

# Agenda

## Licensing Committee

**Wednesday 14 June 2023 at 10.00 am**  
**in the Council Chamber - Sandwell Council House, Oldbury**

- |   |   |         |
|---|---|---------|
| 1 | <b>Apologies for Absence</b>  | 5 - 6   |
|   | To receive any apologies for absence.   |         |
| 2 | <b>Declarations of Interest</b>   | 7 - 8   |
|   | Members to declare any interests in matters to be discussed at the meeting.         |         |
| 3 | <b>Minutes</b>  | 9 - 12  |
|   | To confirm the minutes of the meetings held 16 August 2022 as a correct record.     |         |
| 4 | <b>Establishment of Licensing Sub Committees</b>                                    | 13 - 22 |
|   | To approve the terms of reference and appointments to the Licensing Sub Committees. |         |
| 5 | <b>Annual Report of the Licensing Committee</b>                                     | 23 - 40 |
|   | To approve the annual report of the Committee for submission to Full Council        |         |



**Shokat Lal**  
**Chief Executive**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**

Councillor J Giles (Chair)  
Councillors Fenton, Lewis, Abrahams, Davies, E M Giles, A Hussain, Jalil,  
Khan, Loan, J Singh, N Singh, Tromans, Weston and Wilkes

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## Licensing Committee

### Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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## Licensing Committee

### Declarations of Interest

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



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## Minutes of Licensing Committee

**16 August 2022 at 10am**  
**In the Council Chamber, Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors Akpoteni, Dunn, Gavan, J Giles, A Hussain, Z  
Hussain, Jalil, Singh and Wilkes

**Also present:** Alice Davey (Director – Borough Economy), Nicola Plant  
(Assistant Director – Public Protection and Community  
Safety), Tracy Hubball (Operations Manager – Licensing),  
David Elliot (Legal Advisor), Stephnie Hancock (Senior  
Democratic Services Officer), Connor Robinson (Democratic  
Services Officer), Mateusz Sliwinski (Democratic Services  
Officer) and John Swann (Democratic Services Officer).

### 17/22 **Apologies for Absence**

Apologies for absence were received from Councillors Fenton, M  
Gill, W Gill and Kausar.

### 18/22 **Declarations of Interest**

There were no interests declared at this meeting.

### 19/22 **Minutes**

**Resolved** that the minutes of the meeting held on 14 June  
2022 are confirmed as a correct record.



## Appointments to Licensing Sub Committees

Further to Minute No. 15/22 (14 June 2022), at its meeting on 26 July 2022 the Council had approved a change to the appointment of members to the Licensing Committee (Minute No. 108/22 refers). It was therefore necessary to revise the appointments to the Licensing Sub Committees.

Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees. The Licensing Act 2003 specified that each Sub Committee shall consist of three members of the Licensing Committee.

The Terms of Reference had been revised to reflect recent changes in legislation.

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:-

- (1) that the revised appointments to the Licensing Sub Committee be approved;
- (2) that the revised Terms of Reference for Licensing Sub Committees are approved.



## Sandwell's Private Hire and Hackney Carriage Licensing Policy

The Committee received an update on progress with the taxi and private hire licensing improvement plan and considered the final requests from Sandwell Private Hire Drivers Association (SHPDA) which, if approved, would require minor administrative amendments to be made to the Private Hire and Hackney Carriage Licensing Policy (April 2022).

The Committee was asked to consider the requests made and determine whether any recommendations should be made to the Director of Borough Economy and the Cabinet Member for Leisure and Tourism to amend the policy.

Areas highlighted by members were:-

- the Licensing Office would be monitoring the GPs used for taxi driver medicals so would be aware if a disproportionate number of drivers were visiting the same GP;
- it was the taxi driver's responsibility to inform the Licensing Office of any changes to their health, or health conditions;
- the clinician carrying out the medical examination could determine whether a driver needed to have more frequent examinations and it would be the clinician's decision to determine whether a driver was fit or not;
- garages wishing to join the Council's approved list of MOT providers would be subject to a procurement exercise, with specific criteria to be met incorporating a value for money element;
- it was not anticipated that a large number of drivers would exercise the choice to go elsewhere for MOTs, but it was important to provide that choice;
- the fees set for the issuing of licences were based on the amount of work required, dual licences required more work.
- a new system (VERSO) was under development, which would deliver automated reminders to drivers when their licences were due to expire and provide departmental savings;



- those vehicles insured under Category N could still be licensed, subject to having previously being licensed by the Council (i.e. the Council having the full history of the vehicle), and subject to all of the other necessary checks. There were no policy changes proposed in relation to this at present, but this would be discussed at a future meeting.

