

## **Licensing Committee**

**Friday 1 June, at 10.00am  
in Committee Room 1  
at Sandwell Council House, Freeth Street, Oldbury**

### **Agenda**

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting of the Licensing Committee held on 1 March 2018 as a correct record.
4. Establishment of Licensing Sub Committees.
5. Annual report of the former Licensing Committee 2017/18.

**Jan Britton  
Chief Executive**

Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution:**

Councillor Piper (Chair);  
Councillors Dr Crumpton and White (Vice Chairs);  
Councillors Allen, S Crumpton, K Davies, P Davies, S Davies, Downing,  
Eaves, L Giles, Lewis, Millard, Padda and Tranter.

**Agenda prepared by Shane Parkes  
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**Please note that this meeting may be filmed by members of the public and press, and may be filmed by the Council for live or subsequent broadcast on the Council's website.**

## **Apologies**

To receive any apologies from members

## **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

## **Minutes of the Licensing Committee**

**1<sup>st</sup> March 2018 at 10.00am**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Piper (Chair);  
Councillors, K Davies, P Davies S Davies, Edis,  
Lewis, Tranter and White.

**Apologies:** Councillor Dr Crumpton, Downing, Eaves, Gavan,  
Goult and Millard

1/18 **Minutes**

**Resolved** that the minutes of the meeting of the Licensing Committee, held on 26<sup>th</sup> Mary, 2018 be confirmed as a correct record.

2/18 **Review of Fees and Charges under the Licensing Act 2003 and the Gambling Act 2005**

At its meeting on 7<sup>th</sup> February 2018, the Cabinet recommended that the Licensing Committee approve the fees and charges in relation to premises licences and other permissions under the Licensing Act 2003 and the Gambling Act 2005, as set out in the appendix, with effect from 1<sup>st</sup> April 2018.

The Council's Financial Regulations required an annual review of fees and charges. In considering proposed charges for 2018/19, the Council was required to consider its statutory obligations, the cost of service delivery, the demand for services and how proposed charges compared to neighbouring authorities.

The Council's policies under both the Licensing Act 2003 and Gambling Act 2005 were subject to regular review and consultation with the widest possible range of stakeholders. The list of stakeholders was subject to agreement with the Licensing Committee. The Council's Gambling Policy 2005 Statement of Principles was approved by Council on 20<sup>th</sup> October 2015 and implemented on 31<sup>st</sup> January 2016.

Benchmarking had indicated that, where relevant fees or charges applied, charges were still comparative with neighbouring authorities. The Gambling Act 2005 required that when setting fees, the local authority must aim to ensure that the income raised equated to the cost of providing the service to which the fee related.

An equality impact assessment had been carried out and no issues had been identified which impacted on a particular group and therefore a full assessment was not required.

**Resolved** that the fees and charges for 2018/19 for premises licences and permissions under the Licensing Act 2003 and the Gambling Act 2005, as set out in Appendix 1, be approved with effect from 1<sup>st</sup> April 2017.

3/18

### Licensing Update

The Committee received a presentation in respect of the Licensing Act 2003.

A House of Lords Select Committee carried out a review of the Licensing Act 2003 there recommendations included:-

- issues in respect of licensing committees;
- it was felt that planning committees were better placed for making licensing decisions and Licensing appeals would go to the planning inspectorate;
- the late-night levy did not pay for the cost of policing as intended;
- fees for licensing should be set locally not nationally;
- the legality of Minimum Unit Pricing was still under consideration by the Supreme Court. If it was found to be lawful and was introduced in Scotland, and was found to be

## Licensing Committee – 1<sup>st</sup> March, 2018

effective in cutting down excessive drinking, England and Wales should follow Scotland's lead;

- Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement;
- there was no justification for the Licensing Act not applying to sales airside at airports;
- in Scotland, the minimum pricing of 50p per unit would be brought into force May 2018, and indications had been that the Government would monitor what happened in Scotland prior to making a decision on implementation in England;
- Local Authority that continued to take applications to Committee when all parties had agreed conditions and resolved issues would have to justify why the matter was still being referred to Committee;
- sections 21 and 23 of the hearings regulations was not subject to change, but guidance to Councillor conduct at hearings would be updated through the Local Government Association Handbook for Councillors;
- there were currently no changes to advertising however proposals being considered were to stop the need to advertise in a local newspaper. The blue notice outside premises may become less prescriptive in the way they have to be prepared;
- the Government were not looking at adding any additional licensing objectives as had been suggested in respect to disability considerations;

The presentation concluded with information in respect of new ways of consuming alcohol.

There was to be a change in the definition of alcohol via the Policing and Crime Act 2017 – section 135 would include non-liquid forms of alcohol within the Act so that it read liquor in any state.



(The meeting ended at 10.55am)

Contact Officer: Shane Parkes  
Democratic Services Unit  
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## REPORT TO LICENSING COMMITTEE

01 June 2018

<b>Subject:</b>	Establishment of Licensing Sub-Committees
<b>Director:</b>	Director – Prevention and Protection – Stuart Lackenby
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s):</b>	Shane Parkes, Governance Lead, Democratic Services. <a href="mailto:Shane_parkes@sandwell.gov.uk">Shane_parkes@sandwell.gov.uk</a>

### DECISION RECOMMENDATIONS

**That Licensing Committee:**

1. That the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 1, be approved.
2. That three Sub Committees be established, to undertake those functions set out in the terms of reference referred to in 2.1 above, each comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and five members of the Licensing Committee when considering matters affecting applications for licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976, and that the Committee make appointments to those Sub Committees.
3. That the Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, be authorised to select members from the Licensing Committee as necessary to serve on Licensing Sub Committees to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.

4. That the Head of Governance be authorised to make the necessary changes to the Council's Constitution in order to reflect the decisions of the Committee on the above recommendations.

## **1 PURPOSE OF THE REPORT**

- 1.1 At its annual meeting on 22 May 2018, the Council appointed a statutory Licensing Committee which the Council also declared would also sit as the Council Committee to carry out other licensing functions.
- 1.2 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.
- 1.3 The Committee is invited to establish Licensing Sub Committees for the municipal year 2018/2019.
- 1.4 The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 22 May 2018 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 The Licensing Committee outlines a range of activity being undertaken which contributes to the delivery of the 2030 Vision, in particular the following ambitions.
- 2.2 Ambition 5: our communities are built on mutual respect and taking care of each other, supported by all agencies that ensure we feel safe and protected in our homes and local neighbourhoods.
- 2.3 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.
- 2.4 The work of the Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 It is proposed that three Sub Committees, consisting of five members, with a Chair/Vice Chair each sitting on a Sub Committee, be appointed for 2018/19. However, in accordance with the provisions of the Act, Sub Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions must consist of only three members.
- 3.2 It is recommended that the Director – Monitoring Officer, in consultation with the Chair of the Licensing Committee, be authorised to select members from the Licensing Committee to serve on Sub Committees as necessary and to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.
- 3.3 Approval is also sought to the proposed terms of reference for the Sub Committees, as set out in Appendix 1.

### **4 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

Consultation is not required on this matter as the Licensing Committee establish the Sub Committees.

### **5 STRATEGIC RESOURCE IMPLICATIONS**

There are no strategic resource implications arising for this report.

### **6 EQUALITY IMPACT ASSESSMENT**

There is no need for an Equality Impact Assessment

### **7 CRIME AND DISORDER AND RISK ASSESSMENT**

All activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on all residents of the borough.

### **8 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

The Committee is invited to establish Licensing Sub Committees for the municipal year 2018/2019.

## **9 APPENDICES:**

Terms of Reference  
Licensing Sub Committee Members.

**Stuart Lackenby**  
**Director – Prevention and Protection**

## Licensing Sub Committee

### Terms of Reference

#### Statutory Licensing Committee

- (1) Exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
  - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
  - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence.	If a police objection has been made.
Application for personal licence with unspent relevant convictions.	If a police objection is made
Application for premises licence / club premises certificate.	If a relevant representation is made.
Application for provisional statement.	If a relevant representation is made.
Application to vary premises licence / club premises certificate.	If a relevant representation is made.
Application to vary designated premises supervisor.	If a police objection has been made.
Application for transfer of premises licence.	If a police objection has been made.
Applications for interim authorities.	If a police objection has been made.

