

## Minutes of a meeting of the Corporate Overview and Scrutiny Committee held on Thursday, 12 January 2023 in Committee Room 1 - City Hall, Bradford

Commenced 5.00 pm  
Concluded 7.25 pm

### Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	BRADFORD SOUTH INDEPENDENTS GROUP
Azam Nazir D Green Arshad Hussain Mohammed Regan	Nazam Loy	Stubbs	Clarke

### Councillor Azam in the Chair

#### 52. DISCLOSURES OF INTEREST

In the interest of transparency Councillor Arshad Hussain declared an interest in the Gambling Cross Department Action Plan as his son was a landlord of premises occupied by a gambling company (Minute 56).

Councillor Arshad Hussain also disclosed, in relation to the Hackney Carriage and Private Service and for transparency, that he was the Chair of the Bradford District Appeals Panel ( Minute 57)

Those interests were not prejudicial and he remained in the meeting during discussion and voting on those items.

#### 53. MINUTES

**Resolved –**

**That the minutes of the meeting held on 10 November 2022 be signed as a correct record.**

**ACTION: Director of Legal & Governance**

**54. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

**55. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no referrals made to the Committee.

**56. PROGRESS AGAINST THE GAMBLING CROSS DEPARTMENTAL ACTION PLAN**

Members were advised that over the past 12 months, a multi-agency Gambling Harms Reduction partnership had been working together to reduce the harms associated with gambling. The report of the Director of Public Health, Document "AA" described the work so far and outlined the proposed next steps.

The report revealed that gambling was a major industry in England and a public health issue with impacts on individuals, families and communities.

Statistical data on the numbers of Bradford residents at risk of and experiencing problem gambling or gambling related harms and the status of gambling premises across the district was provided. Treatment options available in the district were also reported together with licensing activities undertaken to mitigate problem gambling issues.

Following a comprehensive presentation, the Chair thanked those involved for their excellent work locally whilst acknowledging there was still a crucial role for the Government to play.

The report revealed that following a review of school based resources appropriate resources were not found to be available and those services had now been commissioned. The nature of those resources was questioned and it was explained that material sponsored by the gambling industry was not felt to be appropriate and work had been undertaken with the charity, Gambling with Lives, to work with education providers. That work had been undertaken in December 2022 and material would be distributed during the current school term. The work would be evaluated and considered alongside data from the Born in Bradford's Age of Wonder survey. It was confirmed that the Age of Wonder was a three-year data collection process and information would be released in the summer.

A trial undertaken with Kings College London to upskill and empower the adult social care workforce to help early identification of gambling harms and to support vulnerable individuals was discussed. It was noted that the trial had been completed and that a number of adult social care staff had not felt confident about raising gambling issues with service users. Members suggested that both adult and children's care staff should be aware of issues and able to ask questions at an appropriate time and if relevant as opposed to a box ticking exercise aimed at all service users.

Measures undertaken by the Council's Licensing Team were discussed. It was noted that the team acted on any reports of gambling premises which were not

enforcing age restrictions but questioned if checks were carried out prior to those reports being received and similar to test purchasing which was carried out for alcohol sales by West Yorkshire Trading Standards. The Council's Emergency Planning and Licensing Manager confirmed that in addition to action on reports the service did carry out random compliance checks and no issues had been found.

A Member questioned work undertaken to ensure the gambling industry was held to account if young people were entering their premises; she questioned if online gambling was monitored and the work undertaken with schools to make pupils aware of gambling issues as opposed to just dictating that they should not gamble.

In response it was explained that the Licensing Team would investigate any breaches of gambling premises licences such as young people being on their premises. The number of compliance checks undertaken was not available at the meeting and it was agreed to circulate that information to Members.

Awareness training for young people had been developed in conjunction with the charity Gambling with Lives to enable young people to understand potential dangers. The Gambling with Lives team included persons with lived experience of gambling and with an awareness of how to engage with young people and to reduce the stigma attached to problem gambling.

