

LICENSING AUTHORITY – SUMMARY OF DECISIONS ON CONTENCIOUS AND POLICY MATTERS**LICENSING COMMITTEE – 2012/2013 MUNICIPAL YEAR**

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
25 July 2012	<p>1. Proposed Revisions to the Hackney Carriage/Private Hire Guidelines</p> <p>2. Civic Centre Regeneration</p>	<p>1. Committee approved revised guidelines relating to the relevance of convictions and breaches of licence conditions. Further agreed that the guidelines should include a stipulation that drivers should be able to communicate satisfactorily in English with customers.</p> <p>2. Committee received an update on progress with the strategic initiatives aimed at regenerating the City. It was agreed that the Committee would be included in the consultation process following the report to Cabinet in September in respect of the transportation infrastructure and proposed vehicle/pedestrian movement in the City Centre.</p>	<p>-</p> <p>-</p>
12 September 2012	<p>1. Enhancing the City Night-time Offer</p> <p>2. Molineux Stadium Advisory Group</p>	<p>1. Committee considered a report on the six month pilot of the Taxi marshalling Service, reintroduced from 1 April 2012.</p> <p>2. Committee considered and endorsed the minutes of the meetings of the Molineux Advisory Group held on 6 March and 15 May 2012.</p>	<p>-</p> <p>-</p>

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
17 October 2012	<p>1. Consultation Response to Law Commission Provisional Reform proposals for Taxi Licensing</p> <p>2. Responsible Authorities Forum</p>	<p>1. Committee received the report and requested that details of the consultation response be sent to the three Wolverhampton Members of Parliament, together with Baroness Heyhoe –Flint and Lord Turner.</p> <p>2. Committee received a report on the establishment of the Forum, established due to a number of issues reported by Councillors at the Sub-Committee. The report also advised Councillors of the introduction of the Licensing Authority and Public Health as Responsible Authorities following the implementation of the Police Reform and Social Responsibilities Act 2011.</p>	<p>-</p> <p>-</p>
14 November 2012	1. Night-time Tour of City Centre	<p>1. Committee discussed this annual event attend by Members of the Licensing Committee and Licensing Officers, and hosted by the West Midlands Police. Noted that following a request made at a recent meeting, Members of the Safer Communities Scrutiny Panel would be invited to participate in the event. It was agreed that the issues raised in regard to the night-time economy and the need to pursue measures to ensure the safety and speedy dispersal of patrons from the City Centre be considered and the outcome included in the report on the future of Hackney Carriage provision to be presented to the Committee in January. It was further agreed that a note on the discussion at this meeting be presented to the meeting of the Hackney Carriage Working Group on 27 November.</p>	1. Committee were subsequently furnished with information in regard to school transport contracts.

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
	<p>2. Gambling Act 2005 – Review of Gambling Policy</p> <p>3. Street Trading Review of Decision Making</p>	<p>2. Committee endorsed the Statement of Gambling Policy for approval by full Council for implementation with effect from 31 January 2013.</p> <p>3. Committee endorsed and approved the proposed decision making process and officer delegations in relation to the Council's Street Trading function. It was agreed that the outcome of any reviews would be report to the Licensing Committee for information purposes.</p>	<p>-</p> <p>-</p>
12 December 2012	1. Consultation Draft Scheme for City centre Transportation and Public realm Improvements	<p>1. Committee received the report, subject to the following comments and observations:-</p> <ul style="list-style-type: none"> ➤ There is now a public house situated at Lich Gates and it was suggested that it would be appropriate for a vehicle pick up/drop off point to be provided for patrons. ➤ It was stressed that Pedestrian Finger Posts should be of good quality, fit for purpose and at a sufficient height that they could not be turned to point in the wrong directions. ➤ Concerns were expressed regarding the safety of cyclists in regard to the proposals. ➤ Comments were made regarding the under utilisation of the bus station and the Committee stressed the need for maximum use of this facility to ease congestion in the City Centre. <p>Committee noted that the requests of the Hackney Carriage and private Hire trade</p>	-

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
	<p>2. Policy for the Management of 'A' Boards, tables and Chairs and Goods on the Highway</p> <p>3. Alleged Conflicts of Interest</p>	<p>would be considered and that initial consultation had taken place with the Bus Company in regard to the proposals.</p> <p>2. Committee approved and adopted the Policy.</p> <p>3. This issue arose in regard to the annual visit in regard to the night-time economy. Committee resolved that a protocol should be produced in conjunction with the West Midlands Police for the annual visit and that in future the proposed itinerary should be presented to the Licensing Committee.</p>	<p>-</p> <p>-</p>
<p>16 January 2013</p>	<p>1. Review of fees and Charges for General Licensing and Miscellaneous Matters for 2013/14</p> <p>2. Review of Fees and Charges for Street Trading Consents for 2013/14</p>	<p>1. Committee approved fees and charges for implementation with effect from 1 April 2013 in relation to:-</p> <ul style="list-style-type: none"> ➤ general licensing; ➤ appeal mechanism via the Licensing Sub-Committee in respect of the removal of badges, and ➤ a cap of three distributors in respect of each application of free printed matter, subject to checking of legality of this proposal. <p>Committee noted fees and charges in regard to the Gambling Act 2005.</p> <p>2. Committee approved the fees and charges for implementation with effect from 1 April 2013.</p>	<p>-</p>

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	<p>3. Fees and Charges for Hackney Carriage and Private Hire Licensing Functions for 2013/14</p> <p>4. Application for an Increase in Hackney Carriage Fares</p>	<p>3. Committee received a report on the proposed fees and charges relating to Hackney Carriages, Private Hire Vehicles and Private Hire Vehicle Operators.</p> <p>4. Committee approved proposed increases and authorised publishing of notice in a local newspaper stating the proposed increase and consultation period during which representations could be made. Agreed to implement the increase, subject to no objections being received during the consultation period.</p>	-
13 February 2013	<p>1. Future Provision of Hackney Carriage Services</p> <p>2. Alcohol Strategy Progress Update</p>	<p>1. Committee adopted the incremental approach to revising Hackney Carriage vehicle license requirements as approved by Cabinet and agreed that a further review take place in 2016.</p> <p>2. Committee received the report from the Director of Public Health and agreed that a full review and details of the Alcohol Strategy be presented to the first meeting in the 2013/14 municipal year. It was further agreed that information be circulated to the Committee on alcohol admissions by age group in Wolverhampton 2009/10 to 2011/12 and alcohol related mortality figures on a Ward basis for the period 2007-2011.</p>	-
13 March 2013	1. Review of Cumulative Impact Policy	1. Committee considered the findings of the third annual review of the Policy and noted the comments of the Police on the positive effect on the standard of premises licence applications received due to provision of a rebuttable presumption to refuse.	-

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
	2. Health and Safety Statutory Plan	2. Committee endorsed the Plan, together with the Council's continued commitment and participation in the development of the Health and Safety Executive's Strategic Partnership. Committee further made a formal commitment to improving the health and safety outcomes and sensible risk management outlined in the report.	-
17 April 2013	<p>1. Hackney Carriage and Private Hire Vehicle Testing at VOSA Registered Garages</p> <p>2. Twelve Month Review of Taxi Marshalling Scheme</p>	<p>1. Committee approved propose testing arrangements for implementation with effect from 3 June 2013. They approved the proposed criteria and process for VOSA registered garages to become a Council approved testing facility, together with officer delegations in respect of revoking approved garages status and non-mechanical compliance checks. Committee further approved the annual approval fee of £150 and review process via the Licensing Sub-Committee in regard to the revocation of approved garages status.</p> <p>2. Committee received a report on the twelve month pilot of the Service, together with the current position in respect of Taxi Marshalling provision in the City Centre and continuation of the Scheme to the end of march 2014. It was noted that the Service would be further reviewed in twelve months time.</p>	-

LICENSING SUB-COMMITTEE - 2012/2013 MUNICIPAL YEAR

Hackney Carriage/Private Hire

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
30 May 2012	1. Application for a Private Hire Vehicle Driver's Licence (Mr M S) 2. Review of a Private Hire Vehicle Driver's Licence (Mr A I) 3. Review of a Private Hire Vehicle Driver's Licence (Mr B S)	1. Sub-Committee granted licence for a period of 12 months, subject to satisfactory medical report and passing the driving ability and knowledge tests. 2. Sub-Committee resolved to take no further action, subject to review by Head of Service in 12 months. 3. Sub-Committee resolved to take no further action.	- - -
27 June 2012	1. Review of a Private Hire vehicle Driver's Licence (Mr I D G) 2. Review Prior to Renewal of Private Hire Vehicle Driver's Licence (Mr D L H) 3. Review Prior to Renewal of Private Hire Vehicle Driver's Licence (Mr G S G)	1. Sub-Committee resolved to take no further action. 2. Sub-Committee resolved to renew the licence, subject to review by the Sub-Committee in 6 months. 3. Sub-Committee resolved to renew the licence, subject to the driver attending and passing either the RAC or AA Advanced Driving Course and review by the Sub-Committee in 3 months.	- - -

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
12 December 2012	<p>1. Application for a Private Hire Vehicle Driver's Licence (Mr S M G)</p> <p>2. Application for a Private Hire Vehicle Driver's Licence (Mr M J)</p> <p>3. Review of a Private Hire Vehicle Driver's Licence (Mr N A D)</p>	<p>1. Sub-Committee resolved to grant licence, subject to review meeting with Licensing Manager in 6 months</p> <p>2. Sub-Committee resolved to grant licence, subject to review meeting with Licensing Manager in 6 months</p> <p>3. Sub-Committee agreed that driver was not a fit and proper person to hold a licence and suspended his licence for a period of days. The decision was also subject to a review meeting with the Licensing Manager in 6 months.</p>	<p>-</p> <p>-</p> <p>-</p>

LICENSING SUB-COMMITTEE - 2012/2013 MUNICIPAL YEAR

Licensing Act/Gambling Act Hearings

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
9 May 2012	Pearl of India – New Application (Police representations)	Sub-Committee refused application – applicant not in attendance	-
18 May 2012	Walkabout/Surfers Nightclub – TENS (Environmental Health representations)	-	Objections withdrawn – hearing cancelled
29 May 2012	The Royal Oak - TEN (Environmental Health representations)	-	Objections withdrawn – hearing cancelled
29 June 2012	1. Old Stags Head – Variation (Interested party representations) 2. 72-73 Darlington Street – Variation (PCT, Licensing Authority and Police representations) 3. Divine Bar – Variation (PCT, Licensing Authority and Police representations) 4. Gorgeous – Variation (Police and Licensing Authority representations)	1. Sub-Committee granted licence as applied for 2. Sub-Committee granted licence, subject to conditions 3. Sub-Committee granted licence, subject to conditions 4. Sub-Committee granted licence, subject to conditions	- - - -

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
13 July 2012	<p>1. 9-10 Johnson Street – New Application (Local Health Board representations)</p> <p>2. Drinks Express – Variation Application (Local Health Board and Police representations)</p> <p>3. One Stop, Griffiths Drive – new Application (Local Health Board, Interested Party and Police representations)</p>	<p>1. Sub-Committee granted licence as applied for.</p> <p>2. Sub-Committee refused to grant licence</p> <p>3. Sub-Committee granted licence, subject to conditions</p>	- - -
25 July 2012	Manhattan Public House – TEN (Environmental Health representations)	-	TEN withdrawn – hearing cancelled
8 August 2012	Circle K – New Application (Environmental Health and Interested Party representations)	Sub-Committee granted licence, subject to conditions	-
29 August 2012	Dominos Pizza – Variation Application (Environmental Health representations)	-	Conditions agreed with applicant – hearing cancelled
9 September 2012	Legends, Oxley Street – TEN (Environmental Health and Police representations)	-	TEN withdrawn – hearing cancelled

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
14 September 2012	The Warehouse – New Application (Environmental Health, Local Health Board, Police, Fire, Safeguarding Children and Interested Party representations)	Sub-Committee refused to grant licence	-
28 September 2012	<p>1. The Woodbine – Review (Environmental Health, Local Health Board, Police, Fire and Interested Parties)</p> <p>2. UJAMAA – new Application (Police and Interested Party representations)</p> <p>3. Lakshmi Restaurant – New Application (Environmental Health representations)</p>	<p>1. Sub-Committee modified conditions on licence permanently</p> <p>2. Sub-Committee granted licence, subject to conditions</p>	<p>1. Appeal to Magistrates' Court – resolved through mediation</p> <p>-</p> <p>3. Additional conditions agreed with applicant – hearing cancelled</p>
4 October 2012	Personal Licence – ISP (Police representations)	Sub-Committee refused to grant licence	-
29 November 2012	<p>1. Foxy Lady – Variation Application (Police, Local Health Board, Licensing Authority and ward Councillor representations)</p> <p>2. The Big Chilli – New Application (Environmental Health, Local Health Board,</p>	<p>1. Sub-Committee granted licence, subject to conditions</p> <p>2. 1. Sub-Committee granted licence, subject to conditions</p>	<p>-</p> <p>-</p>