Determination of interim steps pending summary review	All cases
Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	If a police objection has been made.
Application to review premises licence / club premises certificate.	All cases.
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases.
Determination of a police or environmental health objection to a temporary event notice.	All cases.
Review of provisional licence to consider revocation or suspension.	All cases.

- (2) Exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Gambling Act 2005 (Casino Resolution);
  - b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
  - c) any function conferred on the Licensing Authority by Section 349 of the Gambling Act 2005 (Statement of Principles);
  - d) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence.	If a relevant representation is made
Application for a variation to a licence.	If a relevant representation is made
Application for a transfer of a licence.	If a relevant representation is made
Application for provisional statement.	If a relevant representation is made
Application for club gaming/club machine permits.	If a relevant representation is made
Application for licensed premises gaming machine permits	If a relevant representation is made
Cancellation of club gaming/club machine permits.	
Review of premises licence.	
Decision to give a counter notice to a temporary use notice.	

## **Section 101 of the Local Government Act 1972**

- (3) Functions relating to the licensing of private hire and hackney carriage licenses, with the exception of any review and recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (4) Exercise those functions of the Licensing Committee under Section 101 of the Local Government Act 1972 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;  
    Safety of Sports Grounds Act 1975.
- (5) The registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (6) Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
- (7) Functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends



## Statutory Licensing Sub Committee

	Councillor Piper (Abbey)	Councillor Dr Crumpton (Old Warley)	Councillor White (Cradley Heath & Old Hill)
A	Councillor P Davies (Hateley Heath) Councillor L Giles (Wednesbury North)	Councillor Lewis (Friar Park) Councillor Millard (Blackheath)	Councillor S Crumpton (Oldbury) Councillor S Davies (Langley)
B	Councillor Allen (Great Bridge) Councillor Downing (Oldbury)	Councillor Eaves (Rowley) Councillor Padda (Greets Green & Lyng)	Councillor K Davies (Smethwick) Councillor Tranter (Rowley)

## Non-Statutory Licensing Sub Committee

### Sub Committee 1

Councillor Piper  
Councillor P Davies  
Councillor L Giles  
Councillor Allen  
Councillor Downing

### Sub Committee 2



Councillor Dr Crumpton  
Councillor Lewis  
Councillor Millard  
Councillor Eaves  
Councillor Padda

### Sub Committee 3

Councillor White  
Councillor S Crumpton  
Councillor S Davies  
Councillor K Davies  
Councillor Tranter

## REPORT TO LICENSING COMMITTEE

01 June 2018

<b>Subject:</b>	Annual Report of the Licensing Committee and Licensing Sub Committees for the 2017/18 Municipal Year
<b>Director:</b>	Director – Prevention and Protection – Stuart Lackenby
<b>Contribution towards Vision 2030:</b>	 
<b>Contact Officer(s):</b>	Neil Cox – Service Manager, Regulatory Services <a href="mailto:neil_cox@sandwell.gov.uk">neil_cox@sandwell.gov.uk</a>

### DECISION RECOMMENDATIONS

**That :**

The Licensing Committee Annual report for the 2017/18 municipal year be received full Council on 17 July 2018.

#### 1 PURPOSE OF THE REPORT

The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation and required to produce an annual report to Council detailing activities undertaken throughout the year and identifying the outcomes of the Committee.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 The Licensing Committee outlines a range of activity being undertaken which contributes to the delivery of the 2030 Vision, in particular the following ambitions:
- 2.2 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.
- 2.3 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.
- 2.4 The work of Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The Licensing Committee annual report for the 2017/18 municipal year is attached to this report.

## **4 THE CURRENT POSITION**

- 4.1 The current position is outlined in the report attached.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 Consultation is not required on this matter as the Annual Report provides an overview of the activity that has already been carried out by Licensing Committee during the municipal year.

## **6 ALTERNATIVE OPTIONS**

- 6.1 As no proposals are contained within this report alternative options are not required.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

There are no strategic resource implications arising from this report. The implications for resources arising from any matters considered by the Committee are included within the relevant reports to the Committee and referred to in the main body of the Annual Report as necessary.

## 8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 During the municipal year the Licensing Committee have made decisions based on consideration of the following legislation:

### 8.2 **The Licensing Act, 2003:-**

Section 3 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act 2003.

Under Section 6 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.

Section 9 states that a licensing committee may establish one or more sub-committee consisting of three members of the committee and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it or an officer of the licensing authority.

### 8.3 **The Gambling Act, 2005:-**

Section 2 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing function specified in the Act.

Section 154 provides that all decisions subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act 2003.

Section 154 (3) states that Section 10 of the Licensing Act, 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.

### 8.4 **Private Hire & Hackney Carriage Licensing**

Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

- (1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.
- (2) Without prejudice to the generality of the foregoing subsection—
  - (a) a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—
    - (i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and
    - (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;
- (3) if any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

- (1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—
  - (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
  - (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

8.5 The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub Committee or by an Officer of the Licensing Authority. Arrangements may provide for more than one Sub Committee or Officer to discharge the same functions concurrently.

8.6 The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.

8.7 The Licensing Committee reviews the membership of the Sub Committee each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 In making its decisions, the Licensing Committee consider 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 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.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 Treatment of Exempt Information – Part 1 of schedule 12A of the Local Government Act 1972, Treatment of Confidential information – Section 50A of the Local Government (Access to Information) Act 1985 and Section 124 of the Police Act 1997.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 All activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on all residents of the borough.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 The annual report provides an update on the business and activity of Licensing Committee during the course of the municipal year, therefore there are no proposals contained within this report.

## **13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

13.1 This report does not have any impact on council managed property or land

## **14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

14.1 The Licensing Committee Annual report for the 2017/18 municipal year be received.

## **15 BACKGROUND PAPERS**

15.1 The Annual Report 2017-2018 is attached.

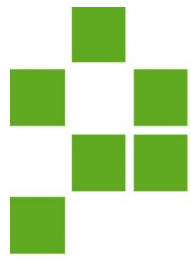
## **16 APPENDICES:**

None

**Stuart Lackenby**  
**Director – Prevention and Protection**







**Sandwell**

Metropolitan Borough Council

# **Annual Report of the Licensing Committee 2017/18**

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

My name is Councillor Bob Piper and I am Chair of the Licensing Committee. This year saw the introduction of a new committee structure. Under the provisions of the Licensing Act 2003, the Licensing Committee established three Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. The Licensing Committee has 15 members including myself as Chair and two Vice Chairs.

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 licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee has considered 125 individual matters relating to the grant or review of Private Hire and Hackney Carriage Licensing throughout the year covering a wide variety of issues.

The Committee works with the Taxi Licensing Office to ensure that all laws, conditions and obligations in respect of regulation and public safety are complied with. Following an extensive consultation the Cabinet, on 30 August 2017, approved a new Private Hire and Hackney Carriage Licensing policy in the borough. The new policy was implemented on 1 October 2017 and has seen the introduction of a new more stringent Determination of Matters Policy, a requirement that all drivers, operators and their staff undergo CSE & Safeguarding Training and Equality & Disability Awareness Training.

Drivers who have been affected by the changes in the Determination of Matters Policy are being referred to Committee to have their licence reviewed against the new policy. This has placed an extraordinary burden of work on officers in dealing with the administrative tasks of preparing papers for Licensing Panels, and also on Committee members who have often sat for up to six hours at a time dealing with outstanding cases. I would like to extend my thanks to them, and in particular to my Committee Vice Chairs, Councillors Chris Tranter and Trevor Crumpton.

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 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.