Meeting ended at 11.49am

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## Report to Licensing Committee

**Wednesday 14 June 2023**

<b>Subject:</b>	Establishment of Licensing Sub Committees
<b>Director:</b>	Surjit Tour Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Trisha Newton Senior Democratic Services Officer <a href="mailto:trisha_newton@sandwell.gov.uk">trisha_newton@sandwell.gov.uk</a>

### 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 23 May 2023, 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 2023/2024.

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 23 May 2023 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> <ul style="list-style-type: none"><li>(a) the prevention of crime and disorder;</li><li>(b) public safety;</li><li>(c) the prevention of public nuisance;</li><li>(d) the protection of children from harm.</li></ul>
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	<p>Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-</p> <ul style="list-style-type: none"> <li>(a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</li> <li>(b) Ensuring that gambling is conducted in a fair and open way;</li> <li>(c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
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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 2023/24, 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

<b>Resources:</b>	There are no direct resource implications arising from this report.
<b>Legal and Governance:</b>	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>
<b>Risk:</b>	There are no direct risks arising from this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing risks arising from this report.
<b>Social Value</b>	There are no social value risks arising from this report.

## 7. Appendices

Proposed Sub Committees  
Terms of Reference





**Statutory Licensing Sub Committee**

	Councillor J Giles (Greets Green and Lyng)	Councillor Fenton (Bristnall)	Councillor Lewis (Smethwick)
A	Councillor N Singh (Oldbury) Councillor Tromans (Langley)	Councillor J Singh (Blackheath) Councillor A Hussain (Tipton Green)	Councillor Khan (Rowley) Councillor E M Giles (Newton)
B	Councillor Loan (St Paul's) Councillor Wilkes (Princes End)	Councillor Davies (Smethwick) Councillor Weston (Charlemont with Grove Vale)	Councillor Jalil (Oldbury) Councillor Abrahams (Great Barr with Yew Tree)

**Non-Statutory Licensing Sub Committee**

**Sub Committee 1**

Councillor J Giles  
Councillor N Singh  
Councillor Tromans  
Councillor Loan  
Councillor Wilkes

**Sub Committee 2**

Councillor Fenton  
Councillor J Singh  
Councillor A Hussain  
Councillor Davies  
Councillor Weston

**Sub Committee 3**

Councillor Lewis  
Councillor Khan  
Councillor E M Giles  
Councillor Jalil  
Councillor Abrahams

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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 made. If a police objection has been made.

Review following closure order made. 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
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Application for a variation to a licence.	If a relevant representation is made
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Application for a transfer of a licence.	If a relevant representation is made
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Application for provisional statement.	If a relevant representation is made
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Application for club gaming/club machine permits.	If a relevant representation is made
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Application for licensed premises gaming machine permits	If a relevant representation is made
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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

14 June 2023

<b>Subject:</b>	Annual Report of the Licensing Committee and Licensing Sub Committees for 2022/23
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Nicola Plant – Assistant Director Public Protection and Community Safety <a href="mailto:nicola_plant@sandwell.gov.uk">nicola_plant@sandwell.gov.uk</a> Liz Nembhard – Operations Manager, General Licensing <a href="mailto:liz_nembhard@sandwell.gov.uk">liz_nembhard@sandwell.gov.uk</a> Alasdair Morrison - Operations Manager, Taxi Licensing <a href="mailto:Alasdair_morrison@sandwell.gov.uk">Alasdair_morrison@sandwell.gov.uk</a>

### 1 Recommendations







- 1.1 That the Licensing Committee annual report for the Municipal year of 2022/23 is approved for submission to full Council on 25 July 2023.

