

Licensing Committee

**Friday 31st May 2019, at 10.00am
in Committee Room 2
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 15th February 2019 as a correct record.
4. Establishment of Licensing Sub Committees.
5. Annual report of the Licensing Committee 2018/19.

Jan Britton
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Allen(Chair);
Councillors S Davies and Rouf (Vice Chairs);
Councillors Cherrington, Crumpton, Dhallu, Downing, Eaves,
E M Giles, L Giles, G Gill, I Jones, O Jones, Moore and Preece.

**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

15th February 2019 at 10.00am
at the Sandwell Council House, Oldbury

Present: Councillor Piper (Chair);
Councillor Dr T Crumpton (Vice Chair);
Councillors Allen, S Crumpton, K Davies,
P Davies, Padda, Tranter and White.

Apologies: Councillors S Davies, Downing, Eaves, L Giles
and Millard.

1/19 **Minutes**

Resolved that the minutes of the meeting of the Licensing Committee, held on 13th November 2018, be confirmed as a correct record.

2/19 **Revision to Appointments to Licensing Sub Committees**

Approval was sought to revise membership of the three Sub Committees as set out in Appendix 1.

At its meeting on 13th November 2018 the Licensing Committee approved revised appointments to Sub Committees, pending the appointment of a second Vice Chair.

Further to Minute No. 8/18 (Licensing Committee, 13th November 2018), a second Vice Chair was appointed to the Licensing Committee by Council, at its meeting on 15th January 2019 (Minute No. 9/19 referred), and approval was sought to the revised appointment to Sub Committees for the remainder of the municipal year.

Resolved that the revised membership of the three Sub Committees, as set out in Appendix 1, be approved for the remainder of the municipal year.

3/19

Review of Fees and Charges under the Licensing Act 2003 and Gambling Act 2005

At its meeting on 31st January 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 Appendix 2, with effect from 1st April 2018.

The report set out the proposed fees and charges for the period 2019/20 in relation to premises licences and other permissions under the Licensing Act 2003 and the Gambling Act 2005.

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 20th October 2015 and implemented on 31st January 2016.

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

A review of the current fees was underway, and a further report would be submitted to Committee at a future meeting.

Resolved that the fees and charges for 2019/20 for premises licences and permissions under the Licensing Act 2003 and the Gambling Act 2005, as set out in Appendix 2, be approved with effect from 1st April 2019.

(The meeting ended at 10.12am)

Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190
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Licensing Committee – 15th February 2019

Appendix 1

Statutory Licensing Sub Committee (Chair + 2 members)

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

Sub Committee 3

Councillor Padda
Councillor S Crumpton
Councillor S Davies
Councillor K Davies
Councillor Tranter

1.0 Fees and Charges table (Premises)

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
Licensing of Houses in Multiple Occupation						
Initial licence fee	£797.75	3.00	£23.95	£821.70		No
Renewal licence fee	£570.00	3.00	£17.10	£587.10		No
Discount for second and subsequent properties	£53.00	3.02	£1.60	£54.60		No
Discount for MLAS membership	£158.00	3.01	£4.75	£162.75		No
Discount for membership of Landlord Association	£53.00	3.02	£1.60	£54.60		No
Charges for Housing Act 2004 Enforcement Action						
Charge per hour based on officer grade, eg SCP 37	£30.80	2.92	£0.90	£31.70	Rate depends on Salary scale of case officer	No
Environmental Protection						
Commercial pest treatments/hour	£61.30	3.02	£1.85	£63.15		Yes
Contract pest treatments/hour	£60.30	2.99	£1.80	£62.10		Yes
Chargeable domestic Insect	£41.67	0.00	£0.00	£41.67		Yes
Landfill location plan and data sheet	£41.00	3.05	£1.25	£42.25		No
Check if property <250m from landfill site*	£11.00	3.18	£0.35	£11.35		No
Detailed report on contaminated land/hour	£77.50	3.03	£2.35	£79.85		No
Fixed Penalty Notices						
Failure to produce waste transfer note - set by statute	£300.00	0.00	£0.00	£300.00		No
Failure to produce waste carrier's docs - set by statute	£300.00	0.00	£0.00	£300.00		No
Offences in relation to waste receptacles (Household) **	£80.00	0.00	£0.00	£80.00	Penalty range set nationally	No
Offences in relation to waste receptacles (Commercial)	£100.00	0.00	£0.00	£100.00		No
Fixed penalty for the unauthorised deposit of waste	£400.00	0.00	£0.00	£400.00	Penalty range set nationally	No
Offences in relation to intruder alarm notification	£75.00	0.00	£0.00	£75.00		No
Noise Act 1996, noise from licensed premises-	£500.00	0.00	£0.00	£500.00		No

Licensing Committee – 15th February 2019

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
by statute						
Noise Act 1996, offence in relation to noise from dwellings	£100.00	0.00	£0.00	£100.00		No
Failure to comply with notice to install smoke/CO detector	£1,000.00	0.00	£0.00	£1,000.00	Penalty range set nationally	No
First offence	£1,000.00	0.00	£0.00	£1,000.00	Penalty range set nationally	No
Second offence	£2,500.00	0.00	£0.00	£2,500.00	Penalty range set nationally	No
Three or more offences	£5,000.00	0.00	£0.00	£5,000.00	Penalty range set nationally	No
Failure of letting agent to register with redress scheme	£5,000.00	0.00	£0.00	£5,000.00	Penalty range set nationally	No
Cost recovery for requested Food Hygiene Rating Scheme (FHRS) re-inspections	£150.00	0.00	£0.00	£150.00	Prescribed method of calculating fee	No
Charges for House Surveys in support of UK Entry Clearance Applications	£90.00	3.00	£2.70	£92.70		Yes
Miscellaneous						
Performing Animals Act	£223.40	3.00	£6.70	£230.10		No
Riding Establishments	£193.00	3.01	£5.80	£198.80		No
Pet Shops	£137.00	2.99	£4.10	£141.10		No
Skin Piercing Premises	£218.00	3.00	£6.55	£224.55		No
Mobile Trader Consents (ice cream vans)	£357.00	3.00	£10.70	£367.70		No
Food Safety Health certificates	£81.00	3.02	£2.45	£83.45		No
Provision of statements to solicitors	£165.00	3.00	£4.95	£169.95		No
Animal Boarding Establishments	£115.00	3.00	£3.45	£118.45		No
Dog breeding establishments	£85.00	3.00	£2.55	£87.55		No
Dangerous wild animals	£80.90	3.03	£2.45	£83.35		No
Registration of persons skin piercing	£52.00	2.98	£1.55	£53.55		No
Primary Authority						
Primary Authority - Regulatory Services and PSH	£70.00	3.00	£2.10	£72.10		Yes
Trading Standards						
Hourly rate	£118.40	3.00	£3.55	£121.95		Yes
Proceeds of Crime Investigations (AFI's)	£67.15	2.98	£2.00	£69.15		Yes
Responsible Retailer			NEW	£159.00		No