## Annual Report of the Licensing Committee 2017/18

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 Bob Piper  
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:-

- Cllr Bob Piper (Chair)
- Cllr Trevor Crumpton (Vice-Chair)
- Cllr Chris Tranter
- Cllr Keith Davies
- Cllr Patricia Davies
- Cllr Sharon Davies
- Cllr Susan Downing
- Cllr Susan Eaves
- Cllr Joy Edis
- Cllr Steven Frear
- Cllr Bill Gavan
- Cllr Carol Goult
- Cllr Geoffrey Lewis
- Cllr Danny Millard
- Cllr Caroline 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 125 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
13/06/2017	2	1			1	3			7
27/06/2017	1		1	1	1	1	1		6
11/07/2017		1	1		1		1	1	5
21/07/2017		1	1		2				4
04/08/2017	1		2		1	2			6
14/08/2017	2		2			2			6
01/09/2017	1				2		1		4
13/09/2017				1					1
19/09/2017					2	2			4
31/10/2017			1		1	3			5
14/11/2017			1		3	1			5
20/11/2017			1	2		4			7
22/11/2017				1		2	3	2	8
28/11/2017			1	1		1		1	4

## Annual Report of the Licensing Committee 2017/18

Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/ Deferred	Warned	No Action	Total
12/12/2017		1		3	1				5
09/01/2018				3	2				5
23/01/2018				2		1	1		4
06/02/2018		2	1		2	1			6
20/02/2018			1		2	1	1	1	6
06/03/2018	2		1		1	1	1		6
20/03/2018		3	1	1	1	2		1	9
17/04/2018	1	1	2		2	1	1		8
25/04/2018	1	1	1		1				4
Total	11	11	18	15	26	28	10	6	125

## Annual Report of the Licensing Committee 2017/18

### 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 2017 – 31 March 2018. The main reason for reviews throughout the year was the finding of illicit or non-duty paid goods on licensed premises: -

<b>Reviews</b>	
Trading Standards	2
Police	2
<b>Total Reviews</b>	<b>4</b>
<b>Reason for review</b>	
Serious Crime and Disorder	2
Crime, disorder and Public Safety	2
<b>Total</b>	<b>4</b>
<b>Other Hearings</b>	
Grant application	
Vary premises licence	4
application	0
Sex Establishment applications	5
<b>Total other hearings</b>	<b>9</b>

Temporary Event Notices permit licensable activities on unlicensed premises, or outside the hours of a licence, for short periods of time and subject to restrictions on the number that can be given for premises or by an individual.

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 1st January 2016.

During the course of this year there were 154 such notice given. 2 Counter notices were issued and 1 hearing notice with added conditions.



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

#### New Policies

A full review of the existing policies and guidelines in respect of Driver, Vehicle and Operator licences resulted in a new Private Hire and Hackney Carriage Licensing Policy being approved by Cabinet on 30 August 2017. The new policy was implemented on 1 October 2017.

#### Delegations to Officers

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

3 – 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.

20 – Drivers had their licence suspended with immediate effect on the grounds of public safety as their DBS certificate had expired.

23 – 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 or they were examined and found to be medically unfit to continue to drive.

14 – Drivers had their licence suspended with immediate effect on the grounds of public safety as their medical certificate had expired.

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

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

5 – Drivers were issued an exemption certificate from carrying guide or assistance dogs due to having a medical condition.

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

The Licensing Committee outlines a range of activity being undertaken 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 and effective response to local issues as they arise.

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

## **6. Enforcement Activity**

### Private Hire and Hackney Carriage Licensing:

Between 1 May 2017 and 20 April 2018, the Taxi Licensing Enforcement Team has conducted 13 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.

On average 25 vehicles are checked on each operation. Historically vehicles found with defective tyres have been a problem which has resulted in Fixed Penalties being issued to the vehicle owner and a subsequent appearance at the Licensing Sub Committee, however more recently it has been noted that the main issues appear to be lighting problems which are rectified on site by the vehicle examiners so that the driver may continue to work.

During one operation a vehicle was inspected and found to have a High Street Coffee Chain cup lid for a fuel Cap. The driver appeared before committee and was suspended for 24 weeks.

### 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 14 licensed premises carrying out general enforcement visits and following up complaints received. 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 in the knowledge 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 licence holders.

Over the course of the 2018/19 municipal year there will be a move towards moving increasing amounts of operational activity that takes place in Licensing online. This will 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.

