

Minutes of Licensing Committee

**Thursday, 23 September 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Rouf (Vice-Chair), Chidley, Fenton and J Webb

Also present:

David Elliott (Solicitor) and Tracey Hubball (Operations
Manager - Licensing, Regulatory Services)

6/21 Apologies for Absence

Apologies were received from Councillors G Gill, Z Hussain, R Jones and Williams.

7/21 Declarations of Interest

There were no declarations of interest made.

8/21 Minutes

Resolved that the minutes of the meeting held on 07 June 2021 were approved as a correct record.

9/21 Appointment to Licensing Sub Committees 2021-22

The Committee received the Appointment to Licensing Sub Committees Report. Approval was sought to make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair



vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment has been made by full Council.

Under the provisions of the Licensing Act 2003, the Licensing Committee could 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 could also be discharged by those sub-committees.

Further to Minute No. 4/21 (Licensing Committee Meeting on 7 June 2021), at the Council meeting on 26 July 2021, a change to the appointment of members to the Licensing Committee was approved and it had therefore become necessary to revise the appointment to the Licensing Sub Committees. There was also a Vice Chair vacancy and, pending appointment, the Chair would sit over two sub committees. Once a replacement had been approved by full Council, the Vice Chair would oversee Sub Committee 2.

The Council at its meeting on 25 May 2021 had appointed a Licensing Committee comprising 15 members, including one Chair and two vice-chairs. It was proposed that three Sub-Committees, consisting of five members, with a Chair/Vice Chair each sitting on a sub-committee, be appointed for 2021/22. However, in accordance with the provisions of the Act, Sub-Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions would consist of only three members.

The Director - Law and Governance and Monitoring Officer, in consultation with the Chair of the Licensing Committee, was authorised to select members from the Licensing Committee to serve on sub-committees as necessary 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.

Resolved: That the Committee make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment had been made by full Council.

Department for Transport Statutory Taxi and Private Hire Vehicle Standards

On 21 July 2020, the Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities. The standards were designed to improve consistency in the licensing system and reduce the risk of harm posed to children and vulnerable passengers. The guidance also stated that all passengers would benefit therefore the standards should be implemented unless there was a good reason not to do so.

Licensing authorities were under a legal duty under Section 177 (1) of the Police and Crime Act 2017, to have regard to the Statutory Standards which meant they should be rigorously considered in formulating policy. It was recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it was be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.

On 9 December 2020 Cabinet approved a consultation on the Statutory Taxi and Private Hire Vehicle Standards and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted (Minute Number 118/20). The consultation had been undertaken on the standards that were not currently included in the Council's existing Private Hire and Hackney Carriage

Licensing policy. A twelve-week consultation was undertaken between 21 December 2020 and 12 March 2021. Due to COVID-19, the consultation was carried out remotely by means of a questionnaire which was published on the Sandwell Council website. The consultation was promoted through the Council website, in the local press, on the Council's social media accounts and was sent directly to local key interested organisations such as local disability groups, transport organisations, local women's groups, domestic abuse groups, local traders and the Sandwell Safeguarding Adults Board.

The Licensing Committee considered the outcome of this consultation and determined whether any of the statutory standards that were not already met within Sandwell's current policy should be adopted. The adoption of any additional standards would require amendments to be made to the current Private Hire and Hackney Carriage Licensing Policy.

The areas of the Private Hire and Hackney Carriage Policy that would be affected by the adoption of the Statutory Standards were as follows:

- Administration of the Licensing Regime and this includes, the policy, duration of licences and whistleblowing
- Gathering and Sharing Information including the DBS service and levels and frequencies of checks, subscribing to and updating of the NR3 Register and sharing information with other agencies
- Decision Making including training for Councillors, fit and proper test and convictions and rehabilitation periods
- Driver Licensing including safeguarding and exploitation, criminality checks and language proficiency
- Vehicle licensing including criminality checks for vehicle providers and the use of CCTV in licensed vehicles
- Private Hire Vehicle Operator Licensing including criminality checks for operators and booking and dispatch staff, record keeping and policies on employing ex-offenders
- Enforcing the licensing regime including authorisation of enforcement officers from other licensing authorities and suspension and revocation of driver licences.
- Advice and guidance for passengers on staying safe.

The Committee considered the consultation results analysis, current policy wording and comments raised by consultees. The comments raised made by members included:

- Concerns around additional costs which may be faced by drivers and operators as a result of adoption of the principles.
- Self-reporting should be considered on a case by case basis and should take into account that whilst under arrest drivers may be limited in who they can contact.
- Questions were raised on how the Council communicated any changes in policy with the trade and whether they had been consulted on the policy change. It was confirmed that the council had written to, emailed and text all drivers as part of the consultation. The topic had also been taken to the Taxi Licensing Forum and had been communicated via WhatsApp groups. The council would use these channels to communicate any changes in policy.
- The Chair highlighted the NR3 register and stated that it would help the committee members make their decisions should the Council subscribe to the register.
- It was highlighted that safeguarding had been considered for adults, but members questioned whether children had been

considered. Members noted the ongoing work that was taking place as part of the SEND Review. First aid training and disability awareness were noted as standards that needed to be included in the policy. Safeguarding for children was also highlighted when considering CCTV. However, it was explained that there currently was no proven need for CCTV in Sandwell.

- Language and literacy proficiency requirements should consider functional qualifications and any relevant qualifications that drivers may already have. Members also suggested that the Council Licensing Team should work with organisations such as Sandwell Adult and Family Learning (SAFL) to help provide any necessary qualifications.
- To consider how other authorities had implemented the standards, particularly around drug testing
- The chair noted that a training session for committee member would be required on an updated version of the policy.

An updated report was expected to be finalised by October and would then be submitted to Licensing Committee at a future meeting with policy amendments and an implementation plan for any new standards that are to be adopted. The report would then go on to Cabinet and Council soon after. It was expected that the policy would be implemented as soon as possible in 2022.

Councillor Rouf left the meeting at 11:57

Resolved:-

- (1) That Licensing Committee receive the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards as detailed in Appendix 2.
- (2) That Licensing Committee, taking account of the results of the consultation consider approving adoption of the standards identified in Appendix 3 in principle.
- (3) That a further report is submitted to the Licensing Committee with the amendments required to the Sandwell Private Hire and Hackney Carriage Licensing Policy and an implementation plan for the new standards to be included in the Policy.

Meeting ended at 12.01 pm

Contact: democratic_services@sandwell.gov.uk