



**Sandwell**

Metropolitan Borough Council

# **Annual Report of the Licensing Committee 2018/19**

## **Foreword – Chair of the Licensing Committee**

The 2018/19 municipal year was the second full year of operating the Licensing Committee under its current structure.

The Licensing Committee is made up of 15 elected members including myself as Chair and two Vice Chairs. Under the provisions of the Licensing Act 2003, the main committee is supported by three sub committees to assist in the discharge of the licensing functions.

Three members of the Licensing Committee sit when considering matters in relation to the Licensing Act 2003 and Gambling Act 2005 and five members of the Licensing Committee when considering matters affecting applications for licenses and licenses previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee has considered 141 individual matters relating to the grant or review of licenses within the local authority's administrative remit. All matters are considered against the licensing regimes primary function, which is to protect 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 engaging with licensed services throughout the borough. I am confident that the decisions made by the Committee make activities such as travelling in a hackney carriage or purchasing alcohol a safe and comfortable experience.

I would like to take this opportunity to thank fellow committee members and officers of the council 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 regulating licensable activity within Sandwell.



Cllr Bob Piper  
Former Chair of Licensing Committee

## **1. The Licensing Committee**

The Licensing 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:-

- 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.

Membership of the Licensing Committee was as follows:-

- Councillor Piper (Chair)
- Councillor Dr Crumpton (Vice Chair)
- Councillor Padda (Vice Chair)
- Councillor Allen
- Councillor S Crumpton
- Councillor S Davies
- Councillor K Davies
- Councillor P Davies
- Councillor Downing
- Councillor Eaves
- Councillor L Giles
- Councillor Lewis
- Councillor Millard
- Councillor Tranter
- Councillor White

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

The key objectives of the Licensing Committee are: -

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

## 2. Business

For this report the activity of Licensing Sub Committee has been separated into two parts:

- Private Hire and Hackney Carriage Licensing
- General Licensing

### Private Hire and Hackney Carriage Licensing:

During the year the Committee considered 123 reports regarding the grant or renewal of a license or a review of an existing license.

Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/Deferred	Warned	No Action	Total
17/04/18	1	1	2		2	1	1		8
25/04/18	1	1	1		1				4
12/06/18				1		2	1	2	6
10/07/18			1	2		1	3		7
07/08/18	1	1		4		1		2	9
21/08/18					1	2	2		5
04/09/18	1			4		1	1		7
18/09/18	1	2		1	4				8
09/10/18				1		2	2		5
23/10/18		1	2		1	2			6
06/11/18	1				1		4		6
20/11/18		3				1	2		6
04/12/18			2	1			2		5
20/11/18		3				1	2		6
04/12/18			2	1			2		5
08/01/19		2	1			2			5
28/01/19		1		1	1	1			4
05/02/19			1		1	3	1		6
19/02/19	2	1	1		1				5
05/03/19		2	1		1		1		5
19/03/19		2	1	1					4
09/04/19	1					4			5
23/04/19									7
<b>Total</b>	<b>9</b>	<b>17</b>	<b>13</b>	<b>16</b>	<b>14</b>	<b>23</b>	<b>20</b>	<b>4</b>	<b>123</b>

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### General Licensing:

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Sub Committees together with further information on the responsible authority requesting the review for the period 1 April 2018 – 31 March 2019: -

<b>Reviews</b>	
Trading Standards	2
Police	2
<b>Total Reviews</b>	<b>4</b>
<b>Reason for review</b>	
Serious Crime and Disorder	1
Crime, disorder and Public Safety	3
<b>Total</b>	<b>4</b>
<b>Other Hearings</b>	
Grant application	8
Vary premises licence application	0
Sex Establishment applications	3
<b>Total other hearings</b>	<b>11</b>

Temporary Event Notices 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.

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.

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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 and the event cannot go ahead.

The limit on the number of temporary events that can be held at a premise increased from 12 to 15 per year with effect from 1 January 2016.

During the course of this year there were 170 such notices (37 of these being late notices). 2 Counter notices were issued.

Number of Licensing applications which did not go to committee:

New Premises licences	35
Minor Variations	17
Full Variation	2
Vary DPS	160
Transfer PLH	81
Licences surrendered	30
Licences suspended	20
Change of name/address Premises Licence	23
Personal licences	191
Change of name/address Personal Licence	62

The Licensing Team also conducted enforcement/compliance visits to 66 Licensed premises. Many of these were undertaken with various partner agencies such as West Midlands Police, Trading Standards, Environmental Health, Planning and West Midlands Fire Service.

### 3. Commentary on the work of the Committee

#### New Policies

During the current year no amendments have been made to existing policies. However, committee has supported the process of reviewing the existing Alcohol Licensing Policy which is now in draft form and ready to be shared for consultation.

#### Delegations to Officers

During the year the following delegated decisions have been made by the Taxi Licensing Managers which have resulted in fewer reports being considered by committee:

Licensed drivers who had their licences suspended with immediate effect on the grounds of public safety	12
Licensed drivers who had their licences suspended with immediate effect as their DBS certificate had expired	157
Licensed Drivers who had their licences suspended with immediate effect as their Medical certificate had expired	94
Licensed drivers who had their licences suspended with immediate effect as they were not medically fit	7
Driver Applications refused due to the applicant failing to pass the knowledge test within 3 attempts	1
Warning letters issued due to failing to declare minor road traffic endorsements on application or within the designated period	1
Drivers issued with an exemption certificate from carrying guide and assistance dogs due to a medical condition	2
Warning Letters issued at conclusion of complaint Investigation	5

## **4. Contribution to the 2030 Vision**

The Licensing Committee delivers a range of activity which contributes to the delivery of the 2030 Vision, in particular the following ambitions:

Ambition 5: our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

Ambition 8: our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

The work of Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.

## **5. Training & 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.
- The new Private Hire and Hackney Carriage Licensing Policy
- Determinations of Matters Policy.

## **6. Enforcement Activity**

Private Hire and Hackney Carriage Licensing:

Between 1 April 2018 and 31 March 2019, the Taxi Licensing Enforcement Team conducted 12 multi-agency safety operations together with officers from the Driver & Vehicle Standards Agency (DVSA), West Midlands Police, and Her Majesty's Revenue & Customs (HMRC) Fuel testers at locations across the borough.



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On average 20 vehicles were checked on each operation. Findings have been that approximately 70% due to VOSA failure for mostly minor issues such as defective light bulbs which are rectified on site by the vehicle examiners so that the drivers may continue to work. Fixed Penalties continue to be issued for defective tyres and are followed up by an appearance at the Licensing Sub Committee.

### General Licensing:

The Licensing Team are committed to ensure that businesses operate legally and responsibly so that our residents live in safe neighbourhoods and have a good quality of life. Whilst following the Black Country Local Authorities Enforcement Policy against those who fail to comply.

Since January 2018 the team has visited numerous licensed premises carrying out general enforcement visits and following up on complaints received. The team have been working closely with the Police and visiting 'problem' premises to ensure licence holders are complying with the operating schedule and conditions of licence.

## **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. 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 next municipal year the following activities are planned:

- Completion of the review of the Alcohol Licensing Policy
- Review of the Gambling Policy
- The introduction of policies governing the licensing of scrap metal dealers and Sexual Entertainment Venues

Over the course of the 2018/19 municipal year there has been a move towards increasing the amount of operational activity that takes place online, with further work to continue in 2019/20. This will continue to both benefit the customer, by improving the efficiency and accessibility of service, and the committee, as it will increase the visibility of the work being carried out to all elected members and residents of the borough.