

Agenda

Licensing Committee

Tuesday, 14 June 2022 at 10.00 am
in the Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 5 - 14

To confirm the minutes of the meetings held on 17 and 24 February and 24 March 2022 as a correct record.
- 4 Establishment of Licensing Sub Committees** 15 - 24

To approve the terms of reference and appointments to the Licensing Sub Committees
- 5 Annual Report of the Licensing Committee** 25 - 42

To approve the annual report of the Committee for submission to full Council



Kim Bromley-Derry CBE DL
Managing Director Commissioner
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allen (Chair)
Councillors Fenton, Gavan, Akpoteni, Bostan, Dunn, M Gill, Giles, Hussain,
Hussain, Jalil, Kausar, Mayo, Singh and Wilkes

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Committee

**Thursday 17th February 2022 at 9.15am
Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Fenton, Z Hussain and R Jones.

Also present: Tracy Hubball (Licensing Service Manager);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

1/22 **Apologies for Absence**

Apologies for absence were received from Councillors Chidley, S Gill, Mabena and Webb.

2/22 **Declarations of Interest**

There were no interests declared at the meeting.

3/22 **Minutes**

Resolved that the minutes of the meeting held on 2 December 2021 were confirmed as a correct record.



Taxi Licensing Fees and Charges 2022-2023

Licensing authorities had a legal duty under the Local Government (Miscellaneous Provisions) Act 1976 to review and set its Taxi Licensing fees. Taxi licence holders had requested a fee reduction. This request and further feedback provided by licence holders had informed a detailed Taxi service improvement plan which responded to requests for changes in service delivery and in turn where possible those improvements look to realise cost savings which may result in reduction to fees and charges.

The taxi licensing fees and charges formed part of a wider fees and charges report being taken to Cabinet on 23 February 2022. That report proposed that, by the analysis of the costs of issuing and administering the grant to any person of a licence, the taxi licensing fees and charges for 2022-2023 should remain unchanged.

A number of improvements had been identified by the licensing team. The fees and charges review would be revisited in 12 months to determine the impact of the improvements on those fees and charges based on the apportionment costs and would be reported back to the Licensing Committee.

Following questions by members clarification was provided in relation to:-

- only certain activities associated with the taxi licensing function could be apportioned to the fees, these were specifically outlined in the Act - the Local Authority financed the elements that the Act did not cover;
- the cost covered vehicle inspections undertaken;
- there were several online app-based model operators who were licensed to operate in the same way and were held accountable by the same standards, policy and conditions as attached to the licence;
- the licensing team had implemented a new licensing system, which would cover both taxi and general licensing. The system had been live from January 2022 and the customer portal allowed drivers to apply/reapply for their licence, pay fees, upload documentation with the application etc.



Resolved that the proposed fees and charges for Private Hire and Hackney Carriage licences be endorsed prior to submission to Cabinet for consideration.

Meeting ended at 9:47am

Contact: democratic_services@sandwell.gov.uk



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Minutes of Licensing Committee

**Thursday 24th February 2022 at 10.13am
Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Chidley, Fenton, Z Hussain and R Jones.

Also present: Tracy Hubball (Licensing Service Manager);
Fiona Gee (Licensing Supervisor);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer).

5/22 **Apologies for Absence**

Apologies for absence were received from Councillors Fenton, G Gill, Mabena, Webb and Williams.

6/22 **Declarations of Interest**

There were no interests declared at the meeting.

7/22 **Hackney Carriage Fare Review**

It was reported that, on 16 December 2021, a request to increase hackney carriage fares, which were set by the Council, was received and accepted from thirteen hackney carriage vehicle licence holders due to increased fuel costs and the rising cost of living. The last time that the fares were increased was November 2013.



The Local Government (Miscellaneous) Provisions Act 1976, under Section 65, required that when a request was received, a notice be published in a local newspaper inviting objections and, in the event that no objections were received, the change in fares came into effect on a date specified in the notice – usually the day after the closing date for objections.

The proposed increase would be submitted to Cabinet for consideration.

Resolved that the Hackney Carriage Fare Review be submitted to Cabinet for consideration.

8/22

Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Consideration was given to proposed changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy, in line with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.

