

Annual Report of the Licensing Committee



Chair's Foreword

The last year proved significant for the Licensing Committee, both with dealing with the impact of COVID and the many fresh faces on the Licensing Committee.

We still had to deal with issues arising during COVID and faced a very difficult task in doing this remotely, online. In some cases, the technology let us down and proved challenging. Those who were called to a Committee hearing found it challenging staying online for the duration of a hearing, often attending via only a mobile phone sometimes in their vehicles with their Legal representatives attending via a separate link. However, with excellent work by officers, Committee members and great patience all round we came through it without any major disasters.

To enable the new Committee members, to be more ready to serve on the Committee, we are introducing a more robust learning and development offer for them to receive the necessary training to enable them to undertake their role on this important Committee.

For our license holders and applicants a new online application system is now available with further development of the system to follow which will provide further opportunity for them to engage with the Licensing Team and for the Licensing Officers to response to their enquiries in a more efficient way.

The latter part of the year is now seeing ALL licensing enforcement activities back to the pre-pandemic levels.



Cllr Pete Allen, Chair of Licensing Committee



Introduction to the ... Committee

What is the role of the Committee

The purpose of the Licensing Committee which is established by Council each year is to determine all matters in relation to the Council's powers and duties under the following Acts and Regulations:-

- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976;
- House to House Collections Act 1939;
- Local Government (Miscellaneous Provisions) Act 1982;
- The Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- Consumer Credit Act 1974;
- Safety of Sports Grounds Act 1975;
- Part II of the Local Government (Miscellaneous Provisions) Act 1972.

Who sits on the Committee

Membership of the Licensing Committee for 2021/22 was as follows:-

- Councillor Allen (Chair)
- Councillor Rouf (Vice Chair)
- Cllr T Mabena (Vice Chair)
- Cllr Chidley
- Cllr Fenton
- Cllr Gavan
- Cllr Hadley
- Cllr Z Hussain
- Cllr S Singh
- Cllr G Gill
- Cllr S Gill
- Cllr R Jones
- Cllr O Jones
- Cllr Webb
- Cllr Williams



How does the work of the Committee Contribute to the Corporate Plan?

	<p>Strong resilient communities</p> <p>The work of Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.</p>
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Committee Development Activity

Training has been provided to all members of the Committee on the following topics:-

- Licensing Act 2003
- Taxi Licensing
- Gambling Act

Training included licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate.

Councillor Allen and Councillor Mabena were both able to attend the Local Government Association (LGA), Licensing Decision Making at Licensing Committee course on 10th and 11th March 2022. Looking forward, the LGA training course will be included as an option in the Member learning and development plan for committee members in 2022/23.

Committee Activity Overview

Work Programme Spotlight – Taxi Licensing

Between 1 April 2021 to 31 March 2022 the Committee considered 14 reports regarding the grant of new license applications or the renewal or review of existing licenses.



Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/ Deferred	Warned	No Action	Total
12/04/21	1					1			2
17/05/21									N/A
21/06/21									N/A
28/06/21				2		1	1		4
19/07/21	2								2
16/08/21			1						1
20/09/21					1				1
18/10/21							1		1
15/11/21							1		1
13/12/21				1		1			2
24/01/22				1					1
22/02/22							1		1
01/03/22									N/A
04/04/22	1					2			3
Total	4	0	1	4	1	5	4	0	19

Delegated officer decisions

During the same period the following delegated officer decisions were made by the Taxi Licensing Managers which resulted in fewer reports being taken to Committee for member consideration and decision:

	Year 2021/22
Licensed drivers who had their licence revoked or suspended with immediate effect on the grounds of public safety	1
Licensed drivers who had their licence suspended with immediate effect as their DBS certificate had expired	26
Licensed drivers who were issued with a 21 days suspension notice for failure to sign up to the DBS update service	3
Licensed Drivers who had their licence suspended with immediate effect as their Medical certificate had expired	94
Licensed drivers who had their licence suspended with immediate effect as they were not medically fit	31



Warning letters issued due to failing to declare minor road traffic endorsements on application or within the designated period	6
Drivers issued with an exemption certificate from carrying guide and assistance dogs due to a medical condition	1
Warning Letters issued at conclusion of complaint Investigation	3

Numbers of licences

The numbers below are the registered licences for the year of 2021/22 broken down by licence type.

Licence type	Total number of current licences 2021/22
Private Hire Operator	45*
Private Hire Driver	923*
Hackney Carriage Driver	18*
Dual Licence Holder	328*
Private Hire Vehicle	1068*
Hackney Carriage Vehicle	81*

*the figures quoted are extracted from the system retrospectively. Any licence that was current during 2021/22 but which has not renewed since that year cannot be reported on retrospectively as once a licence lapses and is not renewed the system archives that licence and it can no longer be reported on.

Policy Position

Private Hire and Hackney Carriage Policy Handbook

The current policy handbook was last fully reviewed in October 2017 with subsequent amendment in August 2018. The policy handbook should be reviewed at least every three years.

A policy review was undertaken following the publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards in July 2020.

Following a consultation between December 2021 and March 2022, the policy was amended to take account of the standards and this was considered by Committee on 23 September 2021 and approved by Cabinet on 13 April 2022.

A further full review of the policy is planned before the end of 2022.



Service Improvements

During the course of the 2021/22 work has continued on the digital transformation of the licensing activities. The objective of digitalisation is to enable customers to apply and communicate with the Licensing Department with greater control and flexibility. The change in approach aims to improve efficiency and accessibility of service.

Great focus has been given to the project during 2021/22 resulting in the successful introduction of online applications which were launched in January 2022. Customers can now apply for new licences, renew licences, make payment and submit supporting documents for applications online. The system has also started to open up further opportunities for digital communication which is streamlining and speeding up processing timescales.

Work has continued from January 2022 on phase 2 of the digitalisation project which will deliver further functionality for vehicle licensing.

Work will continue into the year of 2022/23 to go live with phase 2 and continue to work on further phases of the project which includes additional licensed driver and licensed operator functionality.

Enforcement Activity

Between 1 April 2021 and 31 March 2022 the Taxi Licensing Team have been unable to arrange any inhouse Multi Agency Safety Operations (MASO's) due to the impact of the Covid-19 pandemic which has left the team along with partner agencies focussing on priorities during the initial reset and recovery.

Whilst scheduling MASO's during 2021/22 has not been possible, the Enforcement Officers have been securing partners commitment to future dates and are scheduling dates to recommence MASO's from June 2022.

The Enforcement Officers have focussed on reactive investigation of complaints received and completion of Operator base visits to ensure compliance with licence conditions.

Enforcement Officers have worked in partnership with the Travel Assistance Service and Adult Social Care Transport (TAS) Team to undertake mini MASO operations at schools across Sandwell.



Work Programme Spotlight – General Licensing

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Sub Committees between 1 April 2021 to 31 March 2022 together with further information on the responsible authority requesting the review for the same period:

Reviews

Agency triggering review	Total 2021/22
Trading Standards	0
Police	0
Court order	1
	Total 1

Reasons for review	Total 2021/22
Serious Crime and Disorder	0
Crime, disorder and Public Safety	1
	Total 1

Other hearings	Total 2021/22
Grant application	6
Vary premises licence application	1
Sex Establishment applications	2
Temporary Event notices	2
Expedited review	0
	Total 11



Delegated officer decisions

The table below states the total number of delegated officer decisions on Licensing applications for 2021/22 which negated the need to seek member consideration and decision via a Committee hearing:

Decision Type	2021/22
New Premises licences	36
Minor Variations	20
Full Variation	18
Vary Designated Premise Supervisor	250
Transfer Premise Licence Holder	160
Licences surrendered	11
Licences suspended	42
Change of name/address Premises Licence	30
Personal licences	142
Change of name/address Personal Licence	104

Number of Licences

The numbers below are the current registered licences for the year 2021/22 broken down by licence type.

Licence type	Total number of current licences for 2021/22
Premises licences	959
Personal licences	4,427
Casino	2
Bingo	7
Alcohol Licenced Gaming Machine Permit (ALPGM)	33
Adult Gaming Centre (AGC)	12
Betting (BET)	44
Betting Premises (TRACK)	1



Licence type	Total number of current licences for 2021/22
Unlicensed Family Entertainment Centre (UFECP)	3
Family Entertainment Centre (FEC)	0
Club Machine Permit (CMP)	37
Sexual Entertainment Venues) (SEV)	2
Scrap Metal	71
Temporary event notice (TEN)	92

Policy Position

Gambling Act 2005 Statement of Principles

Gambling Act 2005 statement of principles have effect for a maximum of three years and must be reviewed thereafter. The statement of principles was last reviewed in 2020.

The statement of principles has been reviewed and subsequently consulted upon over a 12 week period between December 2021 and March 2022. Following the analysis of consultation feedback, Committee reviewed the statement of principles further and gave support for implementation.

The revised Gambling Act 2005 Statement of Principles were formally approved by Full Council on 21 April 2022.

Service Improvement

During the course of the 2021/22 year focus on the digital transformation of the licensing activity has mainly focused on Taxi Licensing. The key objective of digitalisation is to enable customers to apply and communicate with the Licensing Department.



Work on the licensing system for General Licensing was paused due to limited capacity to undertake business as usual activity, navigate through reset and recover and balance project support and management of the system for both teams.

Work will continue into the year of 2022/23 on a revised workplan and timeline of the digitalisation project for the General Licensing elements of the project.

Enforcement activity

The General Licensing Team has conducted enforcement and compliance visits to 183 Licensed premises during 2021/22 following complaints received, accompanying partners on planned visits or undertaking compliance and enforcement visits as part of the reset and recovery following COVID restrictions being lifted. The team works closely with various partners and responsible authorities such as West Midlands Police, Trading Standards, Environmental Health, Planning and West Midlands Fire Service to visit 'problem' premises to ensure licence holders are compliant with the operating schedule and conditions of their licence.

Temporary Event Notices (TEN's)

TEN's permit licensable activities on unlicensed premises, or outside the hours of an existing licence, for short periods of time and are subject to restrictions on the number that can be given for premises or to an individual during a specified period.

The process of applying is formally known as 'serving' a Temporary Event Notice.

A TEN is needed for each event held at a specific premises. An individual premise can have up to 20 TENs applied for in one year, as long as the total length of the events is not more than 26 days.

An individual who does not hold a personal licence can get up to 5 TEN's per year, 2 of which can be late TEN's within the year.

Individuals who hold a personal licence can be given 50 TEN's per year, 10 of which can be late TEN's within the year.

Late TENs count towards the total number of permitted TENs.



A notice given more than ten working days before the event is a standard notice, when given between nine and five working days before the event it is a late notice.

Only the Police or Environmental Health may object. Objections to a standard notice may result in a hearing, for a late notice a counter notice is given meaning the event cannot go ahead.

During the course of 2021/22 there were 94 TEN's, 29 of these were late notices, and 1 counter notice was issued.

Looking Ahead

Moving into the year of 2022/23 work will continue on the digitalisation of the Taxi Licensing activities and to bring the project for digitalisation for General Licensing activities back online also.

The Taxi Licensing Team will be reviewing the Private Hire and Hackney Carriage Policy Handbook before the end of 2022 which will take an in-depth look into the policy in general.

The Team will also be considering the impact of the recent 'Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022' and the impact on the policy handbook.

The Taxi Licensing Team will also be keeping in view the recently published Department for Transport (DfT) 'Taxi and Private Hire Vehicle Licensing – Best Practice Guidance for licensing Authorities in England' published on 28 March 2022.

The DfT has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities with their responsibilities for the regulation of taxi and private hire vehicle trades.

The DfT are currently seeking views as part of a consultation which closed on 20 June 2022. Once published as a final version this document will be viewed in conjunction with the Sandwell Private Hire and Hackney Carriage Policy Handbook to any impact.



Concluding Remarks

The Committee carries out its role with a view to ensuring the public are kept safe from harm. In making its decisions, the Committee puts this perspective at the forefront of its decision making. This should provide further assurance to the public that the Council views the safety of its citizens as paramount in carrying out this function.

Members and officers are constantly reviewing Council Policy and delegations to reduce Committee time and further improve the level of service offered to license holders. During the course of the year 2021/22 the following activities were completed:

- Completion of the review of the Private Hire and Hackney Carriage Policy Handbook in order to implement the DfT National Standards
- Completion of the review of the Gambling Policy
- Development and introduction of a new ICT system to enable online applications for all licence types for Taxi Licensing

The new ICT system and move of operational activity online aims to offer the customer greater flexibility and control and improve accessibility when they engage with the Licensing Department and provide them with a more efficient service. Information will be more readily available for the Committee and the Licensing Team in order to meet both the Legal requirements of Licensing and its contribution to the delivery of the 2030 Vision. Work continues on the new ICT system which is anticipated to continue throughout 2022/23.

