

Regulatory Committee

22 November 2023

Time 10.10 am **Public Meeting?** YES **Type of meeting** Licensing
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Zee Russell (Lab)
Vice-chair Cllr Rashpal Kaur (Lab)

Labour

Cllr Greg Brackenridge
Cllr Asha Mattu
Cllr Gillian Wildman
Cllr Val Evans
Cllr Sally Green
Cllr Jane Francis
Cllr Tersaim Singh

Conservative

Cllr Jonathan Crofts
Cllr Bob Maddox

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.moderngov.co.uk>
Email democratic.services@wolverhampton.gov.uk
Tel 01902 555046

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of previous meeting (Pages 1 - 4) [To approve the minutes of the previous meeting held on 14 June 2023 as a correct record].
4	Matters arising [To discuss any matters arising from the minutes of the previous meeting].
5	Minutes - 23 October 2023 - Regulatory Sub-Committee (Pages 5 - 8) [To approve the minutes of the Regulatory Sub-Committee held on 23 October 2023 as a correct record].
6	Removal of Private Hire Vehicle Operator Administrative Charges (Pages 9 - 12) [To approve the removal of administrative charges].

Regulatory Committee

Minutes - 14 June 2023

Attendance

Members of the Regulatory Committee

Cllr Zee Russell (Chair)
Cllr Rashpal Kaur (Vice-Chair)
Cllr Greg Brackenridge
Cllr Asha Mattu
Cllr Gillian Wildman
Cllr Jane Francis
Cllr Tersaim Singh
Cllr Jonathan Crofts
Cllr Bob Maddox

Employees

Chris Howell	Commercial Regulation Manager
Greg Bickerdike	Licensing Manager
Paul Dosanjh	Service Manager - Trading Standards and Licensing Act
Emma Caddick	Service Manager - Environmental Health
Joanne Till	Markets General Manager
Bankole Thomas	Solicitor
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
Apologies were received from Councillor Val Evans.
- 2 **Declarations of interest**
There were no declarations of interest made.
- 3 **Minutes of previous meeting**
Resolved:
That the minutes of the meeting of the Regulatory Committee held on 29 March 2023 be confirmed as a true record and signed by the Chair.
- 4 **Matters arising**
There were no matters arising.

5 **City of Wolverhampton Council Health and Safety Statutory Service Plan 2023 - 2024**

Emma Caddick, Service Manager – Environmental Health, presented the Health and Safety Statutory Plan 2023 – 2024 report, highlighting the key points. The Health and Safety Statutory Plan was a Statutory document that was required to be produced annually. The Plan outlined the priorities for the Service for the next 12 months and highlighted the key achievements for the previous year.

The report and Statutory Plan were considered by Committee.

The Service Manager responded to questions asked and it was agreed that a report on the regulation of cosmetic procedures would be presented at a future meeting.

Councillor Kaur moved the recommendations within the report and Councillor Brackenridge seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Approved the proposed Health and Safety Statutory Plan 2023 – 2024.

6 **Review of Fees and Charges for Street Trading Consents**

Emma Caddick, Service Manager – Environmental Health, presented the Review of Fees and Charges for Street Trading Consents report, highlighting the key points. The report outlined the proposed street trading consent fees and detailed the rationale behind the key changes.

The Service Manager noted that the fees had not altered in excess of eight years and explained how the proposed fees had been calculated. It was recognised that private land consent fees had increased significantly and therefore, a staged increase over a three year period had been proposed.

The report was considered by Committee, and the Service Manager and Chris Howell, Commercial Regulation Manager, responded to questions asked.

Members of the Committee welcomed the report; they acknowledged that the increase in fees was necessary and were happy with how the proposed fees had been calculated.

Councillor Brackenridge moved the recommendations within the report and Councillor Wildman seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Approved the proposed Street Trading Consent Fees as set out in Appendix 1 of the report. That the new fees should be payable by new applicants immediately. All other changes for existing consent holders would come into force on 1st April 2024.
2. Approved the proposal to offer a staged increase to private land consent fees over a three-year period as outlined in section 4.3 of the report.

