

Sandwell Metropolitan Borough Council**18 October, 2016****Annual Report of the Licensing Miscellaneous Committee for the
2015-2016 Municipal Year****1. Summary Statement**

1.1 The Licensing (Miscellaneous) Committee is established by Council each year. Its purpose is to determine all matters in relation to the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;

Consumer Credit Act 1974;

Safety of Sports Grounds Act 1975.

1.2 The key benefits of the Licensing (Miscellaneous) Committee can be seen as:-

- the protection of public health and safety;
- the establishment of professional and respected hackney carriage and private hire trades.

1.3 The Committee is required to submit an annual report to Council each year which details activities undertaken throughout the year and identifies outcomes of the Committee.

2. Recommendation

- 2.1 That the Licensing (Miscellaneous) Committee Annual Report for the 2015-2016 Municipal Year, as now submitted, be received.

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3. Strategic Resource Implications

- 3.1 There are no strategic resource implications arising from this report.

4. Legal and Statutory Implications

- 4.1 In making its decisions, the Committee considers the following elements of the Human Rights Act 1998:-
- i) Article 6 which states that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - ii) Article 8 which states that everyone has the right to respect for his private and family life, his home and his correspondence;
 - iii) Part II, Article 1 of the Act which states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law.

5. Implications for the Scorecard Priorities

- 5.1 The Licensing process contributes to the Scorecard priority of Great Prospects by making opportunities available for employment locally. The service indirectly supports great prospects by investing in business, people and jobs.
- 5.2 Through the provision of the Private Hire and Hackney Carriage licensing service, the Licensing Section is committed to contributing to the Scorecard Priority of Great Place.
- 5.3 The Committee carries out its role with a view to ensuring the public are kept safe from harm.

6. Background Details

- 6.1 The Annual Report 2015-2016 is attached.



Sandwell

Metropolitan Borough Council

**Annual Report of the
Licensing
(Miscellaneous)
Committee
2015/16**

Foreword – Chair of the Licensing (Miscellaneous) Committee

My name is Councillor Mohammad Rouf and I am Chair of the Licensing (Miscellaneous) Committee. The Committee has considered 104 individual matters relating to Private Hire and Hackney Carriage Licensing throughout the year covering a wide variety of issues.

The Committee deals with matters related to applications or reviews of hackney carriage and private hire licences.

The Committee works in conjunction with the Taxi Licensing Office to ensure that all the public safety duties and financial obligations of licence holders are complied with fully and within the parameters of the law. Many things impact and shape this type of licensing, including the continuing work around Child Sexual Exploitation (CSE) and managing the implementation of the Deregulation Act 2015, which came into effect on 1 October 2015.

The decisions made by the Committee impact significantly on the livelihood of the licensed trade and careful consideration is given to any decision made.

All matters are considered against the licensing regimes primary function, which is to protect to the public. In order to maintain the integrity of the service, it is essential that members of the public can feel confident and safe when using Private Hire Vehicles and Hackney Carriages in Sandwell. I am confident that the decisions made by the Committee make travelling in a hackney carriage or private hire vehicle a safe and comfortable experience with competent drivers who fulfil the Council's essential requirements.

I would like to take this opportunity to thank fellow Members of the Council and staff involved in the licensing process for their work throughout the year and I look forward to the coming year and the challenges it presents in shaping the future of taxi provision within Sandwell.



Cllr Mohammad Rouf
Chair of Licensing (Miscellaneous) Committee

1. The Licensing (Miscellaneous) Committee

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

- Betting, Gaming and Lotteries Act 1963;
- Town Police Clauses Act 1847;
- Local Government (Miscellaneous Provisions) Act 1976;
- House to House Collections Act 1939;
- Local Government (Miscellaneous Provisions) Act 1982;
- Theatres Act 1968;
- The Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- Consumer Credit Act 1974;
- Safety of Sports Grounds Act 1975;

Membership of the Licensing (Miscellaneous) Committee was as follows:-

- Cllr Mohammad Rouf (Chair)
- Cllr Bob Price (Vice-Chair)
- Cllr Pam Hughes
- Cllr Olwen Jones
- Cllr Gurcharan Singh Sidhu
- Cllr Elaine Costigan
- Cllr Sharon Davies

The Committee receives officer support from Licensing Managers, Democratic Services and Legal Services.