The Department for Transport Statutory Taxi and Private Hire Vehicle Standards were introduced to protect children and vulnerable people, as defined by Section 42 of the Care Act 2014. 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 when formulating policy.

A consultation on the adoption of the standards was undertaken between December 2020 and March 2021. At a meeting of the Licensing Committee on 23 September 2021, the Committee considered the implementation of the proposed changes and were in support of implementation subject to approval of policy wording, with the exception of CCTV being a mandatory requirement in licensed vehicles. It was determined that there was no proven local need, however should such a proven need be identified in the future, that further consideration would be given to such a requirement.



The Licensing Committee recognised that substantial changes would be required to the current Sandwell Private Hire and Hackney Carriage Licensing Policy and asked that a further report be brought back to the Committee to consider those changes in detail, together with an implementation plan for the changes to come into effect.

Following questions, clarification was provided around testing of vehicles as concern had been expressed that vehicles were being tested more than 3 occasions in a 12 month period and it was recommended that the wording be adjusted to make the position clear adhering to the law.

The proposed policy changes would be submitted to Cabinet for consideration and approval.

Decision:-

- (1) that the proposed changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy be endorsed and submitted to Cabinet for consideration;
- (2) that the proposed changes to the conditions of licence of the changes be endorsed and submitted to Cabinet for consideration, in line with the changes to draft Sandwell Private Hire and Hackney Carriage Licensing Policy;
- (3) that, the proposed implementation plan, outlining the approach to be taken in implementing the changes resulting from adoption of the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy be endorsed and submitted for Cabinet for consideration;
- (4) that the standard relating to the mandate to install CCTV in all licenced vehicles as a mandatory policy requirement is not adopted at this time, and that the current policy position of voluntary installation is maintained.



Meeting ended at 12:04am (with an adjournment between 11.35 and 11.38)

Contact: democratic_services@sandwell.gov.uk



Minutes of Licensing Committee

**Thursday 24th March 2022 at 10.15am
Council House, Oldbury**

Present: Councillor Allen (Chair);
Councillors Chidley, Fenton and Z Hussain.

Also present: Tracy Hubball (Licensing Service Manager);
Helen Hanson (Excellence Implementation Support Officer);
David Elliott (Solicitor);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

9/22 **Apologies for Absence**

Apologies for absence were received from Councillors Mabena and Williams.

10/22 **Declarations of Interest**

There were no interests declared at the meeting.

11/22 **Adoption of the reviewed Gambling Act 2005 Statement of Principles**

Consideration was given to the proposed changes to the draft Gambling Act 2005 – Statement of Principles.



Sandwell's Gambling Act 2005 statement of principles was implemented in May 2020. The Gambling Act 2005 required Sandwell Council, as the Licensing Authority, to prepare a statement of principles to be applied when exercising the functions under the Act. The Gambling Act 2005 required the Council, as Licensing Authority, to review its Statement of Principles under the Gambling Act 2005, (Gambling Policy) every three years.

Following approval to consult at Licensing Committee on 2 December 2021, consultation on the draft Gambling Act 2005 - Statement of Principles was undertaken over a 12-week period between December 2021 and March 2022.

The draft Statement of Principles was amended informed by the consultation feedback received. There were no significant changes required as a result of the consultation.

The draft Gambling Act 2005, Statement of Principles would be presented to Council on 12 April 2022.

Arrangements would be made for additional training for Licensing Committee members around the Gambling Act 2005.

Resolved that the draft Gambling Act 2005 - Statement of Principles be recommended to Council for approval;

Meeting ended at 11:09am

Contact: democratic_services@sandwell.gov.uk



Report to Licensing Committee

Tuesday 14 June 2022

Subject:	Establishment of Licensing Sub Committees
Director:	Surjit Tour Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Senior Democratic Services Officer trisha_newton@sandwell.gov.uk

1 Recommendations

- 1.1 That the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 1, be approved.
- 1.2 That three Sub Committees be established, to undertake those functions set out in the terms of reference referred to in 1.1 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.
- 1.3 That the Director of Law and Governance - 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.



1.4 That the Director of Law and Governance - Monitoring Officer 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.

2 Reasons for Recommendations

2.1 At its annual meeting on 24 May 2022, the Council appointed a statutory Licensing Committee which would also sit as the Council Committee to carry out other licensing functions.