### 2 Reasons for Recommendations

- 2.1 To receive and approve the Licensing Committee annual report for the Municipal year of 2022/23 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.
	The activities undertaken contributes to the delivery of the 2030 Vision, in particular the following: <ul style="list-style-type: none"><li>- 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.</li><li>- our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.</li></ul>
	
	
	
	

### 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.





<p><b>Resources:</b></p>	<p>There are no resource implications arising from this report.</p>
<p><b>Legal and Governance:</b></p>	<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>



<b>Risk:</b>	There are no risks identified in relation to crime and disorder from the recommendation of this report.  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.
<b>Equality:</b>	There are no equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	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 2022/223

## 8. Background Papers

None



# Annual Report of the Licensing Committee



## Chair's Foreword

As Chair of the Licensing Committee I am pleased to report on the work of the Licensing Committee and of the officers in Taxi and General Licensing which support the Committee's work.

The Council's Licensing Committee deals with many aspects of licensing and most of its work continues to be discharged on its behalf through delegated powers granted to officers.

The past year has been a busy time from a Taxi and General Licensing team perspective. Our licensed businesses have been impacted by the factors such as the cost of living crisis. The hospitality industry, which includes alcohol licensed premises, are trying to rebuild following the COVID pandemic and are experiencing rising fuel and produce costs. Our transport services, including taxi and private hire, have also seen an ongoing impact from the pandemic, with more people working from home.

Both licensing services have had to adapt to new ways of working to support and provide the necessary advice to the trade.

Taxi Licensing have recently introduced a new online application system with further development of the system to follow, this will provide further opportunity for the team to respond in a more efficient way.

Our Committee members have participated in the relevant training to enable them to undertake their role on this important Committee. More training is being planned during the municipal year 2023/24.

This report provides a summary of the work undertaken in 2022/23 by the Taxi and General Licensing teams.



Cllr John Giles, 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 2022/23 was as follows:-

Licensing Sub Committee 1	Licensing Sub Committee 2	Licensing Sub Committee 3
Cllr Allen (Chair)	Cllr Fenton (Vice-Chair)	Cllr Gavan (Vice-Chair)
Cllr M Gill	Cllr Z Hussain	Cllr Kausar
Cllr Mayo	Cllr Akpoteni	Cllr J Giles
Cllr Singh	Cllr A Hussain	Cllr Jalil
Cllr Wilkes	Cllr Dunn	Cllr W Gill



## 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.

## Committee Activity Overview

### Work Programme Spotlight – Taxi Licensing

On 22nd April 2022, the Private Hire and Hackney Carriage Licensing Policy was adopted following consultation with stakeholders and the Licensing Committee to adopt the Statutory Standards recommendations as published by the Department of Transport in July 2020 with the exception of introducing a mandatory CCTV policy. This affected condition of all licences added additional safeguarding requirements and reviewed Section 7 of the Policy in respect of rehabilitation periods for convictions.

In the municipal year 1 April 2022 to 30 March 2023, the Committee considered 41 reports regarding the grant of new licence applications or the renewal or review of existing licences.



Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/ Deferred	Warning issued	No Action	Total
4/4/22	1					2			3
11/7/22				1		1	2		4
18/7/22							1		1
22/7/22						1			1
5/9/22	1		2		1				4
17/10/22	2				1		1		4
24/10/22				1			1		2
14/11/22	2					1	1		4
12/12/22	1					3			4
23/1/23	1		1	1	1				4
20/2/23	1		1	1	1	1			5
27/3/23		1				1	3		5
Total	9	1	4	4	4	10	9	0	41

## 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 2022/23
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	1
Licensed drivers who were issued with 21 days delayed suspension notice for failure to sign up to the DBS update service	15
Licensed Drivers who had their licence suspended with 21 days delayed suspension notice as their Medical certificate had expired	17





Licensed drivers who had their licence suspended with immediate effect as they were not medically fit	5
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	6
Warning Letters issued at conclusion of complaint Investigation	1

## Numbers of licences

The numbers below are the registered licences for the municipal year of 2022/23 broken down by licence type.