It was explained that it was very difficult to monitor or control on line gambling and that licences were held at a national level by the Gambling Commission. A Member reported his belief that most underage gambling was undertaken on line. He felt gambling premises were very good at spotting underage people and would challenge them on the premises. He felt it was easy for young people to engage with on line gambling as rigorous checks were not undertaken.

The report referred to options for gamblers to self-exclude and Members were concerned that on line companies enticed customers who had excluded with free bets or spins.

Officers were thanked for the work conducted and it was suggested that the charity GamCare be invited to a future meeting to help Members to understand the work they were undertaking and the impact it had on school pupils.

#### **Resolved –**

- (1) Members thanked officers for the work undertaken in this area.**
- (2) This Committee requests that the progress against the Gambling Cross-Departmental action plan, be presented in 12 months and to also specifically focus on clear outcomes; with representatives from Gamcare also invited to attend the meeting.**

***ACTION: Director of Public Health / Overview and Scrutiny Lead***

#### **57. HACKNEY CARRIAGE AND PRIVATE HIRE SERVICE**

The Interim Strategic Director, Place, provided a report (**Document “AB”**) to inform Members how the Hackney Carriage and Private Hire Service was working towards achieving a high performing, customer focused service and how it analysed information to drive improvements in service delivery to the benefit of the trade and employees.

The report revealed how the service analysed information to drive improvements in service delivery to the benefit of the trade and its employees. Statistics were presented including performance timescales; customer and service interactions obtained from customer surveys and customer drop in sessions. An update on the number of telephone enquiries to the service and response times was also provided.

A summary of legal and financial obligations was provided as well as a statement as to the current financial position.

The report compared licensing process statistics from April 2021 to October 2022. Members were advised that applicants were submitting their renewals sooner than previously although there was a slight delay in the average number of days for an application to be accepted by the service except for new vehicle applications. It was explained that this was due to the current recruitment freeze in place whilst a service restructure was being undertaken. More positively it was reported that an indicator of the process improvements was that once an application was started they were being processed more quickly.

Members questioned the number of applications received and it was reported that there were 1500 to 1800 new applications waiting; 5,500 current drivers and more than 4,000 vehicles licensed.

The number of vehicles which were not compliant with the district’s Clean Air Zone was queried. Whilst the figures were not available at the meeting it was agreed that the information would be circulated to Members.

Action plans which had been put in place to address cultural issues and ensure staff could deal with the city’s diverse population were questioned and it was reported that the service worked to address language barriers and no issues or complaints had been received.

A Member reported that complaints received from his constituents tended to be about vehicles being parked up with their lights on as opposed to the way they were driven and he questioned if complaints raised with operators were dealt with appropriately. In response it was explained that the service worked with operators to help them run good businesses and understand complex Department for Transport (DfT) issues.

Comparisons with enforcement issues with previous years were discussed and it was reported that the numbers were low. The service was keen to facilitate educational sessions to ensure that the trade was aware what they should and should not be doing. A particular hot topic at the current time was the use of mobile phones in vehicles and sessions were being arranged to discuss issues since the law had changed. Work was also undertaken to facilitate an

understanding and raise awareness of serious issues such as child sexual exploitation (CSE).

The report revealed that the Enforcement Team carried out a variety of tasks and that 83 driver applications had been refused. It was queried if these were new or existing drivers and it was explained that the figure was mainly new applications although some renewal applications had been refused for non-compliance with regulations. The figures quoted for revocation of licences were all existing drivers.

A Member reported concerns a number of his constituents had raised regarding enforcement processes. It was understood that enforcement officers could take drivers off the road and then a team of enforcement officer would review and make a decision on each case. Enforcement officers have power to suspend vehicles and drivers provided there is a requirement and that the correct procedure is followed. An appeals panel was in place until 2019 which asked that Councillors ratified decisions of officers when they were minded to depart from Council Policy.

It was suggested that the Council's District Appeals Panel would be a fairer and impartial process for considering those cases. In response it was explained that the Council's District Appeals Panel could only consider applications to grant a licence against policy as that responsibility was delegated to that panel.