2.2 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.

2.3 The Committee is invited to establish Licensing Sub Committees for the municipal year 2022/2023.

2.4 The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 24 May 2022 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

3 How does this deliver objectives of the Corporate Plan?

	<p>The Licensing Act 2003 has four licensing objectives which are highly pertinent to Ambition 5 of Sandwell’s Vision 2030 these being:-</p>
	<p>(a) the prevention of crime and disorder;</p>
	<p>(b) public safety; (c) the prevention of public nuisance; (d) the protection of children from harm.</p>



	<p>Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-</p> <ul style="list-style-type: none"> (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.
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4 Context and Key Issues

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 2022/23, 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.

5 Alternative Options

5.1 There is no alternative option, the functions sit within the remit of the Licensing Committee.

6 Implications

Resources:	There are no direct resource implications arising from this report.
Legal and Governance:	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. 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.



	<p>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.</p> <p>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. 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. 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.</p> <p>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.</p>
Risk:	There are no direct risks arising from this report.
Health and Wellbeing:	There are no health and wellbeing risks arising from this report.
Social Value	There are no social value risks arising from this report.

7. Appendices

Proposed Sub Committees
Terms of Reference



Statutory Licensing Sub Committee

	Councillor Allen (Great Bridge)	Councillor Fenton (Bristnall)	Councillor Gavan (Langley)
A	Councillor M Gill (Smethwick) Councillor Mayo (Rowley)	Councillor Z Hussain (Soho and Victoria) Councillor Akpoteni (Hateley Heath)	Councillor Bostan (Abbey) Councillor Kausar (Bristnall)
B	Councillor N Singh (Oldbury) Councillor Wilkes (Princes End)	Councillor A Hussain (Tipton Green) Councillor Dunn (Tividale)	Councillor Jalil (Oldbury) Councillor J Giles (Greets Green and Lyng)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Councillor Allen
Councillor M Gill
Councillor Mayo
Councillor N Singh
Councillor Wilkes

Sub Committee 2

Councillor Fenton
Councillor Z Hussain
Councillor Akpoteni
Councillor A Hussain
Councillor Dunn

Sub Committee 3

Councillor Gavan
Councillor Bostan
Councillor Kausar
Councillor Jalil
Councillor J Giles

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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

Report to Licensing Committee

Tuesday 14 June 2022

Subject:	Annual Report of the Licensing Committee and Licensing Sub Committees for 2021/22
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Nicola Plant – Service Manager, Regulatory Services nicola_plant@sandwell.gov.uk Tracy Hubball – Operations Manager, Regulatory Services tracy_hubball@sandwell.gov.uk

1 Recommendations

- 1.1 That the Licensing Committee annual report for the Municipal year of 2021/22 is approved for submission to full Council on 26 July 2022.

2 Reasons for Recommendations

- 2.1 To receive and approve the Licensing Committee annual report for the Municipal year of 2021/22 and seek approval to submit the annual report to Council.



3 How does this deliver objectives of the Corporate Plan?

	The work of the Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.
	<p>The activities undertaken contributes to the delivery of the 2030 Vision, in particular the following:</p> <ul style="list-style-type: none"> - 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. - our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.
	
	
	
	

4 Context and Key Issues

4.1 The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation set out in this report.

The committee is required to produce an annual report to Council detailing activities completed throughout the Municipal year including the outcomes of the Committee. The report outlines the activity of the committee and responses to local and national issues. A copy of the annual report is attached at Appendix 1.

5 Alternative Options

5.1 There are no alternative options given for consideration as it is a requirement under the legislations that an annual report of the activity of the Licensing Committee is produced.



6 Implications

Resources:	<p>There are no resource implications arising from this report.</p>
Legal and Governance:	<p>Licensing Committee is responsible for the exercising of the powers and duties of the Council, i.e. those matters that are not the responsibility of the Executive/Cabinet, with regards to Licensing matters under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 as extended by the Public Health Act 1875.</p> <p>The Licensing Act 2003 (Alcohol Licensing) The Gambling Act 2005 (The Licensing of Gambling) and the Local Government Act 1972 (Licensing of Taxis) allow the Licensing Committee to arrange for the discharge of any of its functions by a sub-committee or an officer of the Licensing Authority in accordance with its terms of reference and officer scheme of delegation. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.</p> <p>The membership of the Sub Committee is reviewed each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.</p> <p>The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.</p>
Risk:	<p>There are no risks identified in relation to crime and disorder from the recommendation of this report.</p> <p>The activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on residents and visitors of the Sandwell borough.</p>



Equality:	An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

Annual Report of the Licensing Committee and Licensing Sub Committees for the Municipal year of 2021/22.

8. Background Papers

None



Annual Report of the Licensing Committee



Chair's Foreword

The last year proved significant for the Licensing Committee, both with dealing with the impact of COVID and the many fresh faces on the Licensing Committee.

We still had to deal with issues arising during COVID and faced a very difficult task in doing this remotely, online. In some cases, the technology let us down and proved challenging. Those who were called to a Committee hearing found it challenging staying online for the duration of a hearing, often attending via only a mobile phone sometimes in their vehicles with their Legal representatives attending via a separate link. However, with excellent work by officers, Committee members and great patience all round we came through it without any major disasters.

To enable the new Committee members, to be more ready to serve on the Committee, we are introducing a more robust learning and development offer for them to receive the necessary training to enable them to undertake their role on this important Committee.

For our license holders and applicants a new online application system is now available with further development of the system to follow which will provide further opportunity for them to engage with the Licensing Team and for the Licensing Officers to response to their enquiries in a more efficient way.

The latter part of the year is now seeing ALL licensing enforcement activities back to the pre-pandemic levels.



Cllr Pete Allen, Chair of Licensing Committee



Introduction to the ... Committee

What is the role of the Committee

The purpose of the Licensing Committee which is established by Council each year 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.

Who sits on the Committee

Membership of the Licensing Committee for 2021/22 was as follows:-

- Councillor Allen (Chair)
- Councillor Rouf (Vice Chair)
- Cllr T Mabena (Vice Chair)
- Cllr Chidley
- Cllr Fenton
- Cllr Gavan
- Cllr Hadley
- Cllr Z Hussain
- Cllr S Singh
- Cllr G Gill
- Cllr S Gill
- Cllr R Jones
- Cllr O Jones
- Cllr Webb
- Cllr Williams



How does the work of the Committee Contribute to the Corporate Plan?

	<p>Strong resilient communities</p> <p>The work of Licensing Committee enforces key council policies and provides an effective response to local issues as they arise.</p>
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Committee Development Activity

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

- Licensing Act 2003
- Taxi Licensing
- Gambling Act

Training included licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate.

Councillor Allen and Councillor Mabena were both able to attend the Local Government Association (LGA), Licensing Decision Making at Licensing Committee course on 10th and 11th March 2022. Looking forward, the LGA training course will be included as an option in the Member learning and development plan for committee members in 2022/23.

Committee Activity Overview

Work Programme Spotlight – Taxi Licensing

In the municipal year 1 April 2021 to 31 March 2022 the Committee considered 14 reports regarding the grant of new license applications or the renewal or review of existing licenses.



Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/Deferred	Warned	No Action	Total
12/04/21	1					1			2
17/05/21									N/A
21/06/21									N/A
28/06/21				2		1	1		4
19/07/21	2								2
16/08/21			1						1
20/09/21					1				1
18/10/21							1		1
15/11/21							1		1
13/12/21				1		1			2
24/01/22				1					1
22/02/22							1		1
01/03/22									N/A
04/04/22	1					2			3
Total	4	0	1	4	1	5	4	0	19

Delegated officer decisions

During the same period the following delegated officer decisions were made by the Taxi Licensing Managers which resulted in fewer reports being taken to Committee for member consideration and decision:

	Municipal year 2021/22
Licensed drivers who had their licence revoked or suspended with immediate effect on the grounds of public safety	1
Licensed drivers who had their licence suspended with immediate effect as their DBS certificate had expired	26
Licensed drivers who were issued with a 21 days suspension notice for failure to sign up to the DBS update service	3
Licensed Drivers who had their licence suspended with immediate effect as their Medical certificate had expired	94



Licensed drivers who had their licence suspended with immediate effect as they were not medically fit	31
Warning letters issued due to failing to declare minor road traffic endorsements on application or within the designated period	6
Drivers issued with an exemption certificate from carrying guide and assistance dogs due to a medical condition	1
Warning Letters issued at conclusion of complaint Investigation	3

Numbers of licences

The numbers below are the registered licences for the municipal year of 2021/22 broken down by licence type.

Licence type	Total number of current licences 2021/22
Private Hire Operator	45*
Private Hire Driver	923*
Hackney Carriage Driver	18*
Dual Licence Holder	328*
Private Hire Vehicle	1068*
Hackney Carriage Vehicle	81*

*the figures quoted are extracted from the system retrospectively. Any licence that was current during the municipal years of 2021/22 but which has not renewed since that year cannot be reported on retrospectively as once a licence lapses and is not renewed the system archives that licence and it can no longer be reported on.

Policy Position

Private Hire and Hackney Carriage Policy Handbook

The current policy handbook was last fully reviewed October 2017 with subsequent amendment in August 2018. The policy handbook should be reviewed at least every three years.

A policy review was undertaken following the publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards in July 2020.



Following a consultation between December 2021 and March 2022, the policy was amended to take account of the standards and this was considered by Committee on 23 September 2021 and approved by Cabinet on 13 April 2022.

A further full review of policy is planned before the end of 2022.

Service Improvements

During the course of the 2021/22 municipal year work has continued on the digital transformation of the licensing activities. The objective of digitalisation is to enable customers to apply and communicate with the Licensing Department with greater control and flexibility. The change in approach aims to improve efficiency and accessibility of service.

Great focus has been given to the project during 2021/22 resulting in the successful introduction of online applications which were launched in January 2022. Customers can now apply for new licences, renew licences, make payment and submit supporting documents for applications online. The system has also started to open up further opportunities for digital communication which is streamlining and speeding up processing timescales.

Work has continued from January 2022 on phase 2 of the digitalisation project which will deliver further functionality for vehicle licensing.

Work will continue into the municipal year of 2022/23 to go live with phase 2 and continue to work on further phases of the project which includes additional licensed driver and licensed operator functionality.

Enforcement Activity

Between 1 April 2021 and 31 March 2022 the Taxi Licensing Team have been unable to arrange any inhouse Multi Agency Safety Operations (MASO's) due to the impact of the Covid-19 pandemic which has left the team along with partner agencies focussing on priorities during the initial reset and recovery.

Whilst scheduling MASO's during 2021/22 has not been possible, the Enforcement Officers have been securing partners commitment to future dates and are scheduling dates to recommence MASO's from June 2022.



The Enforcement Officers have focussed on reactive investigation of complaints received and completion of Operator base visits to ensure compliance with licence conditions.

Enforcement Officers have worked in partnership with the Travel Assistance Service and Adult Social Care Transport (TAS) Team to undertake mini MASO operations at schools across Sandwell.

Work Programme Spotlight – General Licensing

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Sub Committees in the municipal year 1 April 2021 to 31 March 2022 together with further information on the responsible authority requesting the review for the same period:

Reviews

Agency triggering review	Total 2021/22
Trading Standards	0
Police	0
Court order	1
	Total 1

Reasons for review	Total 2021/22
Serious Crime and Disorder	0
Crime, disorder and Public Safety	1
	Total 1

Other hearings	Total 2021/22
Grant application	6
Vary premises licence application	1
Sex Establishment applications	2
Temporary Event notices	2
Expedited review	0
	Total 11

Delegated officer decisions



The table below states the total number of delegated officer decisions on Licensing applications for both the 2019/20 and 2020/21 municipal years which negated the need to seek member consideration and decision via a Committee hearing:

Decision Type	2020/21
New Premises licences	36
Minor Variations	20
Full Variation	18
Vary Designated Premise Supervisor	250
Transfer Premise Licence Holder	160
Licences surrendered	11
Licences suspended	42
Change of name/address Premises Licence	30
Personal licences	142
Change of name/address Personal Licence	104

Number of Licences

The numbers below are the current registered licences for the municipal year 2020/21 broken down by licence type.

Licence type	Total number of current licences for 2020/21
Premises licences	959
Personal licences	4427
Casino	2
Bingo	7
Alcohol Licenced Gaming Machine Permit (ALPGM)	33
Adult Gaming Centre (AGC)	12
Betting (BET)	44
Betting Premises (TRACK)	1



Unlicensed Family Entertainment Centre (UFECP)	3
Family Entertainment Centre (FEC)	0
Club Machine Permit (CMP)	37
Sexual Entertainment Venues) (SEV)	2
Scrap Metal	71
Temporary event notice (TEN)	92

Policy Position

Gambling Act 2005 Statement of Principles

Gambling Act 2005 statement of principles have effect for a maximum of three years and must reviewed thereafter. The statement of principles was last reviewed in 2020.

The statement of principles has been reviewed and subsequently consulted upon over a 12 week period between December 2021 and March 2022. Following the analysis of consultation feedback Committee reviewed the statement of principles further and gave support for implementation.

The revised Gambling Act 2005 Statement of Principles were formally approved by Full Council on 21 April 2022.

Service Improvement

During the course of the 2021/22 municipal year focus on the digital transformation of the licensing activity has mainly focused on Taxi Licensing. The key objective of digitalisation is to enable customers to apply and communicate with the Licensing Department.

Work on the licensing system for General Licensing was paused due to limited capacity to undertake business as usual activity, navigate through reset and recover and balance project support and management of the system for both teams.



Work will continue into the municipal year of 2022/23 on a revised workplan and timeline of the digitalisation project for the General Licensing elements of the project.

Enforcement activity

The General Licensing Team has conducted enforcement and compliance visits to 183 Licensed premises during 2021/22 following complaints received, accompanying partners on planned visits or undertaking compliance and enforcement visits as part of the reset and recovery following COVID restrictions being lifted. The team works closely with various partners and responsible authorities such as West Midlands Police, Trading Standards, Environmental Health, Planning and West Midlands Fire Service to visit 'problem' premises to ensure licence holders are compliant with the operating schedule and conditions of their licence.

Temporary Event Notices (TEN's)

TEN's 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.

The process of applying is formally known as 'serving' a Temporary Event Notice.

A TEN is needed for each event held at a specific premises. An individual premise can have up to 20 TENs applied for in one year, as long as the total length of the events is not more than 26 days.

An individual who does not hold a personal licence can get up to 5 TEN's per year, 2 of which can be late TEN's within the year.

Individuals who hold a personal licence can be given 50 TEN's per year, 10 of which can be late TEN's within the year.

Late TENs count towards the total number of permitted TENs.



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.

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 meaning the event cannot go ahead.

During the course of 2021/22 there were 94 TEN's, 29 of these were late notices, and 1 counter notice was issued.

Looking Ahead

Moving into the municipal year of 2022/23 work will continue on the digitalisation of the Taxi Licensing activities and to bring the project for digitalisation for General Licensing activities back online also.

The Taxi Licensing Team will be reviewing the Private Hire and Hackney Carriage Policy Handbook before the end of 2022 which will take an in-depth look into the policy in general.

The Team will also be considering the impact of the recent 'Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022' and the impact on the policy handbook.

The Taxi Licensing Team will also be keeping in view the recently published Department for Transport (DfT) 'Taxi and Private Hire Vehicle Licensing – Best Practice Guidance for licensing Authorities in England' published on 28 March 2022.

The DfT has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities with their responsibilities for the regulation of taxi and private hire vehicle trades.

The DfT are currently seeking views as part of a consultation which closes on 20 June 2022. Once published as a final version this document will be viewed in conjunction with the Sandwell Private Hire and Hackney Carriage Policy Handbook to any impact.



Concluding Remarks

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 municipal year 2021/22 the following activities were completed:

- Completion of the review of the Private Hire and Hackney Carriage Policy Handbook in order to implement the DfT National Standards
- Completion of the review of the Gambling Policy
- Development and introduction of a new ICT system to enable online applications for all licence types for Taxi Licensing

The new ICT system and move of operational activity online aims to offer the customer greater flexibility and control and improve accessibility when they engage with the Licensing Department and provide them with a more efficient service. Information will be more readily available for the Committee and the Licensing Team in order to meet both the Legal requirements of Licensing and its contribution to the delivery of the 2030 Vision. Work continues on the new ICT system which is anticipated to continue throughout 2022/23.



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