Licensing Committee – 15th February 2019

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
Scheme						
Trading Standards and Licencing						
Licensing Act 2003						
Temporary event notice	£21.00	0.00	£0.00	£21.00	Set by statute	No
Theft, loss etc of temporary event notice	£10.50	0.00	£0.00	£10.50	Set by statute	No
Theft, loss, etc of premises licence or summary	£10.50	0.00	£0.00	£10.50	Set by statute	No
Premises licence notification of change of name or address	£10.50	0.00	£0.00	£10.50	Set by statute	No
Application to vary licence to specify individual as premises supervisor	£23.00	0.00	£0.00	£23.00	Set by statute	No
Application for transfer of premises licence	£23.00	0.00	£0.00	£23.00	Set by statute	No
Theft, loss etc of club certificate or summary	£10.50	0.00	£0.00	£10.50	Set by statute	No
Notification of change of name or alteration of rules of club	£10.50	0.00	£0.00	£10.50	Set by statute	No
Change of relevant registered address of club	£10.50	0.00	£0.00	£10.50	Set by statute	No
Right of freeholder etc to be notified of licensing matters	£21.00	0.00	£0.00	£21.00	Set by statute	No
Interim authority notice following death etc of licence holder	£23.00	0.00	£0.00	£23.00	Set by statute	No
Application for a provisional statement where premises being built etc.	£315.00	0.00	£0.00	£315.00	Set by statute	No
Minor variation application	£89.00	0.00	£0.00	£89.00	Set by statute	No
Personal licence grant application	£37.00	0.00	£0.00	£37.00	Set by statute	No
Theft, loss, etc of personal licence or summary	£10.50	0.00	£0.00	£10.50	Set by statute	No
Personal licence notification of change of name or address	£10.50	0.00	£0.00	£10.50	Set by statute	No
New applications and variations according to rateable value:-						
Band A (None - £4,300)	£100.00	0.00	£0.00	£100.00	Set by statute	No
Band B (£4,301 - £33,000)	£190.00	0.00	£0.00	£190.00	Set by statute	No
Band C (£33,001 -	£315.00	0.00	£0.00	£315.00	Set by statute	No

Licensing Committee – 15th February 2019

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
£87,000)						
Band D (£87,001 - £125,000)	£450.00	0.00	£0.00	£450.00	Set by statute	No
Band E (£125,001+)	£635.00	0.00	£0.00	£635.00	Set by statute	No
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises:-		0.00			Set by statute	
Band D x2 (£87,001 - £125,000)	£900.00	0.00	£0.00	£900.00	Set by statute	No
Band E x3 (£125,001+)	£1,905.00	0.00	£0.00	£1,905.00	Set by statute	No
Annual Fee (charge) according to rateable value:-						
Band A (None - £4,300)	£70.00	0.00	£0.00	£70.00	Set by statute	No
Band B (£4,301 - £33,000)	£180.00	0.00	£0.00	£180.00	Set by statute	No
Band C (£33,001 - £87,000)	£295.00	0.00	£0.00	£295.00	Set by statute	No
Band D (£87,001 - £125,000)	£320.00	0.00	£0.00	£320.00	Set by statute	No
Band E (£125,001+)	£350.00	0.00	£0.00	£350.00	Set by statute	No
Annual Charge multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises:-						
Band D x2 (£87,001 - £125,000)	£640.00	0.00	£0.00	£640.00	Set by statute	No
Band E x3 (£125,001+)	£1,050.00	0.00	£0.00	£1,050.00	Set by statute	No
New application and variation clubs according to rateable value:-					Set by statute	
Band A (None - £4,300)	£100.00	0.00	£0.00	£100.00	Set by statute	No
Band B (£4,301 - £33,000)	£190.00	0.00	£0.00	£190.00	Set by statute	No
Band C (£33,001 - £87,000)	£315.00	0.00	£0.00	£315.00	Set by statute	No
Band D (£87,001 - £125,000)	£450.00	0.00	£0.00	£450.00	Set by statute	No
Band E (£125,001+)	£635.00	0.00	£0.00	£635.00	Set by statute	No
Annual charge clubs according to rateable value:-						
Band A (None - £4,300)	£70.00	0.00	£0.00	£70.00	Set by statute	No
Band B (£4,301 -	£180.00	0.00	£0.00	£180.00	Set by statute	No

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Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
£33,000)						
Band C (£33,001 - £87,000)	£295.00	0.00	£0.00	£295.00	Set by statute	No
Band D (£87,001 - £125,000)	£320.00	0.00	£0.00	£320.00	Set by statute	No
Band E (£125,001+)	£350.00	0.00	£0.00	£350.00	Set by statute	No
Additional premises licence fee (Number in attendance at any one time):-						
5,000 to 9,999	£1,000.00	0.00	£0.00	£1,000.00	Set by statute	No
10,000 to 14,999	£2,000.00	0.00	£0.00	£2,000.00	Set by statute	No
15,000 to 19,999	£4,000.00	0.00	£0.00	£4,000.00	Set by statute	No
20,000 to 29,999	£8,000.00	0.00	£0.00	£8,000.00	Set by statute	No
30,000 to 39,999	£16,000.00	0.00	£0.00	£16,000.00	Set by statute	No
40,000 to 49,999	£24,000.00	0.00	£0.00	£24,000.00	Set by statute	No
50,000 to 59,999	£32,000.00	0.00	£0.00	£32,000.00	Set by statute	No
60,000 to 69,999	£40,000.00	0.00	£0.00	£40,000.00	Set by statute	No
70,000 to 79,999	£48,000.00	0.00	£0.00	£48,000.00	Set by statute	No
80,000 to 89,999	£56,000.00	0.00	£0.00	£56,000.00	Set by statute	No
90,000 and over	£64,000.00	0.00	£0.00	£64,000.00	Set by statute	No
Additional Annual fee payable if applicable:-						
5,000 to 9,999	£500.00	0.00	£0.00	£500.00	Set by statute	No
10,000 to 14,999	£1,000.00	0.00	£0.00	£1,000.00	Set by statute	No
15,000 to 19,999	£2,000.00	0.00	£0.00	£2,000.00	Set by statute	No
20,000 to 29,999	£4,000.00	0.00	£0.00	£4,000.00	Set by statute	No
30,000 to 39,999	£8,000.00	0.00	£0.00	£8,000.00	Set by statute	No
40,000 to 49,999	£12,000.00	0.00	£0.00	£12,000.00	Set by statute	No
50,000 to 59,999	£16,000.00	0.00	£0.00	£16,000.00	Set by statute	No
60,000 to 69,999	£20,000.00	0.00	£0.00	£20,000.00	Set by statute	No
70,000 to 79,999	£24,000.00	0.00	£0.00	£24,000.00	Set by statute	No
80,000 to 89,999	£28,000.00	0.00	£0.00	£28,000.00	Set by statute	No
90,000 and over	£32,000.00	0.00	£0.00	£32,000.00	Set by statute	No
Gambling Act 2005						
Converted casino premises licences:-						
Grant	£1,265.00	0.00	£0.00	£1,265.00	Maximum fee set by DCMS	No
Annual fee	£1,265.00	0.00	£0.00	£1,265.00	Maximum fee set by DCMS	No
Fee for application to vary licence	£950.00	0.00	£0.00	£950.00	Maximum fee set by DCMS	No

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Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
Fee for application to transfer a licence	£631.90	0.00	£0.00	£631.90	Maximum fee set by DCMS	No
Fee for application for reinstatement of a licence	£631.90	0.00	£0.00	£631.90	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Bingo premises licence:-		0.00				
Grant	£1,895.00	0.00	£0.00	£1,895.00	Maximum fee set by DCMS	No
Annual fee	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application to vary licence	£823.60	0.00	£0.00	£823.60	Maximum fee set by DCMS	No
Fee for application to transfer a licence	£570.00	0.00	£0.00	£570.00	Maximum fee set by DCMS	No
Fee for application for reinstatement of a licence	£570.00	0.00	£0.00	£570.00	Maximum fee set by DCMS	No
Fee for application for provisional statement	£1,895.00	0.00	£0.00	£1,895.00	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Betting premises (track) licence:-		0.00				
Grant	£1,265.00	0.00	£0.00	£1,265.00	Maximum fee set by DCMS	No
Annual fee	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application to vary licence	£631.90	0.00	£0.00	£631.90	Maximum fee set by DCMS	No
Fee for application to transfer a licence	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application for reinstatement of a licence	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application for provisional statement	£1,265.00	0.00	£0.00	£1,265.00	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Betting premises (other) licence:-						
Grant	£1,265.00	0.00	£0.00	£1,265.00	Maximum fee set by DCMS	No
Annual fee	£320.00	0.00	£0.00	£320.00	Maximum fee set by DCMS	No
Fee for application to vary licence	£631.90	0.00	£0.00	£631.90	Maximum fee set by DCMS	No
Fee for application to transfer a licence	£505.55	0.00	£0.00	£505.55	Maximum fee set by DCMS	No

Licensing Committee – 15th February 2019

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
Fee for application for reinstatement of a licence	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application for provisional statement	£1,263.80	0.00	£0.00	£1,263.80	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Family entertainment centre premises licence:-		0.00				
Grant	£760.00	0.00	£0.00	£760.00	Maximum fee set by DCMS	No
Annual fee	£383.45	0.00	£0.00	£383.45	Maximum fee set by DCMS	No
Fee for application to vary licence	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application to transfer a licence	£445.00	0.00	£0.00	£445.00	Maximum fee set by DCMS	No
Fee for application for reinstatement of a licence	£445.00	0.00	£0.00	£445.00	Maximum fee set by DCMS	No
Fee for application for provisional statement	£760.00	0.00	£0.00	£760.00	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Adult gaming centre premises:-		0.00				
Grant	£950.00	0.00	£0.00	£950.00	Maximum fee set by DCMS	No
Annual fee	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application to vary licence	£505.50	0.00	£0.00	£505.50	Maximum fee set by DCMS	No
Fee for application to transfer a licence	£570.00	0.00	£0.00	£570.00	Maximum fee set by DCMS	No
Fee for application for reinstatement of a licence	£570.00	0.00	£0.00	£570.00	Maximum fee set by DCMS	No
Fee for application for provisional statement	£950.00	0.00	£0.00	£950.00	Maximum fee set by DCMS	No
Copy licence	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Notification of change	£35.00	0.00	£0.00	£35.00	Maximum fee set by DCMS	No
Temporary Use Notice:-		0.00				
Temporary Use Notice	£500.00	0.00	£0.00	£500.00	Maximum fee set by DCMS	No
Temporary Use Notice - Copy Notice	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Licensed Premises Gaming Machine Permit:-		0.00				
Grant	£150.00	0.00	£0.00	£150.00	Maximum fee set by	No

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Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
					DCMS	
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Annual Fee	£50.00	0.00	£0.00	£50.00	Maximum fee set by DCMS	No
Variation	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Transfer	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Change of Name	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Copy of permit	£15.00	0.00	£0.00	£15.00	Maximum fee set by DCMS	No
Club Gaming & Club Machine Permits:-		0.00				
Grant or Renewal	£200.00	0.00	£0.00	£200.00	Maximum fee set by DCMS	No
Grant or Renewal (Fast Track)	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Variation	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Annual Fee	£50.00	0.00	£0.00	£50.00	Maximum fee set by DCMS	No
Copy of permit	£15.00	0.00	£0.00	£15.00	Maximum fee set by DCMS	No
Lottery Registration:-		0.00				
Grant statutory fee	£40.00	0.00	£0.00	£40.00	Maximum fee set by DCMS	No
Annual statutory fee	£20.00	0.00	£0.00	£20.00	Maximum fee set by DCMS	No
Automatic Entitlement – up to two Cat C or D machines:-		0.00				
Notification	£50.00	0.00	£0.00	£50.00	Maximum fee set by DCMS	No
Unlicensed Family Entertainment Centre:-		0.00				
Grant	£300.00	0.00	£0.00	£300.00	Maximum fee set by DCMS	No
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Renewal	£300.00	0.00	£0.00	£300.00	Maximum fee set by DCMS	No
Copy of permit	£15.00	0.00	£0.00	£15.00	Maximum fee set by DCMS	No
Change of Name	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Prize Gaming Permit-		0.00				
Grant	£300.00	0.00	£0.00	£300.00	Maximum fee set by DCMS	No
Grant (Existing Operator)	£100.00	0.00	£0.00	£100.00	Maximum fee set by DCMS	No
Renewal	£300.00	0.00	£0.00	£300.00	Maximum fee set by DCMS	No
Copy of permit	£15.00	0.00	£0.00	£15.00	Maximum fee set by DCMS	No