7 **Review of Decision Making in 2022 - 2023 and the Scheme of Delegation for 2023 - 2024**

Greg Bickerdike, Licensing Manager presented the Review of Decision Making in 2022 - 2023 and the Scheme of Delegation for 2023 – 2024 report. The annual report provided a review of the decisions made over the last municipal year and set out the proposed decision-making process and delegations for the forthcoming year.

It was noted that the number of deferrals, suspensions and no further action had increased significantly last year, and the Licensing Manager explained that the increase was due to payment issues with the Disclosure and Barring Service (DBS) Update Service. Members were advised that the Council had written to the DBS to lobby for Direct Debit payments; however, the response had been that this facility was not planned.

The report was considered by Committee, and Councillor Zee Russell, Chair of the Regulatory Committee, advised Members she had written a letter regarding the DBS payment issues and it would be sent to the Home Office. It was agreed that a copy of the letter would be circulated to Regulatory Committee members.

Following further consideration of the report, in particular the size of the appendices, it was agreed that for future reports a summary of the decisions made would be sufficient.

Councillor Kaur moved the recommendations within the report and Councillor Wildman seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Endorsed and approved the proposals in section 2 of the report relating to category 2 decisions.
2. Endorsed and approved the proposals in section 2 of the report relating to category 3 decisions.
3. Delegated category 3 decision making powers to the Director of Resident Services.
4. Agreed to receive further annual delegation update reports at the beginning of each municipal year.
5. Noted the schedule attached at Appendix 1 to the report which included further proposed delegations from the Director of Resident Services.
6. Noted the schedule of employee decisions for 2022 - 2023 attached at Appendix 2 to the report in relation to new hackney carriage and private hire applications.
7. Noted the schedule of employee decisions for 2022 - 2023 attached at Appendix 3 to the report in relation to hackney carriage and private hire reviews.
8. Noted the schedule of decisions for 2022 - 2023 attached at Appendix 4 to the report in relation Magistrates and Crown Court appeals.

This page is intentionally left blank

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h1 style="margin: 0;">Regulatory Sub-Committee</h1> <h2 style="margin: 0;">Minutes - 23 October 2023</h2>
--	--

Attendance

Members of the Regulatory Sub-Committee

Cllr Zee Russell (Chair)
Cllr Jonathan Crofts
Cllr Rashpal Kaur

Employees

Greg Bickerdike	Licensing Manager
Lorraine Jones	Service Lead – Licensing (observing)
Balvinder Meetca	Section Leader – Licensing (observing)
Ronald Sempebwa	Solicitor
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for Absence**
There were no apologies for absence.

- 2 **Declarations of interest**
There were no declarations of interest.

- 3 **Exclusion of press and public**
Resolved:
That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4

Application for a Private Hire Vehicle Operator's Licence

The Chair invited Greg Bickerdike (Licensing Manager), Lorraine Jones, (Service Lead Licensing), Balvinder Meetca, (Section Leader Licensing), and the Applicant (UM) into the Hearing. UM was accompanied by three colleagues, KN, GM and MB. The Chair led round-table introductions and outlined the procedure to be followed.

Greg Bickerdike, Licensing Manager, outlined the report regarding an application for a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether UM was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

All parties were invited to question the Licensing Manager on the report.

The Applicant (UM) confirmed that the summary was accurate and explained how the licence breach had occurred. He assured members that measures had now been put in place and it would never happen again.

The Licensing Manager responded to questions asked and confirmed that the Applicant had stopped trading as soon as they became aware of the breach. He accepted that the breach of licence had not been deliberate and acknowledged that measures were now in place to stop it happening again.

Ronald Sempebwa, Solicitor for the City of Wolverhampton Council, asked the Applicant to clarify exactly what had happened, who was responsible for the business, and what measures were now in place to prevent it happening again. UM elaborated further on how the breaches had occurred and provided supporting documents for the Sub-Committee to consider.