Licence type	Total number of current licences as at 31/3/2023	Total number of licences as at 31/3/2022
Private Hire Operator	41	45
Private Hire Driver	934	923
Hackney Carriage Driver	16	18
Dual Licence Holder	310	328
Private Hire Vehicle	1136	1068
Hackney Carriage Vehicle	66	81

## Policy Position

### Private Hire and Hackney Carriage Policy Handbook

A policy review was undertaken following the publication by the Department for Transport of the Statutory Taxi and Private Hire Vehicle Standards in July 2020. A revised policy was issued on 22<sup>nd</sup> April 2022.

In August 2022, the Licensing Committee were consulted on and supported the use of other vehicle testing stations for full tests and interim safety checks for both private hire and hackney carriage vehicles and the use of GMC Registered





Medical Practitioners to complete driver medicals giving applicants more choice on who conducted these tests. In January 2023, the ability to use other medical practitioners was introduced and the procurement process is currently being undertaken to identify and approve other garages to conduct the vehicle tests.

A further full review of policy is planned once the results of Best Practice Guidance Survey are issued by the Department for Transport. The consultation on this document took place during 2022, but the results have not yet been published due to Ministerial changes in Central Government.

## Service Improvements

During 2021/22 considerable work was done on the application forms and their submission with supporting documents and online payments which resulted in the successful introduction of an online applications portal which was launched in January 2022. During the 2022/23 municipal year, work has continued the digital transformation of licensing activities. 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 further opportunities for digital communication which is streamlining and speeding up processing timescales.

In February 2023, online diaries to book and pay for garage appointments with Fleet Services went live, together with the ability for applicants to book appointments and make payments where required for the following office appointments with the taxi licensing team:

- DBS Form Check
- Knowledge Test for drivers, operators and vehicle licence holders who are not drivers e.g. hire companies
- Appointment to collect driver licence and badge
- Appointment to collect vehicle licence, plates and window stickers

From April 2023, new window stickers are being issued to all vehicle licence holders as they renew or apply for a new vehicle licence. The notice reminds customers not to smoke in their vehicle, contains the vehicle plate number visible from the outside and on the inside for the customer how to make a complaint should they have any issues with the vehicle. Notices also advise on when the vehicle has to be pre booked and which authority to make the complaint to with the team telephone number and email address.



In response to concerns raised by licence holders a service improvement plan was created and considered by committee to drive improvements to the service. Of the 21 areas of improvement or policy amendment agreed by committee, 18 were completed in 2022-23. This included allowing medicals to be undertaken by any qualified GMC practitioner. The development of an approved provider list of garages to provide customer choice for some vehicle inspections is in progress and will be completed in 23/24. The remaining two areas relate to policy areas of permitted colours for private hire and hackney carriage vehicles and licensing of vehicles that have been written off by insurance companies. A decision on vehicle colours has been deferred until the publication of the national Taxi and Private Hire Licensing Best Practice Guidance, and the matter of licensing vehicles written off by insurance companies will be considered by the licensing committee in 23/24.

### **Enforcement Activity**

Between 1 April 2022 and 31 March 2023, the Taxi Licensing Enforcement Team carried out 12 Multi Agency Stop Operations and visited 42 Operator bases.

The Multi Agency Stop Operations (MASO) include both licensing and enforcement officers working in partnership with other agencies like the police, DVSA, and other West Midlands Licensing Authorities. Enforcement Officers have also worked in partnership with the Travel Assistance Service and Adult Social Care Transport (TAS) Team to undertake mini MASO operations at schools across Sandwell, but these have not been recorded separately are included in the 12 above.

