

# Licensing Committee

Monday, 17 October 2022

## MINUTES

### Present:

Councillor Salman Akbar (Chair), Councillor Tom Baker-Price (Vice-Chair) and Councillors Karen Ashley, Joanne Beecham, Michael Chalk, Andrew Fry, Sharon Harvey, Sid Khan, Emma Marshall and Timothy Pearman

### Also Present:

Councillor Imran Altaf

### Officers:

Dave Etheridge and Vanessa Brown

### Committee Services Officer:

Gavin Day

### 27. APOLOGIES

Apologies for absence were received from Councillor Prosser.

### 28. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 29. MINUTES

#### Resolved that

1. the minutes of the meeting of the Licensing Committee held on 21<sup>st</sup> March 2022 be approved as a true and correct record and signed by the Chair.
2. the minutes of the meeting of the Licensing Committee held on 28<sup>th</sup> April 2022 be approved as a true and correct record and signed by the Chair.

### 30. PUBLIC SPEAKING

There was no public speaking.

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Chair

**31. CONSIDERATION OF THE DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE APPLICATIONS**

The Chair highlighted to Members that the purpose of the report was to consider whether the Committee wished to allow the matter to go to consultation, it was not to reach a decision. The Chair further detailed that there would be an opportunity to debate and reach a decision at a future meeting of the Licencing Committee should Members be minded to agree to the consultation taking place.

The Chair invited the Principal Officer (Licencing), Worcestershire Regulatory Services (WRS), Dave Etheridge to present his report.

Mr. Etheridge presented his report and in doing so explained that currently any application to grant or renew a licence, where the vehicle had not met the Council's requirements in respect of its age, had to be determined by Members at a Licensing Sub-Committee meeting. The report provided an opportunity for Members to consider whether they wished to delegate such decision making powers to Licensing Officers, WRS.

Mr. Etheridge further explained that during the Covid-19 pandemic such decisions had been delegated to Officers in order to reduce contact and limit the spread of the virus. Officers further detailed the systems that were in place during the Covid-19 pandemic in that:

- Applicants were still required to present their vehicles for a physical inspection if they were outside policy.
- Decisions were delegated to Licensing Officers, who assessed the vehicle based on the criteria as detailed on page 36 of the Hackney Carriage and Private Hire Licencing Handbook (Page 56 of the Main Reports Pack).
- Licensing Officers produced a written report which included pictures of the vehicles condition, this would be especially important if the vehicle was deemed unsuitable.
- Applicants received a decision notice directly from the Licensing Officer.
- Applicants had to present their vehicle to Kidderminster. Licensing Officers confirmed that applicants would be required to present their vehicle to Redditch, should following consultation, Members be minded to approve such delegations to Licensing Officers.

Mr. Etheridge continued and stated that since the end of the Covid-19 pandemic and the removal of the emergency delegation to Licensing Officers, that there have been 36 Applications presented

at Licensing Sub-Committee meetings. Mr. Etheridge further detailed that the number of applications had increased due to the cost of living crisis and that this had placed an even greater demand on Members and Licensing Officers as a result.

Mr. Etheridge explained that should Members be minded to put in place such delegated authority, it would be necessary to carry out an appropriate consultation exercise before any decision was made, therefore, Members were being asked to give consideration on whether they wished to carry out a consultation.

Members then asked questions of Mr. Etheridge.

Members asked Mr. Etheridge to describe the consultation process and asked if it would be available in multiple languages. Mr. Etheridge informed Members that the main medium of consultation would be an online survey and those most affected by the change would be the drivers and taxi operators who would be consulted with and invited to comment. The consultation would also be open to all Members not just those on the Licensing Committee, as well as the wider public if they desired to comment. Officers would also commit to looking at supplying the online survey in multiple languages.

Members questioned if there would be multiple Licensing Officers making the decision as the Sub-Committee maintained impartiality via utilising 3 Members. Mr. Etheridge stated that the decision would be made by a single Licensing Officer, however, they were free to seek a second opinion. Mr. Etheridge further highlighted that any decision would include photographic evidence and a full report would be written.

Mr. Etheridge commented that although appeals were very rare for age criteria vehicles, having the photographic evidence would allow for a more robust case in the event of an appeal being lodged.