It was clarified that an enforcement officer would gather evidence to be presented to a panel of officers. Drivers were also given the opportunity to present facts to the panel. A weekly panel of officers considered all the facts of anonymised cases and did consider mitigating factors and challenged the original enforcement officer's recommendation.

Enforcement powers were delegated responsibility from Council and any changes to that process would have to go through the constitutional process.

Concern was raised by Members that not all drivers were computer literate or had the language capability to present their case and make representations. In response it was explained that Bradford's suitability policy was utilised and that this stated all representations must be made in writing. It was acknowledged that most drivers would prefer a face to face interview and assurances were provided that every person had a right to attend an interview with a representative. If a person was not happy with a decision they did have the opportunity to challenge that through the courts.

The Chair confirmed a recent experience of attending a hearing with a driver and was satisfied that he had the opportunity to make representations.

It was asked why comparisons of fees contained in the report did not include prices for Wakefield and it was acknowledged that this had been an error and those price comparisons were provided. It was explained that comparisons were very difficult to make as all authorities considered differing criteria which could be separated as an additional cost but added towards the total fees to be paid, those included varying costs for DBS tests; training and administrative fees.

The rationale for vehicles having to undertake an MOT test and an additional

vehicle test by the service was queried. Members were advised that an MOT test was a minimum standard for all road vehicle users. The additional vehicle compliance test was a separate check required as the vehicles were under more rigorous pressure than a normal car. It was reported that if a vehicle had recently passed an MOT test but failed the service's compliance test the MOT service station would be reported. In response to questions about how other authorities conducted vehicle tests it was reported that some authorities also required two tests. Leeds City Council undertook random selection tests and there was no consistent approach for all neighbours.

It was confirmed that the compliance tests were done in-house by Council mechanics and in response to suggestions that the MOT test could be undertaken internally it was explained that there were constraints around the MOT process. Other issues would be that if the vehicle failed the MOT test it would be immediately taken off the road whilst the vehicle compliance test would not do that if the vehicle was not dangerous. It was agreed that the issue could be revisited and ways around the constraints be explored.

The length of time taken to process a new application was questioned and it was confirmed that the service was currently working on applications made in September/October 2022. The applications were processed faster than pre-pandemic but there were more checks now required. It was explained that delays to the process had been incurred due to staff shortages. A new staffing structure would soon be in place and applications would be processed more quickly.

That rationale for so many applications being submitted was questioned and it was explained that Leeds City Council had also seen an increase in applications. It was felt that Bradford was relatively cheap compared to some authorities, particularly for training and that could be the reason for an increase in applications to the authority. Vehicles could be licensed up to 15 years old and the service was proactive in assisting applicants through the process. It had also been reported that the enforcement officers were supportive.

A Member referring to the pressures of the drivers' roles asked if work was undertaken with public health officers to support them and it was explained that following the restructure the service wished to communicate with the trade and do more to support them going forward.

In response to queries about DBS checks and reminders to drivers it was explained that the checks were a condition of a licence and efforts were made, where possible, to ensure drivers did not miss those checks.

**Resolved –**

**That a progress report be presented to this Committee in 12 months.**

***ACTION: Interim Strategic Director of Public Health***

**58. RESPONSE TO FIREWORKS REVIEW OCTOBER 2021**

In response to continuing fears around fireworks a comprehensive review of the use of fireworks in the district's neighbourhoods was undertaken by the Corporate Overview and Scrutiny Committee. The report made several recommendations to tackle some of issues regarding firework nuisance.

The report of the Chair of District Community Safety Partnership, "**Document "AC"**" provided a summary of the key actions and partnership responses to the recommendations of the Corporate Overview and Scrutiny Firework Review.

Members were aware the rationale for that review had been continuing fears around fireworks in the district.

The report of the Chair of District Community Safety Partnership, "**Document "AC"**" provided a summary of the key actions and partnership responses arising from that review.

Following a detailed presentation, the Chair acknowledged that there were clear limitations on the powers of local authorities and that residents should be made aware that the Government must do more to address their concerns.

