

Licensing Committee

Monday, 20 March 2023

MINUTES APPENDIX E

Present:

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

Also Present:

Councillor Imran Altaf

Officers:

Vanessa Brown and Dave Etheridge

Committee Services Officer:

Gavin Day

14. APOLOGIES

Apologies for absence were received from Councillors Andy Fry and Timothy Pearman.

15. DECLARATIONS OF INTEREST

There were no declarations of interest.

16. MINUTES

The minutes of the Licensing Committee of 9th January 2023 were presented to Members.

RESOLVED that

The minutes of the Licensing Committee held on the 9th January 2023 were approved as a true and accurate record and signed by the Chair.

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Chair

17. PUBLIC SPEAKING

At the invitation of the Chair a statement was read out from Mr Asim Nazir, Redditch Taxi Association (RTA) with regard to agenda item 5 (minute No 18).

18. DELEGATING OUT OF AGE CRITERIA TO OFFICERS - CONSIDERATION OF CONSULTATION RESPONSES.

At the invitation of the Chair, the Principal Officer (Licensing) Worcestershire Regulatory Services (WRS) presented their report.

Officers informed the Committee that on 17th October 2022 Members had directed Officers to undertake a consultation with the relevant stakeholders regarding delegating decisions for age criteria applications to WRS Licensing Officers.

The consultation period was conducted between 21st October 2022 and 16th December 2022, and was undertaken using an online survey tool. In total 121 responses were received, the replies and other comments received were detailed on pages 97 to 105 of the Public Reports pack.

The results of the consultation were originally due to be considered by the Licensing Committee on 9th January 2023. However, shortly before that meeting was due to begin, concerns were raised with Officers that some respondents to the survey may have purposefully submitted multiple responses. After an initial inspection, it was decided that further analysis of the responses received was required and with the approval of the Chair the item was deferred.

On further analysis of the responses received, it was identified that of the 122 responses, 82 had come from IP addresses which had submitted multiple responses, with 42 coming from a single IP address. There were further concerns raised regarding the period of time in which the responses were submitted with all the 42 replies from the single IP address being submitted during a 90-minute period.

Officers drew Members' attention to Appendix 4 on page 107 of the Public Reports pack which detailed to Members where multiple responses were received from a single IP address.

Finally, Officers highlighted that after further discussion with Crossgates Depot, it was confirmed that a member of the safety inspection team would be available to assist with the age criteria extension vehicle examination should Members be minded to delegate the process to Officers.

During the course of a lengthy round of questions from Members, Officers clarified the following points:

- That Local Authorities across the country were evenly split with Officers and Members making decisions with regard to age criteria applications. Officers further highlighted that in the 5 other districts that Worcester Regulatory Services (WRS) covered, Worcester City Council and Wyre Forest District Council (DC) delegated this to Officers, and that Bromsgrove DC, Wychavon DC and Malvern Hills DC retained Member decisions referring applications to Sub-Committee meetings.
- The overall workload impact for Licencing Officers would be negligible, but there could be a time (and therefore cost implication) saving for Officers in the Legal and Democratic Services Departments, although this cost had not been calculated.
- That drivers would have their 6 monthly safety check and age criteria examination on the same day.
- Attempts would be made to alternate the decision-making Officer, in order to ensure one Licensing Officer did not make decisions on all the drivers in the Borough. To facilitate this the eight Licencing Officers employed by WRS would be utilised in rotation.
- The two Principal Licencing Officers would perform regular audits to ensure impartiality and that the process was being followed.
- To mitigate the risk to future consultations, Officers intended to restrict IPs to one submission each. However, it was highlighted that this would not be a fool proof method and that it was still possible for determined individuals to cause undue influence on any future consultations.
- A legal advisor would act in an advisory role for the process to ensure suitability of templates etc. However, they would not have any involvement on a case-by-case basis.
- An appeal against the decision would go to the Magistrates Court and there would be no mechanism for appeals to go before Members.
- If there were issues with the process or impartiality, WRS could then refer these applications to Members of the Sub-Committee on an individual or short-term basis immediately. To permanently return the decision-making process to the Sub-Committee, a further report would have to be presented to the Licencing (Parent) Committee for determination.
- Part of the review process during the Covid-19 pandemic had involved Officers taking pictures of the vehicle in order to support the decision made regarding any application which

was not approved, that process would be retained to further support a robust decision-making process with evidence for any refusals in the case of an appeal.

- That the Licensing Officer and mechanic would deliberate and come to a decision together, however, if there was a disagreement, the Licensing Officer would make the final decision.

Members then debated the results of the consultation.

Members supported a streamlined process which enabled Applicants to have a decision quicker, with less anxiety and less disruption to their work.

Members commented on the number of delegations that the Council gave to Officers and that Members were elected to make decisions and should be available to do so as that was part of their elected role.

Concerns were also raised regarding the impartiality of the Licensing Officers conducting the inspection if they had also processed the application. Members also expressed concern regarding one Officer essentially making the decision, as they would hold the overriding vote during a differing of opinion.

After comments from Members in regard to the impartiality of the proposed process, Officers agreed to report back to the Licensing Committee regularly with data on the number of decisions made, the outcomes (especially refusals) and the Officers involved. This would allow Members the opportunity to review the process and to ensure that there was a sufficient level of impartiality from WRS.

Members queried the possibility of having a more robust consultation process and raised ideas, which included a drop-in centre, approaching drivers on the ranks, inviting drivers to sit on a panel and sending a letter out to all drivers. However, Officers highlighted to Members that this might not be appropriate for a policy amendment and a reserved approach was advised, as historically responses to such consultations had not generated a large amount of interest.

Members raised their concerns with the corruption of the consultation data and were unhappy with the impact to the results. Members questioned the possibility of requiring respondents to include their name on future consultations, however, Officers advised Members to express caution as that could limit those wishing to submit responses to consultations.

In consideration of the above preamble Councillor Baker-Price proposed an Alternative Recommendation that the consultation be repeated with the proposed restriction of IPs to a single response, this was seconded by Councillor Khan. On being put to a vote the Alternative Recommendation was lost.

On being put to a vote it was

RESOLVED that

Officers proceed with the actions required to delegate authority to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.

19. REVIEW OF SEX ESTABLISHMENT LICENSING POLICY - CONSIDERATION OF CONSULTATION RESPONSES.

At the invitation of the Chair, the Principal Officer (Licensing) WRS, (WRS) presented their report, as detailed on pages 109 to 113 of the Public Reports Pack.

Officers highlighted to Members that they had updated the policy as it had not been reviewed since 2015. Officers further clarified that there were no sex establishments in the Borough and that there had not been any enquiries.

The only response to the consultation was from the Office for the Director of Public Health who had requested that they be consulted with on any applications received for a sex establishment licence. Officers saw no problem with this request. The relevant stakeholders list was detailed on page 112 of the Public Reports pack and had been updated to reflect this.

Members were all in agreement with the updated policy and the need to periodically review policies.

On being put to a vote it was

RESOLVED that

the revised Sex Establishment Licensing Policy, as detailed on pages 109 to 113 of the Public Reports pack be approved and to take effect on 1st April 2023.

20. HACKNEY CARRIAGE TABLE OF FARES - ANNUAL REVIEW

The Principal Officer (Licensing) WRS, presented their report and in doing so drew Members' attention to pages 148 to 153 of the Public Reports pack.

Officers highlighted that RTA were consulted with prior to the report and that they had confirmed they did not want a further increase in the table of fares, due to concerns that the cost of living had already impacted on the number of customers.

Taking into account the latest fuel price, the current rate of inflation and the views expressed by RTA, Officers had recommended that no changes were made to the table of fares.

Officers clarified the following after questions from Members:

- That in the general countryside league table of fares, Redditch sat in the lower middle portion.
- That the table of fares indicated the maximum fare, a driver could choose to charge less.
- There were costs incurred in calibrating the fare machines, it may not be cost effective for drivers to increase fares by small incremental amounts due to this charge.

Members sympathised with the drivers and the competitive market against UBER, Members therefore respected the trades desire to keep the maximum fare low now that fuel costs were on a steady decline.

On being put to a vote it was

RESOLVED that

the Licensing Committee note the contents of the report and that no further action was required.

21. VERBAL UPDATE - BLEED CONTROL KITS IN LICENSED PREMISES

The Principal Officer (Licensing) WRS, provided a verbal update on bleed control kits in licensed premises.

Officers informed Members that WRS would only be able to mandate having bleed control kits by attaching a condition to a license and that would only be possible at the application or review stage process, so unfortunately WRS could not put a blanket requirement for all licensed premises to have a bleed control kit.

Officers further informed the Committee of the work being done by WRS in conjunction with Inspector Field of the Safer Neighbourhood Team, West Mercia Police and Mr Pete Martin who was a local anti-knife campaigner.

Through the efforts of Inspector Field and Mr Martin, more venues were agreeing to purchase bleed control kits. Mr Martin was also keeping a track of where kits were being adopted and updated WRS with any new establishments regularly.

To further combat knife crime, premises owners were being encouraged to use handheld metal detectors and a portable knife arch owned by West Mercia Police, the uptake of these measures varied between different establishments.

Officers from WRS and West Mercia Police have worked together to produce a letter to urge venues to purchase bleed control kits, this letter was being hand delivered by uniformed Police Officers to each venue. It was further highlighted by Officers that there was legislation which would be coming into place, that would impose a legal duty upon owners to mitigate terrorism risks for any publicly accessible place, therefore, premises owners were being urged to become compliant prior to this legislation coming into place.

RESOLVED that

the Verbal update on bleed control kits in licenced premises be noted.

22. WORK PROGRAMME

The Chair requested that the table of fares be added to the work programme for the coming Municipal year.

The Chair further requested that a report be presented to a future meeting of the Committee on the MOT provision/process at Crossgate Depot, as there had been some reports of difficulty getting an MOT timeslot by drivers.

Members asked that the start time of the meeting be discussed with the Chair in the next Municipal year as they expressed the opinion that an earlier time of 18:00 hours would be more suitable.

RESOLVED that

the Licensing Committee Work Programme 2023/2024 be updated to include the items discussed, as detailed in the preamble above.

Licensing Committee

Monday, 20 March 2023

The Meeting commenced at 7.00 pm
and closed at 9.37 pm