vehicles to be up to 15 years of age before being scrapped as long as they continued to be MOT tested on a 6 monthly basis. He was concerned that if the vehicles were kept longer then the MOT failure rate would rise and all vehicles would be subject to a stricter MOT regime (4 monthly testing).

After further discussion it was

Resolved (Councillor S. Fitzpatrick voting against)

That no action be taken on the request made by the Taxi/Private Hire Liaison Group but the Committee agrees to await the outcome of the Law Commission's Review of the Hackney Carriage and Private Hire Legislation that operates throughout England and Wales.

(A report of the final proposals and a draft Bill is expected by November 2013).

1476/12 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 except information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider those items in private.

Summary of items considered in private session

1477/12 Local Government (Miscellaneous Provisions) Act, 1976 – Application for Discrete Identification on Private Hire Vehicle

Deferred to the next meeting.

1478/12 Local Government (Miscellaneous Provisions) Act, 1976 - Application for Private Hire Vehicle Licence and Discrete Identification on Private Hire Vehicle

The Committee approved the application.

1479/12 Application for a private hire vehicle licence

The Committee refused the application.

1480/12 Date of next meeting

It was noted that the next meeting of the Committee would be held on Wednesday 16th January, 2013 in a Conference Room at the Council House Walsall commencing at 6.00 p.m.

Termination of Meeting

There being no further business the meeting terminated at 7.52 p.m.