The key benefits of the Licensing (Miscellaneous) Committee can be seen as:-

- the protection of public health and safety;
- the establishment of professional and respected hackney carriage and private hire trades.

2. Business

During the year the Committee considered 104 reports regarding the grant or renewal of a licence or a review of an existing licence. All the reports considered were Private Hire or Hackney Carriage matters.

| Date | Granted | Renewed | Suspended | Revoked | Refused | Adjourned/ Deferred | Warned | No Action | Total |
|------------|---------|---------|-----------|---------|---------|------------------------|--------|--------------|-------|
| 12/05/2015 | 5 | 1 | | | 1 | 2 | | | 9 |
| 09/06/2015 | 4 | | 1 | | | 2 | 1 | | 8 |
| 23/06/2015 | 1 | | 1 | | 2 | 1 | 1 | | 6 |
| 14/07/2015 | 5 | | | | | 2 | | | 7 |
| 11/08/2015 | | | 1 | | 1 | 2 | 3 | | 7 |
| 15/09/2015 | 6 | 2 | 1 | | | 2 | | | 11 |
| 13/10/2015 | 3 | 1 | | | 1 | 3 | | 1 | 9 |
| 27/10/2015 | 2 | | | | 2 | 2 | | | 6 |
| 10/11/2015 | | | 2 | | | 1 | | | 3 |
| 24/11/2015 | 3 | | | 1 | 1 | 2 | | | 7 |
| 08/12/2015 | 1 | | 1 | | 2 | 1 | | 1 | 6 |
| 12/01/2016 | 2 | | 1 | | 2 | 1 | | | 6 |
| 02/02/2016 | 2 | | | 1 | 2 | | | | 5 |
| 23/02/2016 | | 1 | 3 | | 2 | 1 | | | 7 |
| 15/03/2016 | | | 3 | 2 | 1 | 1 | | | 7 |
| Total | 34 | 5 | 14 | 4 | 17 | 23 | 5 | 2 | 104 |

3. Commentary on the work of the Committee

New Policies

There has been a significant change to the policy relating to the licensing of vehicles as Hackney Carriages and Private Hire Vehicles, which became effective on 1 September 2015.

Major changes in the policy include:-

- The removal of age restrictions for Private Hire Vehicles.
- The removal of the colour policy for Private Hire Vehicles.
- Implementation of additional vehicle condition criteria for both Hackney Carriages and Private Hire Vehicles.
- Improved guidance for acceptable and non-acceptable criteria.

Delegations to Officers

During the year the Taxi Licensing Manager has made the following delegated decisions which have resulted in fewer reports being considered by the Committee:-

26 – Driver Applications refused due to the applicant failing to pass the Knowledge Test within three attempts.

19 – Warning Letters issued due to failing to declare minor road traffic endorsements on application or within the designated time period.

7 – Licensed drivers had their licence suspended with immediate effect on the grounds of public safety due to having committed or being investigated for criminal offences of a serious nature.

213 – Private Hire Vehicle Licences were granted under the Council's Exceptional Condition Policy between April 2015 and August 2015.

5 – Drivers had their licence suspended with immediate effect on the grounds of public safety due to having a serious medical condition which rendered them unfit to continue to drive a licensed vehicle.

4. The Committee's Main Achievements

The Committee believes its key achievements during the year were:-

- Continuing to uphold and ensure public safety;
- Implementing and monitoring the impact of the Deregulation Act 2015.
- Implementation of revised vehicle conditions, which have created efficiencies in the licensing process by eliminating the need for additional checks under delegated authority by the Licensing Manager, such as exceptional condition decisions. This has created a simplified licensing process, with clear guidance for applicants/licence holders.

5. Contribution to Scorecard Priorities

The Licensing process contributes to the Scorecard priority of "Great Prospects" by making opportunities available for employment locally. The service indirectly supports within great prospects by investing in business, people and jobs.

Through the provision of the Private Hire and Hackney Carriage licensing service, the Licensing Section is committed to contributing to the Scorecard Priority of "Great Place".

6. Training and Development

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

- Member Conduct/Licensing Process.
- Relevant legislation.
- Case law.
- Declarations of interest.

7. Conclusion

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.

Members and officers are constantly reviewing Council Policy and delegations to reduce committee time and further improve the level of service offered to licence holders. This should provide further assurances to the public in the knowledge that the Council views the safety of its citizens as paramount in carrying out this function.