### **Fare Increases**

Following a meeting with representatives from the Hackney Carriage licence holders, a request was received to increase the fares across the Borough. The increase was advertised in the Express and Star during April and as no objections were received the new charges came into effect on 19<sup>th</sup> May 2022. National league tables on charges are published by Private Hire and Taxi monthly and measure against the cost of a 2-mile journey. Currently Sandwell



charge £6.92 for a two-mile journey and are ranked as of 10<sup>th</sup> May 2023 at 165 out of 344 licensing authorities. The league table can be viewed at <https://www.phtm.co.uk/taxi-fares-league-tables/2023-05>

The comparison for surrounding authorities as at 10/5/2023 is as follows:

Name of Authority	Charge	Place in national table
Birmingham	£7.40	92
Solihull	£7.40	101
Sandwell	£6.92	165
Wolverhampton	£6.80	196
Dudley	£6.60	213
Walsall	£5.90	300

### **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 2022 to 31 March 2023:

#### **Reviews**

<b>Agency triggering review</b>	<b>Total 2022/23</b>
Trading Standards	1
Police	2
Court order	0
Environmental Health	1
	<b>Total 4</b>

<b>Reasons for review</b>	<b>Total 2022/23</b>
Serious Crime and Disorder	3
Crime, disorder, and Public Safety	1
	<b>Total 4</b>

<b>Other hearings</b>	<b>Total 2022/23</b>
Grant application	7



Vary premises licence application	1
Sex Establishment applications	2
Temporary Event notices	2
Expedited review	1
Scrap Metal	1
	<b>Total 14</b>

### Delegated officer decisions

The table below states the total number of delegated officer decisions on Licensing applications

<b>Decision Type</b>	<b>2022/2023</b>
New Premises licences	37
Minor Variations	11
Full Variation	8
Vary Designated Premise Supervisor	168
Transfer Premise Licence Holder	79
Licences surrendered	33
Licences suspended	24
Change of name/address Premises Licence	52
Personal licences	127
Change of name/address Personal Licence	68

### Number of Licences

The numbers below are the current registered licences for the municipal year 2022/23 broken down by licence type.

<b>Licence type</b>	<b>Total number of current licences for 2022/23</b>
Premises licences	973
Personal licences	4540
Casino	2



Bingo	7
Alcohol Licenced Gaming Machine Permit (ALPGM)	34
Adult Gaming Centre (AGC)	12
Betting (BET)	42
Betting Premises (TRACK)	1
Unlicensed Family Entertainment Centre (UFECP)	2
Family Entertainment Centre (FEC)	0
Club Machine Permit (CMP)	37
Sexual Entertainment/Establishment Venues) (SEV)	2
Scrap Metal	65
Temporary event notice (TEN)	152

## Policy Position

### Scrap Metal Policy

The Scrap Metal Dealers Act 2013 has been introduced to help prevent some of the issues associated with the sale, collection, storage, and disposal of scrap metal and ensure that these activities are carried out lawfully. A policy for determining the suitability of an applicant for a scrap metal licence will be produced this municipal year.

### Service Improvement

During the 2022/23 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 2023/24 on a revised workplan and timeline of the digitalization project for the General Licensing elements of the project.

### **Enforcement activity**

The General Licensing Team has conducted enforcement and compliance visits to 219 premises during 2022/23.

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.

The team has worked closely with Trading Standards on a programme of underage test purchases across the Borough.

As part of the Sandwell Council’s Safer 6 campaign, General Licensing worked alongside Trading Standards and West Midlands Police and carried out enforcement visits to nine traders in West Bromwich.

### **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.

The number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people).

The number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people).





The number of times a temporary event notice may be given in respect of any premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year).

The length of time a temporary event may last for these purposes (168 hours or 7 days).

The maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and

The scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

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 2022/23 there were 152 Tens', 39 of these were late notices.

## Looking Ahead

Moving into the municipal year of 2023/24 Taxi Licensing Work will continue to set up the “back office function” in Verso which will allow for licences to be issued through the system, reminder letters sent straight to the applicant’s registered email and the ability to report things like accidents, change of address, apply for duplicate licence copies when lost or damaged and to report accidents via their online account. They will also be able to see when medicals and vehicle checks are due and when they come to renew applications, relevant information from previous applications like conviction history will be pulled through to the application form so that the applicant does not have to enter all details each time they apply for a new licence.

Work with General Licensing will take place to introduce an online function for the processing of licensing applications, creating efficiencies and an improved customer journey. Performance indicators on key areas of activity will be introduced for both teams.



## 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 holder's contribution to the delivery of the 2030 Vision.