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
	Police, Fire, and Licensing Authority representations) 3. Otter and Vixen – Review (Environmental Health)	3. Sub-Committee modified conditions on the licence permanently	3. Appealed to Magistrates' Court – resolved through mediation
5 December 2012	1. Empire Suite – Review (Environmental Health, Police, Fire, and Licensing Authority) 2. White Hart – Variation Application (West Midlands Police and Environmental Health)	- -	1. Hearing adjourned to 11 January 2013 2. Conditions agreed between parties, hearing cancelled
18 December 2012	Natalka – New Application (Police, Fire, Local Health Board and other person representations)	Sub-Committee granted licence subject to conditions	Appealed to Magistrates' Court – resolved through mediation.
20 December 2012	<i>Gambling Act – Small Casino Licence (faith group and local resident representations)</i>	-	<i>Hearing deferred pending receipt of legal advice</i>
11 January 2013	Empire Suite – Review (deferred from 5 December 2012)	-	Deferred to 25 January 2013 as Premises Licence Holder unwell
24 January 2013	1. Patsy's Wine – Variation Application (West Midlands Police, Licensing Authority and Environmental Health representations)	-	1. Conditions agreed between parties, hearing cancelled

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	2. Market Tavern, Bilston – Variation of DPS	-	2. Alternative DPS put forward, hearing cancelled
25 January 2013	Empire Suite – Review (deferred from 11 January 2013)	Sub-Committee modified conditions on the licence permanently	-
4 February 2013	<i>Gambling Act – Small Casino Licence (faith group and local resident representations)</i>	-	<i>Hearing adjourned, pending availability of Counsel for Licensing Authority</i>
4 March 2013	1. Sainsbury's, Compton Road – New Application (Environmental Health, Local Health Board, Police, Fire, Licensing Authority and other party representations) 2. Malone's Bar – Variation Application (Local Health Board, Licensing Authority and Police representations)	1. Sub-Committee granted licence, subject to conditions 2. Sub-Committee refused to grant licence	- -
19 March 2013	Aibe Market – New Application (Police and Local Health Board representations)	-	Additional conditions on licence agreed between parties, hearing cancelled
11 April 2013	1. Co-op, Wellington Road – Variation Application (Police representations)	-	Parties agreed additional conditions on licence, hearing cancelled

DATE OF MEETING	TOPIC	RECOMMENDATIONS	UPDATE
	2. Tesco, Hurst Road – New Application (Planning, Licensing Authority and Environmental Health representations)	-	Parties agreed additional conditions on licence, hearing cancelled
29 and 30 April 2013	<i>Gambling Act – Small Casino Licence (faith group and local resident representations)</i>	<p>Sub-Committee resolved the following:</p> <ul style="list-style-type: none"> a) We have considered the legislation, regulations and guidance referred to by Mr Arron together with the Scottish authority of Freddie Williams Bookmaker v. East Ayrshire Licensing Board and the written and oral arguments advanced by Mr Arron. b) We have considered the legislation and authorities referred to by Mr Kolvin QC and the written and oral arguments advanced by him. <ol style="list-style-type: none"> 1. We consider that the fact that, as at 31 October 2012, the date the application was made, the applicant did not satisfy section 159(3) of the Gambling Act 2005 does not render the application an irreversible nullity such that we may not proceed to consider the application. We have taken in to account that section 159(3) is stated in mandatory language and have 	Hearing to take place at 1000 hours on 19 June 2013

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		<p>then considered what ought properly to be the consequences of failing to comply with the requirements of section 159(3) in the context of all the facts and circumstances of the case.</p> <p>2. Having considered all the facts and circumstances of this particular case we conclude that it is just and proper to proceed to hear the application.</p>	