

Licensing and Safety Committee

Minutes of the meeting held on Tuesday 22 February 2023 in the Council Chamber at the Council House, Lichfield Street, Walsall at 6.00pm.

Present: Councillor Gandham (Chair)
Councillor B. Bains
Councillor C. Bott
Councillor S. Cooper
Councillor I. Hussain
Councillor K. Hussain
Councillor P. Kaur
Councillor Nawaz
Councillor S. Nasreen
Vacancy
Vacancy

In Attendance: Mr D. Elrington, Head of Community Protection
Mr S. Alom, Team Leader, Licensing
Mrs H. Owen, Democratic Services Officer

Observer: Ms S. Heath, Community Protection Officer

1/23 Welcome

Councillor Gandham welcomed everyone, introductions took place and a quorum of members present in-person was established.

2/23 Apologies

Apologies were received from Councillor Samra and Councillor A. Hussain.

3/23 Minutes of the last meeting

Resolved:

That the minutes of the last meeting held on 10 October 2022 copies having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

4/23 Declarations of Interest

There were no declarations of interest

5/23 **Local Government (Access to Information) Act, 1985**

There were no items to be considered in private session.

6/23 **Walsall Town Centre – Night Time Economy**

The Head of Community Protection, Mr D. Elrington, presented a report which set out the powers available to the Council and the Police with regard to the control of opening and closing hours for premises licensed under the Licensing Act 2003.

(see annexed)

In presenting the report, Mr Elrington sought views of members on whether they wished officers to report further on the potential to introduce greater control over the closing times of licensed premises by introducing an Early Morning alcohol Restriction Order (EMRO) in Walsall Town Centre.

A lengthy discussion took place, during which time comments included:

- The committee already took licensing breaches seriously and there were compliance and enforcement processes already in place which were sufficient at this time, both for the police and the local authority.
- Regard should be had to home office guidance set out in the report which stated that applications should be treated on their own merits and that there should not be predetermined licensing opening hours.
- There could be more spot checks and enforcement activity undertaken rather than having an outright ban.
- Not all establishments open during the NTE hours were associated with anti-social behaviour and so those establishments could be disadvantaged.
- An EMRO could have implications for investment in the town and could have a detrimental effect on the town's economy making some establishments unviable.
- Young people could be disenfranchised and could move to areas which open later such as Birmingham or Wolverhampton, which also disadvantaged the Walsall town centre economy.
- There were increasingly more living spaces in the town centre and associated anxiety from residents regarding the NTE.

In response to questions from members, Mr Elrington advised that the introduction of EMROs would need to be justified and that a consultation would be required to inform this; and also that the introduction of zoned areas could displace any problems. He also confirmed that no other Council as far as he was aware, had successfully implemented such an order.

Members concluded the discussion by expressing their view that for the reasons given in the discussion, there should be no further action to tighten restrictions by pursuing the introduction of an EMRO at the current time.

It was **Moved** by Councillor Bains, **Seconded** by Councillor Kaur and, upon being put to the vote was:

Resolved (Unanimously)

- 1) That the Licensing and Safety Committee note that it is not possible within the current statement of licensing policy to impose a blanket closing time on premises operating in Walsall town centre, and that each application must be considered on its individual merits.
- 2) That the committee note that the statement of licensing policy can be reviewed at any time, however Home Office guidance states that licensing authorities must always consider each application and must not impose predetermined licensed opening hours.
- 3) That recommendation 2.3, to report further on the potential to introduce greater control over the closing times of licensed premises by introducing an Early Morning alcohol Restriction Order (EMRO) in Walsall Town Centre, be not pursued at this time.

7/23 **Progress Report on various Licensing Policies**

The Team Leader, Licensing, Mr S. Alom presented a report which updated on current policies under review by the Council as the Licensing Authority.

(see annexed)

Mr Alom responded to questions from members during which time he confirmed that with regard to the Street Trading Policy, charitable stalls were exempt as they were regulated by other legislation.

Resolved

That the report be noted.

8/23 **Potential policy change to introduce six monthly DVLA checks**

The Team Leader, Licensing, Mr S. Alom presented a report which responded to a request from the Taxi Licensing Sub Committee to consider a policy change to introduce six monthly DVLA checks.

(see annexed)

Members discussed the merits or otherwise of introducing such a policy however, on balance members considered that a change to the policy was not currently necessary for the following reasons:

- The number of cases of non-disclosure of endorsements was relatively low;
- There were existing robust compliance and enforcement processes already in place;
- The additional administrative and financial burden on both the local authority;
- The risk that drivers would apply to other local authorities having lower fees.

Resolved (unanimously)

That the report be noted and that no further action be taken at this time.

9/23 **Part relocation of Taxi Licensing office**

The Team Leader, Licensing, Mr S. Alom presented a report which updated members on the part re-location of the licensing service to the Council's depot.

(see annexed)

Mr Alom advised members that the new location was working well with positive feedback being received from the trade and an increase in drivers presenting their vehicles a timely way prior to the MOT test date.

Members welcomed the feedback and thanked Mr Alom and his team for their work.

Resolved:

- 1) That part of the licensing service will continue to work from the Council's depot, providing a more efficient service;
- 2) That the committee supports continued liaison with trade representatives from the Hackney Carriage Association and Private Hire Association to help promote the change further.

10/23 **Work Programme**

The work programme was submitted for information.

Resolved

That the work programme be noted.

Date of next meeting: 5 April 2023

The Meeting terminated at 6.59pm

Chair:

Date: