

Licensing Committee

Minutes - 8 February 2017

Attendance

Members of the Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Greg Brackenridge
Cllr Ian Claymore
Cllr Patricia Patten
Cllr Rita Potter
Cllr Keith Inston
Cllr John Rowley (Vice-Chair)
Cllr Daniel Warren
Cllr Hazel Malcolm
Cllr Anwen Muston
Cllr Arun Photay
Cllr Zee Russell

Employees

Colin Parr	Head of Governance
Sarah Hardwick	Senior Solicitor
Karen Samuels	Head of Community Safety
Joanne Till	Section Leader – Licensing
Tim Clark	Communications Manager
Mike Hooper	Democratic Services Officer

Item No. *Title*

1 **Apologies for Absence**

There were no apologies for absence.

2 **Declarations of Interest**

There were no declarations of interest.

3 **Minutes of the Previous Meeting**

Resolved: That the minutes of the meeting held on 2 November 2016 be confirmed as a true record and signed.

4 **Matters Arising**

There were no matters arising.

5 **Licensing Sub-Committee - 1 November 2016 - Exempt Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 1 November 2016 be confirmed as a true record.

6 **Licensing Sub-Committee - 23 November 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 23 November 2016 be confirmed as a true record.

7 **Licensing Sub-Committee - 23 November 2016 - Exempt Minutes**

Resolved: That the exempt minutes of the Licensing Sub-Committee meeting held on 23 November 2016 be confirmed as a true record.

8 **Licensing Sub-Committee - 2 December 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 2 December 2016 be confirmed as a true record.

9 **Licensing Sub-Committee - 9 December 2016 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 9 December 2016 be confirmed as a true record.

10 **Licensing Sub-Committee - 18 January 2017 - Minutes**

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 18 January 2017 be confirmed as a true record.

11 **Public Space Protection Order (Review of Designated Public Place Order) Consultation**

The Head of Community Safety gave a presentation detailing the initial findings of the citywide consultation on a Wolverhampton Public Space Protection Order – Alcohol-Related Anti-Social Behaviour.

The Head of Community Safety invited Committee members to make comments on the initial findings, which would be fed into the consultation. The following matters were raised:

- Concern that the Order would simply lead to displacement of drinkers to areas that don't currently experience such problems;
- It was important that should the Order be imposed it be reviewed in 6-12 months, specifically with regard to the ability of the Police to enforce it given cuts to its budgets;
- Why an Order was more deemed to be a more appropriate approach than the implementation of a Cumulative Impact Zone (CIZ);
- Concern that an Order would restrict the freedoms of members of the public that may wish to drink sensibly in the areas covered, such as people meeting to eat al fresco or football supporters going to and from Molineux stadium;

- Concern regarding the impact on the homeless.

In response to comments from Members, the Head of Community Safety stated the following:

- It was important to recognise that the Order was not stand-alone and would be in addition to existing discretionary powers;
- Plans had been revised to include a three year review of the overall Order but also a 12 month review of areas covered by an outright ban which would include community consultation, as had been key throughout the process. The Order could then be varied if deemed necessary;
- She would feed back to the Police the concerns of the Committee with regard to the enforcement of the Order, should it be implemented, although it should be noted that the Police had requested its implementation;
- A CIZ was not deemed suitable as the locations were very specific. Police shift patterns and the ability to enforce measures had been key considerations. Designated Public Place Orders were encouraged for other areas;
- Concerns regarding the homeless had also been raised by Scrutiny and it was recognised that there was a concentration of people with very specific needs. It was a long term cross-cutting issue affecting non-licensing matters such as i.e. lettings policy and Houses in Multiple Occupation, that a multi-agency approach was required for.

Resolved:

1. That the comments of the Committee be fed into the consultation;
2. That the proposals detailed in the presentation be supported;
3. That the presentation be noted.

12 **Review of Fees and Charges for Hackney Carriage and Private Hire Licensing Functions for 2017-18**

The Head of Governance presented a report requesting approval of the proposed fees and charges for licences relating to hackney carriages, private hire vehicles, drivers, private hire vehicle operators and council approved VOSA testing stations for 2017/18.

Resolved:

1. That the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the proposed fees and charges for Hackney Carriage and Private Hire Vehicles, as set out in Appendix B of the report of the Head of Governance, with effect from 1 April 2017;
3. That the proposed Hackney Carriage Exceptional Condition Assessment Fee, as outlined at, 4.12 and 4.13 of the report of the Head of Governance, be approved.

13 Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2017/18

The Head of Governance presented a report requesting approval of the proposed fees and charges for 2017/18 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

Resolved:

1. That the proposed fees and charges for General Licensing, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the fees and charges set by the Secretary of State in relation to the Licensing Act 2003, over which the Council has no local control, be noted;
3. That the proposed fees and charges, as set out in Appendix B of the report of the Head of Governance, in relation to the Gambling Act 2005 with effect from 1 April 2017, over which the Council has fee setting powers, be approved;
4. That other fees and charges for permits set by the Secretary of State in relation to the Gambling Act 2005, over which the Council has no local control, be noted.

14 Review of Fees and Charges for Street Trading Consents for 2017/18

The Head of Governance presented a report requesting approval of the proposed street trading fees and charges to take effect from 1 April 2017 and to advise of arrangements for the control and regulation of street trading activities undertaken in the City.

Resolved:

1. That the proposed fees and charges for Annual Street Trading Consents, as set out in Appendix A of the report of the Head of Governance, be approved with effect from 1 April 2017;
2. That the proposed fees and charges for Occasional/Temporary Street Trading Consents, as set out in Appendix B of the report of the Head of Governance, be approved with effect from 1 April 2017.

15 Temporary Events Notices and the Educational Role of the Licensing Authority

Joanne Till, Section Leader (Licensing), presented a report regarding the Temporary Events Notice (TEN) process.

There was a consensus amongst the Committee that the low cost of applying for TENs (£21, set in 2005) was extremely problematic. The cost of processing an application was greater than the fee received and therefore funds were not available to enable the authority to manage or police temporary events as effectively as it could.

Resolved:

1. That, on behalf of the Licensing Committee, officers lobby the Local Government Association and local Members of Parliament regarding the inability of local authorities to alter the TEN application fee of £21.00, as set by central Government, to a fee that is deemed appropriate locally. The submission should include a technical paper detailing how the current fee incapacitates with regard to managing and policing events;
2. That the report be noted.

16 **Request to Establish a Private Hire Drivers Focus Group**

The Head of Governance presented a report regarding the establishment of a Private Hire Drivers Association Focus Group.

Members expressed concern with a number of issues in relation to the Wolverhampton Private Hire Drivers Association (WPHDA):

- Its failure to provide the Licensing Authority with a list of its members, which it is claimed totals over 600;
- Its apparent will to add bureaucracy to the private hire application process;
- Its unwillingness to attend meetings of the Private Hire Trade Working Group;
- The aggressive position it adopted with regard to negotiations with the Licensing Authority, stating 'red line' conditions in its initial communications;
- It appeared that drivers from outside of Wolverhampton had been invited to take part in the recent 'Go Slow';

The consensus of the Committee was that the current application system was fit and proper.

With regard to attendance should a Private Hire Drivers Association Focus Group be established, the consensus of the Committee was that it should be limited to drivers licensed by the City of Wolverhampton.

Resolved: That the establishment of a Private Hire Drivers Association Focus Group be approved as per Appendix A of the report of the Head of Governance, with the addition of a requirement to ensure that the only drivers permitted to attend meetings be those licenced by the City of Wolverhampton.