The Chair detailed that Officers were looking into the viability to undertake the inspection alongside a vehicle's 6 monthly safety check, this change would enable a second opinion via a mechanic present on site whilst also reducing any unnecessary inconvenience for the applicant.

Members then considered the proposal.

Members considered that there had not been enough consistency between the standard that Members deem exceptional and were of the opinion that Officers would offer better consistency in their decisions.

Members wished to be mindful that the reputation of Redditch Borough Council (RBC) was that it was Council led rather than Member led.

Members raised the issue of mental health among applicants, with applicants having to wait weeks or months until they were given a Licensing Sub-Committee meeting date, then waiting up to two hours during the Sub-Committee for their application to be heard. Therefore, Members highlighted that the process would be more efficient with less waiting time for applicants causing less anxiety.

Members expressed concern over the impartiality of a Licensing Officer who had been dealing with an applicant for the whole process and the decision being made by that same individual.

Members expressed the opinion that as elected Members they should not be delegating matters to Officers and that they should be making such decisions.

On being put to a vote it was

### **Resolved that**

- 1. consultation be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.**
- 2. The Chair requested that Officers present details on the viability of undertaking age criteria checks in conjunction with the 6 months safety check.**

## **32. REVIEW OF SEX ESTABLISHMENT LICENSING POLICY**

Mr. Etheridge presented his report to Members and detailed that RBC had previously adopted a Sex Establishment Licensing Policy which took effect on 1<sup>st</sup> August 2015. Officers believe that the policy should be reviewed, and a revised version of the policy adopted. Members were therefore asked to direct Officers to carry out consultation on the draft revised Sex Establishment Licensing Policy, as detailed on pages 141-171 of the Main Reports Pack.

Officers detailed the changes between the currently adopted and proposed policies, these included:

- Wording in the foreword to reflect the Council's current vision statement.
- 2.4.1 – updating relevant bodies to reflect name changes.

- Updating the fine amount from £5000 to Unlimited to reflect new national guidelines.

Mr. Etheridge also clarified that there were currently no sex establishments in the Redditch Borough area and no applications or enquiries had been received, this was a policy review as it had been 7 years since last review.

Members' attention was drawn to page 21 of the Sex Establishment policy (page 130 & 162 of the Main Reports Pack), which detailed that any new application for a sex establishment would be presented to a meeting of the Licensing Sub-Committee regardless of objections.

Members then asked questions of Mr. Etheridge.

Members wished it to be noted that the current population of Redditch was 87,000 according to the new office of national statistics information.

Members questioned who would be contacted during the consultation, Mr. Etheridge outlined the interested parties as follows

- Chief Officer of West Mercia Police
- Worcestershire Safeguarding Children Partnership
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- Local Planning Authority (Redditch Borough Council)
- Relevant Redditch Borough Council Ward Members
- Relevant trade bodies such as UK (UKH) and the Night Time Industries Association (NTIA)
- Redditch BID
- Redditch Borough Councillors
- Feckenham Parish Council
- The wider general public (via the Council's website, social media and communications team)

Members enquired as to how much RBC's policy aligned with other Districts within Worcestershire. Mr. Etheridge stated that the policies were broadly similar and that many other districts were either currently undergoing consultation or planning to review their policies early in 2023.

Members then considered the report.

Members made note that extra care should be taken during the consultation to ensure it was made clear that there were no current

applications and that it was a policy review. Members were assured that care would be made to ensure that this was clear to all parties.

Members agreed that it was prudent to undertake a review of the policy as it had been last reviewed in 2015.

Members also wanted it to be made clear to consultees the definition of sex shops, to ensure it was highlighted that it did not include predominantly lingerie retailers.

All Members were in agreement with the Officer's recommendation.

**Resolved that**

**Officers be directed to carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy.**

**33. WORK PROGRAMME**

The Chair detailed to Members the points based system used to ensure drivers complied with vehicle safety and policy. The policy had been adopted in 2018 but had not seen a review since, therefore, the Chair requested that a report on the points based system be added to the work programme for January 2023.

**Resolved that**

**Subject to the amendment in the preamble above, the Committee's work programme be noted.**

The Meeting commenced at 7.00 pm  
and closed at 7.56 pm