Licensing Committee – 15th February 2019

Service Provided	Standard Charge 2017/18	Increase / (Decrease) in % 2018/19	Increase / (Decrease) in £ 2018/19	Proposed Charge 2018/19	Comment	VAT
Change of Name	£25.00	0.00	£0.00	£25.00	Maximum fee set by DCMS	No
Sex Establishments-						
Sex Establishments (grant)	£3,102.45	3.00	£93.05	£3,195.50		No
Sex Establishments (renewal)	£3,102.45	3.00	£93.05	£3,195.50		No
Sex Establishments (transfer)	£3,102.45	3.00	£93.05	£3,195.50		No
Sex Establishments (variation)	£3,102.45	3.00	£93.05	£3,195.50		No
Sexual Entertainment Venues (grant)	£3,102.45	3.00	£93.05	£3,195.50		No
Sexual Entertainment Venues (renewal)	£3,102.45	3.00	£93.05	£3,195.50		No
Sexual Entertainment Venues (transfer)	£3,102.45	3.00	£93.05	£3,195.50		No
Sexual Entertainment Venues (variation)	£3,102.45	3.00	£93.05	£3,195.50		No
Scrap Metal Dealers Act 2013						
Grant/Renewal of Site Licence - one site	£365.00	3.00	£10.95	£375.95		No
Each additional site on grant/renewal application	£55.30	2.98	£1.65	£56.95		No
Grant/Renewal of Collectors Licence	£265.00	3.00	£7.95	£272.95		No
Replacement or copy licence	£30.00	3.00	£0.90	£30.90		No
Variation to change licensee name	£35.00	3.00	£1.05	£36.05		No
Variation to change site details (add or remove a site)	£55.30	2.98	£1.65	£56.95		No
Variation to change Site Manager	£50.00	3.00	£1.50	£51.50		No
Variation to change Collectors to Site Licence	£85.00	3.00	£2.55	£87.55		No

Licensing Committee

31 May 2019

Establishment of Licensing Sub Committees

1. Summary Statement

- 1.1 At its annual meeting on 21 May 2019, 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 2019/2020.
- 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 21 May 2019 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.
- 1.5 It is proposed that three Sub Committees, consisting of five/six members, with a Chair/Vice Chair each sitting on a Sub Committee, be appointed for 2019/20. 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.
- 1.6 It is recommended that the Director of Law and Governance and 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.
- 1.7 Approval is also sought to the terms of reference for the Sub Committees, as set out in Appendix 1.

Further details are attached for your information.

2. **Recommendations**

- 2.1 That the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 1, be approved.
- 2.2 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/six 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.
- 2.3 That the Director of Law and Governance and 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.
- 2.4 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.

Stuart Lackenby
Director – Prevention and Protection

Contact Officers

Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. **Strategic Resource Implications**

The costs arising from the administration and servicing of the Licensing Sub Committees will be met from existing budgets.

4. Legal and Statutory Implications

- 4.1 In order for the same members to make all licensing decisions, the Council may appoint a statutory licensing committee and then declare that that committee may also sit as a Council committee to carry out other licensing functions.
- 4.2 Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003.
- 4.3 Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.
- 4.4 Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees 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.
- 4.5 Section 2 of the Gambling Act 2005 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act.
- 4.6 Section 154 of the Gambling Act 2005 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.
- 4.7 Section 154(3) of the Gambling Act, 2005 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.
- 4.8 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.
- 4.9 Article 6 of the Human Rights Act 1998 state that in determination of a persons 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.

- 4.10 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.
- 4.11 Part II, Article 1 of the Act 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.
- 4.12 The Licensing Committee will review the membership of the Sub Committees each year following the appointment of members to the Licensing Committee at the Annual Council meeting.
- 4.13 Parliament has given the Council various licensing functions but legislation does not always allow choice in how a Council may operate those functions, for example, Scrap Metal Dealers licensing regime is a matter for the Leader and Cabinet to operate and the Licensing Act 2003 requires the Council to establish a statutory licensing committee to undertake licensing functions, as set out in the Act. Otherwise, the Council has general discretion to create Council committees under the Local Government Act 1972 to make licensing related decisions.

5. Implications for Sandwell's Vision 2030

- 5.1 The Licensing process contributes to the Sandwell's Vision 2030 – Ambition 3 our workforce and young people are skilled and talented geared up to respond to changing business needs to win rewarding jobs in a growing economy locally.
- 5.2 The Licensing Act 2003 has four licensing objectives which are highly pertinent to Ambition 5 of Sandwell's Vision 2030 these being:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 5.3 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.4 Trading Standards and Licensing is a member of the Sandwell Drug and Alcohol Policy group, which reports to the Safer Sandwell Partnership.

6. **Background Details**

The Licensing Sub Committees are appointed under the provisions of the Licensing Act, 2003 and are therefore not subject to the proportionality requirements of the Local Government and Housing Act 1989. However, other licensing functions will be subject to proportionality.

For 2019/20, the proportionality provisions will apply, when considering licensing functions other than those under the provisions of the Licensing Act 2003, and seats have been allocated to the Sub Committees accordingly.

Source Documents

Licensing Act 2003

Gambling Act 2005

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 Allen (Great Bridge)	Councillor Rouf (Soho & Victoria)	Councillor S Davies (Langley)
A	Councillor Dhallu (West Bromwich Central) Councillor E M Giles (Bristnall)	Councillor L Giles (Wednesbury North) Councillor I Jones (Tipton Green)	Councillor Downing (Oldbury) Councillor Crumpton (Old Warley)
B	Councillor O Jones (Wednesbury South) Councillor Cherrington (Princes End)	Councillor Preece (Charlemont with Grove Vale) Councillor Eaves (Rowley)	Councillor Moore (Hateley Heath) Councillor G Gill (Great Barr with Yew Tree)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Councillor Allen
Councillor Dhallu
Councillor E M Giles
Councillor O Jones
Councillor Cherrington

Sub Committee 2



Councillor Rouf
Councillor L Giles
Councillor I Jones
Councillor Preece
Councillor Eaves
Councillor Cherrington

Sub Committee 3

Councillor S Davies
Councillor Downing
Councillor Moore
Councillor Crumpton
Councillor G Gill
Councillor Cherrington

REPORT TO LICENSING COMMITTEE

31 May 2019

Subject:	Annual Report of the Licensing Committee and Licensing Sub Committees for the 2018/19 Municipal Year
Director:	Director – Prevention and Protection – Stuart Lackenby
Contribution towards Vision 2030:	 
Contact Officer(s):	Neil Cox – Service Manager, Regulatory Services neil_cox@sandwell.gov.uk

DECISION RECOMMENDATIONS

That :

The Licensing Committee annual report for the 2018/19 municipal year be approved for submission to full Council on 16 July 2019.

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 2018/19 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 2018/19 municipal year be received.

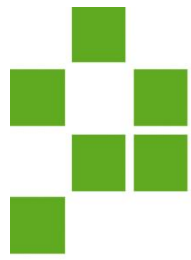
15 BACKGROUND PAPERS

15.1 The Annual Report 2018-2019 is attached.

16 APPENDICES:

None

Stuart Lackenby
Director – Prevention and Protection



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
Total	9	17	13	16	14	23	20	4	123

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: -

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

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 and 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.