All parties agreed to adjourn the hearing to allow the Sub-Committee the opportunity to view the supporting documents submitted by the Applicant.

The Sub-Committee adjourned at 14.35 hours.

The Hearing reconvened at 14.53 hours.

The Chair invited the Applicant to make representations. MB outlined the structure of the company and explained what measures had been implemented to prevent the incident from happening again.

All parties were invited to question the Applicant on his submission.

KN and MB responded to questions asked.

The Chair invited the Applicant to make a final statement. KN did so. He acknowledged the seriousness of what had happened and assured members that it would never happen again.

The Licensing Manager, Service Lead, Section Leader, UM, KN, GM and MB left the meeting to allow the Sub-Committee to determine the matter.

All parties were invited back into the meeting and the decision of the Sub-Committee was outlined by the Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Regulatory Sub-Committee determined not to make a decision at that stage, but deferred the decision to the Licensing Manager to arrange an audit of the Applicant's office. The licence would only be granted if the Council was satisfied that appropriate measures and necessary systems were in place to prevent such a situation arising in the future.

Should the Licensing Manager be satisfied following their checks, the Regulatory Sub-Committee delegated the power to grant the application to the Licensing Manager with the condition that the licence be subject to a review by a manager within the first six months for the period of the licence, that being 12 months.

If the Licensing Manager was not satisfied that the necessary systems were in place, the applicant would be required to attend before the Regulatory Sub-Committee for further consideration of the application.

This page is intentionally left blank

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Regulatory Committee</h2> <p>22 November 2023</p>
--	---

Report title	Removal of Private Hire Vehicle Operator Administrative Charges	
Wards affected	All	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
Accountable employee	Ajoypal Simon	Section Leader
	Tel	01902 554731
	Email	Ajoypal.simon@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve the immediate removal of administrative charges levied upon private hire vehicle operators when updating their licence details.

1.0 Purpose

- 1.1 To seek approval for the removal of fees charged to private hire vehicle operators when updating their name or address.

2.0 Background

- 2.1 Private hire vehicle operators are currently charged an administration fee of £25 when they notify Licensing Services of a change name or address.
- 2.2 It is a condition of licence that private hire vehicle operators notify licensing services when these details change.
- 2.3 Hackney Carriage and Private Hire licence holders are not charged a fee when updating their details.
- 2.4 There is a risk that this financial barrier increases the risk the council have out of date details for these licence holders.
- 2.5 There is an administrative cost of taking the payment itself which must be done manually. This involves a referral to customer services who then telephone the licence holder to take payment using a bank card. Sometimes this can involve multiple telephone calls if the licence holder is unavailable or an issue with taking payment.

3.0 Options

- 3.1 The council could do nothing and retain the status quo which will not reduce the risk.
- 3.2 Alternatively, the council can remove these fees and absorb the cost through existing revenue budgets. This would reduce the resource demand for taking the payment, reduce the likelihood of an operator delaying in notification of change in details and reduce the cost for licence holders.

4.0 Financial implications

- 4.1 Since January 2023 this fee has been charged 18 times as such the annual income is approximately £500.

The budget forecast for private hire vehicle operators confirms this cost can be absorbed through existing Operator revenue budgets.

[SB/25092023/T]

5.0 Legal implications

- 5.1 Section 3 of the Localism Act 2011 confers power upon the local authority to charge for services.

- 5.2 This proposal does not contravene any part of The Local Government (Miscellaneous Provisions) Act 1976, which governs private hire licensing; nor The Town Police Clauses Act 1847, which governs hackney carriage licensing.

[RMS/15/10/2023]

6.0 Equalities implications

- 6.1 An equalities analysis was undertaken and the proposal is not relevant to any of the three equalities duties.

7.0 All other Implications

- 7.1 There are no other direct implications contained within this proposal.

8.0 Schedule of background papers

- 8.1 None.

This page is intentionally left blank