A Member referred to the response from Jane Hunt MP, the then Minister for Small Business, Consumers and Labour Markets to a letter from MPs urging the Government, to take action on fireworks as insulting. It was felt that none of the points raised had been addressed.

The work undertaken to mitigate the problems occurring was recognised but problems were continuing and it was suggested that venues hosting functions may need reminding of their responsibility to their neighbours and to understand the conditions of their licences.

It was suggested that there were still issues with many category F4 fireworks being used in the district and it was questioned how people were obtaining those products. It was reported that F4 category fireworks could only be purchased with a specific licence. The Safer Communities Delivery Co-ordinator explained that he had tried to make test purchases of those goods and had been unable and it was felt that the fireworks were not being obtained from reputable premises.

It was reported that the Government had stated it would keep the decibel limits under review but the law was not about to change. Laws in Scotland had been amended and fireworks could only be lit between 1800 – 2300 hours. The amount which could be purchased at any one time had also been restricted to 5kg and fireworks were only on sale between 0700 to 1800 hours.

A Member expressed a view that there should be 'no firework zones' and referred

to firework issues being a problem throughout the year and at all times of day. He was concerned that the review had revealed that the authority was restricted in what they could do to tackle the issue. He referred to the police response that they did not have the resources to deal with all the issues and felt until the Government took action or gave more resources to the police the problems would continue.

The Safer Communities Delivery Co-ordinator reported that residents had asked for support to appeal to people's better natures and raise awareness of the nuisance being caused. In response to suggestions that entertainment venues be contacted it was stated that a lot of offences were not taking place at venues but either outside of them or after celebrations in residential areas. It was agreed that they could be contacted to ask them to attempt to influence customer behaviour.

It was questioned if existing enforcement services could be better utilised and it was explained that some additional resources had been made available to recruit Environmental Health Officers. Members were advised that despite this the legislation was very difficult to enforce. An Environmental Health Manager reported difficulty in identifying the perpetrators and explained that if you did not get to the exact location to witness the identity of the perpetrator lighting the fireworks there was very little that could be done. As it was very rarely known where fireworks would be set off in advance, identification was almost impossible.

It was questioned if more official fireworks displays were being organised whilst acknowledging that these were probably not causing issues. It was explained that the Council did not run public displays but acknowledged that public sector displays would be less problematic than random setting off of fireworks at all hours of the day. A recent laser display conducted over the firework period had attracted people into the city centre. The possibility of drone displays was also acknowledged.

A Member expressed his view that official firework displays would not reduce the number of firework incidents in the district and referred to his own experience when his family had been younger and they had attended both organised and private events.

A Member expressed frustration at the thought that there was nothing that could be done about the nuisance caused by fireworks. In response the Safer Communities Delivery Co-ordinator reported a number of actions undertaken including work with residents; youth diversionary work; targeted enforcement efforts; focusses on hot spot areas and partnership work undertaken between West Yorkshire Police, West Yorkshire Fire and Rescue Service and the Council.

The Chair acknowledged the mammoth multi-agency efforts undertaken around the bonfire night period but referred to all year round problems occurring. In response it was agreed to discuss those issues at the next partnership meeting in an attempt to reduce the year round problems occurring across the city.

In addition, it was agreed to continue to lobby Government and MPs to address the issues and to seek support from the Local Government Association and other



agencies.

**Resolved –**

- (1) This Committee requests that a report be presented in September 2023, which sets out the approaches being used to address the anti-social use of fireworks and the effectiveness of those approaches.**
- (2) This Committee requests that the Executive continues to lobby the Districts MP's and Local Government Association Partners, in relation to addressing the anti-social use of Fireworks.**
- (3) That the Leader of Council, continues to write to the Districts MP's to:**
  - Reduce the noise levels of all categories of fireworks;**
  - Stop the sale of the more powerful fireworks, such as category 3 and 4;**
  - For individuals who sell fireworks to have a licence, which demonstrates that they are a fit and proper person to be able to sell fireworks.**

***ACTION: Interim Strategic Director of Place***

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting of the Corporate Overview and Scrutiny Committee.**

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER