

Agenda

Licensing Sub Committee 1

Monday, 4 September 2023 at 10.00 am
At Committee Room 1 - 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 | 7 - 8 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 2 | Declarations of Interest | 9 - 10 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | To consider an application for the Renewal of the Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU | 11 - 34 |
| 4 | Exclusion of the Press and Public | 35 - 44 |
| | “That the public and press be excluded from the rest of the meeting. This is to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006 relating to any | |



individual”.

- 5 **To consider Local Government (Miscellaneous Provisions) Act 1976 - Private Hire and Hackney Carriage Drivers/Vehicles/Operator's Licence related matters**

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

Distribution
Councillor J Giles (Chair)
Councillors Loan, N Singh, Tromans and Wilkes

Contact: democratic_services@sandwell.gov.uk

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Licensing Sub Committee 1

Apologies for Absence

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



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Licensing Sub Committee 1

Declarations of Interests

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



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Report to Licensing Sub Committee

4 September 2023

Subject:	Renewal of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga Licensing Officer Email: licensing_team@sandwell.gov.uk

1 Recommendations


- 1.1 The Sub Committee is requested to consider the application (Appendix 1) made by Mr Stephen Leinster for the renewal of a sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich, B70 6EU.
- 1.2 Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 6.
- 1.3 If approved, the licence will run for a period of 12 months.

2 Reasons for Recommendations



- 2.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Council’s Licensing Policy and to give reasons for their decision.

3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough’s economy.</p> <p>It is the Authority’s aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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4 THE CURRENT POSITION

- 4.1 The premises have traded as a licensed sex shop at these premises since 2003 and the licence has been renewed each year.
- 4.2 At its meeting on 23rd September 2008 the committee gave approval for a limited form of open window display at the premises for the display of lingerie on mannequins but nothing of a sexual nature.
- 4.3 Mr Stephen Leinster worked as the regional co-ordinator for the previous licensee (Darker Enterprises Limited) from 2008 and successfully transferred the Sex Shop Licence for the said premises, ‘Private Shop, 19 Bull Street, West Bromwich, B70 6EU’ to his name in 2022 at the time the licence was renewed.
- 4.4 If the licence is renewed, it will run for a period of 12 months commencing 1st August 2023 and will expire on 31st July 2024.



4.5 A copy of the current licence and conditions are attached for information as Appendix 2.

4.6 A map of the area showing the location of the licensed premises is attached for information as Appendix 3.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The applicant has complied with all the statutory requirements with regard to the application process.

5.2 The applicant is required to advertise the application in a paper circulating in the vicinity of the premises within 7 days of submitting the application and to also display a public notice outside the premises for 21 days. The public notice was placed in the Express and Star on 21 July 2023 and the applicant has confirmed that the public notice was displayed on or near the premises from 18 July 2023 to 8 August 2023.

5.3 No objections have been submitted by West Midlands Police and no other objections have been received for this application.

6. ALTERNATIVE OPTIONS

6.1 The grant, renewal and transfer of sex establishment licences are subject to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

6.2 An application for grant/renewal/transfer may be refused on one or more of the following grounds:

6.2.1 The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason.

6.2.2 That if the licence were to be renewed, the business to which it relates



would be managed by, or carried on for the benefit of a person other than the applicant who would be refused the renewal of the licence if he made the application himself.

6.2.3 That the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the Panel considers is appropriate for that locality.

6.2.4 That the renewal of the licence would be inappropriate, having regard to

- The character of the relevant locality
- The use to which any premises in the vicinity are put
- The layout, character or condition of the premises in respect of which the application is made.

6.3 An applicant whose application for renewal is refused on any of the grounds specified in paragraphs 6.2 above does not have the right to appeal that decision. In such cases, the applicant could only challenge the Panel's decision by way of judicial review.

6.4 An applicant must be given the opportunity of appearing before the body making the decision before an application is refused.

7 Implications

<p>Resources:</p>	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of sex establishment applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
<p>Legal and Governance:</p>	<p>1.1 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.</p>



	<p>1.2 In 1983, the Council resolved to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments, including sex shops.</p> <p>1.3 Article 6 of the Human Rights Act 1988 states that, in determination of a person’s civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>1.4 Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>1.5 Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</p>
<p>Risk:</p>	<p>The Police are a statutory consultee for sex establishment applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They consider the crime and disorder and risk assessment.</p> <p>The Police have been consulted on this application and have not identified any concerns regarding this application. Therefore, no representation has been received.</p> <p>Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public online, in line with data protection protocols.</p>
<p>Equality:</p>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.</p>



Health and Wellbeing:	This is not applicable to applications for sex establishments submitted under the Local Government (Miscellaneous Provisions) Act 1982.
Social Value	This is not applicable to applications for sex establishments submitted under the Local Government (Miscellaneous Provisions) Act 1982.

7. Appendices

- Appendix 1 – Application
- Appendix 2 – Current Licence
- Appendix 3 – Map of Location

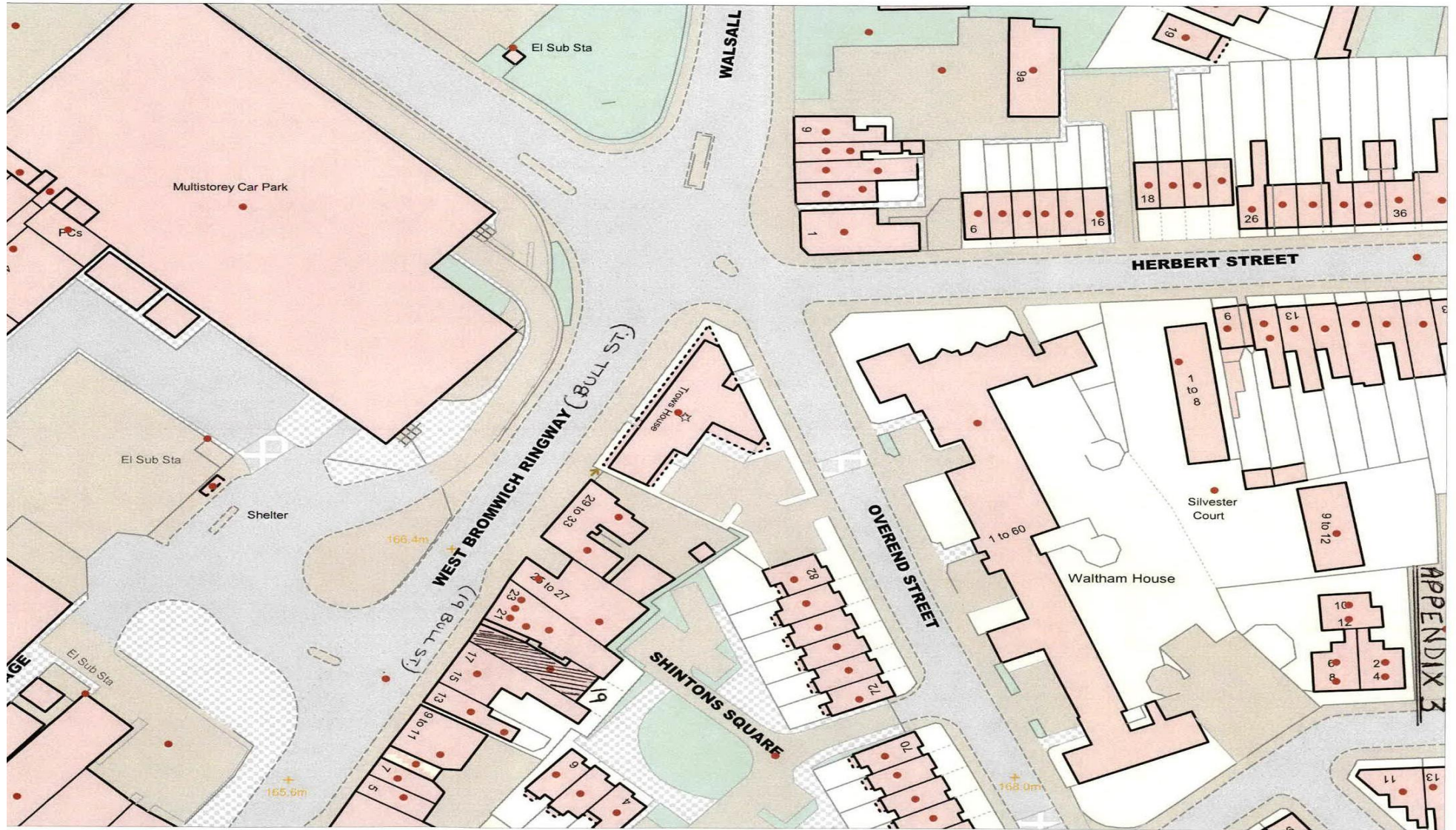
8. Background Papers

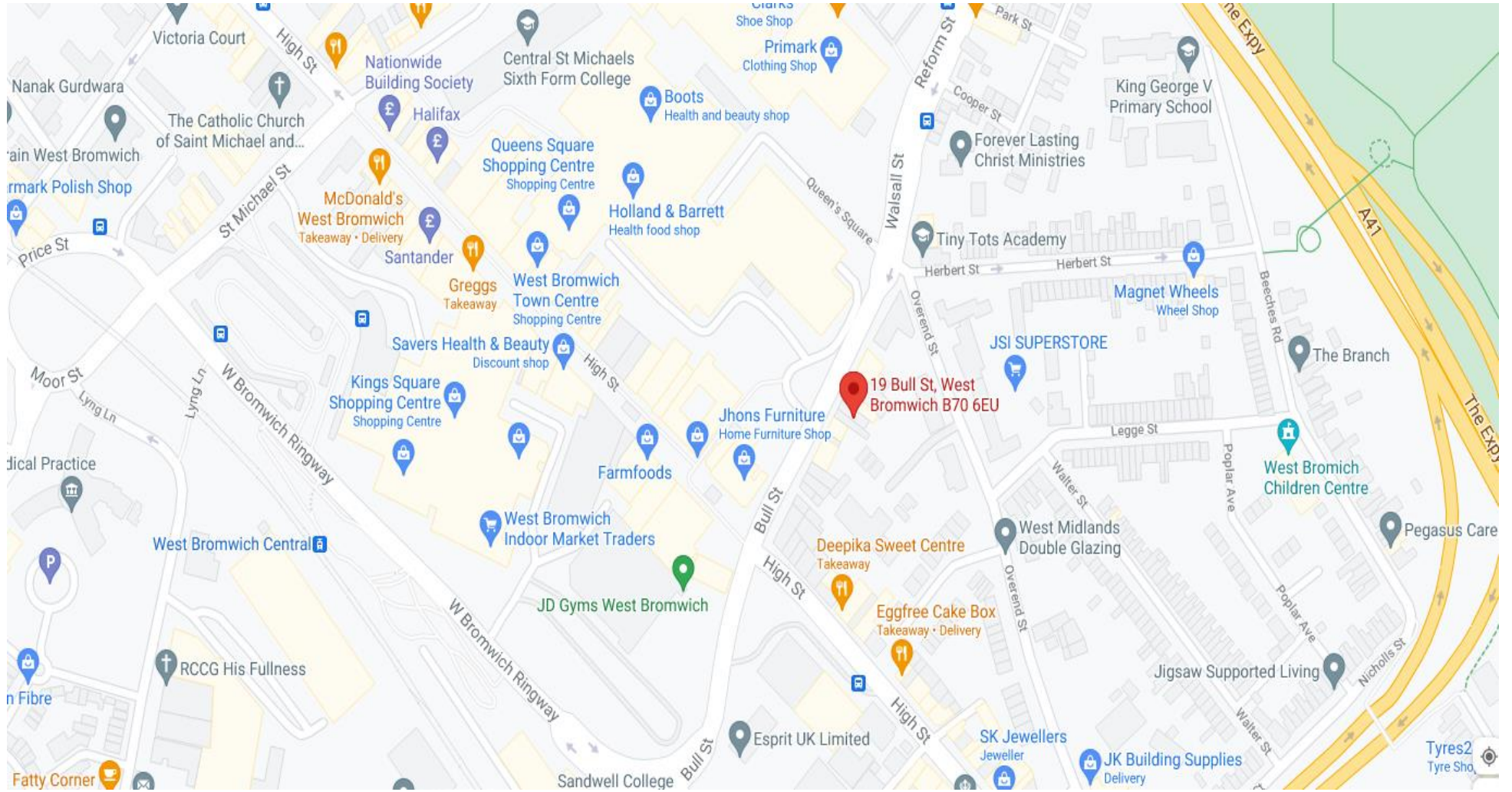
Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

Director – Borough Economy – Alice Davey



Appendix 3 – Location of premises (Private Shop, 19 Bull Street, West Bromwich, B70 6EU)





Local Government (Miscellaneous Provisions) Act
1982 (Schedule 3)

**Application For Renewal and Transfer of a Licence
For A Sex Establishment (Sex Shop)**

Section 1 – Application Details:

Is this Licence for: Grant Renewal Transfer Variation

Is the Application made by: An Individual A Partnership or other unincorporated body
Or a Company or other corporate body

Section 2 – Applicant Details:

Full Name of Applicant (ie the individual, company or unincorporated body). If the applicant is an individual, please also give any former names:

.....Mr Stephen Leinster.....

Permanent Residential Address of Applicant (if an individual) or registered or principal office (if a body corporate or unincorporated body): [REDACTED]

If Applicant is an individual please give details:

Date of Birth: [REDACTED] Place of Birth: [REDACTED]

Date Became Resident in the UK: [REDACTED] National Insurance No.: [REDACTED]

Telephone/Mobile Number (during normal office hours): [REDACTED]

Email Address: [REDACTED] and [REDACTED]

Name and address to which correspondence to be sent (if different from above):

.....As above.....

Has the applicant a financial interest in the business which is the subject of this application?

Yes No If "yes" to what extent The applicant Stephen Leinster is the only beneficiary.

Is the whole business owned by the applicant?

Yes No

Section 2 – Application Details :

If the applicant is a body corporate or an unincorporated body or partnership, complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership, details of all the partners must be given.

Name (in full): Mr/Mrs/Miss/Other	Date of Birth:	Address of permanent residence throughout six months immediately preceding this application:	Date became resident of United Kingdom (if applicable):
N/A			

If the applicant is a company, what type of company is it? (e.g., public or private, limited by share or guarantee, etc) . N/A.....

In which country is the company incorporated? N/A.....

What is the date of incorporation of the company? N/A.....

What is the registered number of the company?....N/A.....

What is the registered office address? N/A.....

Please give details of the person who is to be responsible for the management of the premises in the absence of the licence holder:

First Name TeresaSurname ...Heath.....

Former Name (if any).....N/A National Insurance Number : ██████████

Permanent Address: Please see envelope marked "private & confidential"

Date of Birth: ██████████ Place of Birth: ██████████

Does the Applicant use any other trading names? If so, please state the trading names(s).

.....Private Shop.....

What is the Applicants trading address: 19 Bull Street, West Bromwich, B70 6EU

.....
.....

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes No

If "yes" give full details: Please see Attachment 1

Has the Applicant or any persons named in this form been convicted of a Criminal Offence whether in the UK or elsewhere? Yes No

If so, please give details below:

Convictions:

Forenames:	Surname:	Former Name: (if any)	Court:	Date:	Offence:	Penalty or Sentence:
There are no any person Application	convictions or Body	to declare for named in this				

Has the Applicant or any persons named in this form been cautioned whether in the UK or elsewhere? Yes No

If so, please give details below:

Cautions:

Forenames:	Surname:	Former Name: (if any)	Offence:	Date of Caution:	Where caution administered

Has any Person or the Corporate or unincorporated body referred to in this application:-

Been disqualified from holding a Licence for a Sex Establishment? Yes No

Been refused the Grant / Renewal / Transfer of a Licence for a Sex Establishment? Yes No

Been the holder of a Sex Establishment Licence when that licence has been revoked? Yes No

Been associated in any way with any other application for a Sex Establishment Licence? Yes No

Please see Attachment 1

Is there in force against the applicant or any of the persons whose names appear in this application form a disqualification from holding a licence for a Sex Establishment under the Local Government (Miscellaneous Provisions) Act, 1982? Yes No

If "yes" to any of the above please provide full details:

.....
.....
.....

Please disclose any Forfeiture Order made under the Obscene Publications Act, 1959, made in respect of articles seized from premises where the applicant or any person named in this form was carrying on business:- **There have been forfeitures in the past but no detailed records are to hand. There have been no seizures during the past 27-28 years. Please note that this information was provided by the previous licence holder.**

.....
.....
.....

Section 3 – Premises Details:

Is this Licence for: Premises Vehicle Vessel Stall

Is the Premises, vehicle, vessel or stall in use as a sex establishment at the date of this application?

Yes No

If the answer is yes, state the name and address of the person or body currently operating the business: Stephen Leinster, [REDACTED]

[REDACTED]

Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application?

Yes No

Under what name is, or will the premises be known: Private Shop.....

.....

If Application is in respect of a premises please give full address 19 Bull Street, West Bromwich, B70 6EU.....

If application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sex establishment: N/A

.....

Are the whole of the premises described above to be used under the licence? Yes No

If no, please state:

a) which part of the premises is to be used for the purposes of the licence

Ground Floor Only

b) the use to which the remainder of the premises are to be put

Vacant.....

c) the names of those responsible for the management of the remainder of the premises

[REDACTED]

If the applicant's interest in the premises is a leasehold one, please state: Quarterly Tenancy

a) whether a head-lease or a sub-lease Head-lease Sub-lease

b) the name and address of the landlord and of the superior landlord where applicable

[REDACTED]

c) the length of the unexpired term ... [REDACTED]

Section 3 – Premises Details:

Is the application in respect of a sex shop, a sex cinema, or Sex Entertainment Venue (please tick box)? Sex Shop Cinema Sexual Entertainment Venue

What means are to be taken to prevent the interior of the premises being visible to passers by?

Behind our lingerie window display there is boarding so that no part of the interior of the premises or contents are visible to passersby.....

Give details of the proposed operation times and activities. (Give the times during which it is proposed to open the premises for the purposes of the Licence):

DAY:	START:	FINISH:	State any Seasonal variations or non standard timings where you intend to use the Premise, which are different to those listed in the column on the left.
Monday	9.30am	6.00pm	9.30am to 8.00pm Monday to Thursday and Saturday
Tuesday	9.30am	6.00pm	The two weeks preceding Christmas each year and
Wednesday	9.30am	6.00pm	10.00am to 4.00pm the two Sundays preceding
Thursday	9.30am	6.00pm	Christmas each year
Friday	9.30am	8.00pm	
Saturday	9.30am	6.00pm	
Sunday			

Please give full details of the nature of the relevant entertainment e.g. Lap-dancing, pole-dancing, stage strip show etc.

..... Sex Shop.....

Is there any further information which the applicant would wish the Council to take into account when considering this application?

.....
..... N/A
.....
.....
.....
.....

Please complete the checklist below and tick to confirm you have enclosed all of the required information / documents:

I have made or enclose payment of the Fee of - pay by credit card (fee is same for all application types)

I have enclosed a Scale Plan of the Premises showing all means of ingress and egress to and from the Premises, the interior layout of the premises, parts used in common with any other building, and where relevant entertainment will take place for consideration by the Licensing Authority:

I have enclosed a copy of the "Club Rules" (if applicable). Such rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking of phone numbers (including exchange of business cards):

I understand and agree that I must send a copy of my completed Application to the Chief Officer of Police no later than seven days after the date of the application. I also understand that I must produce evidence of due service of the Notice of Application upon the Chief Officer of Police * as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions Act 1982.

* For this purpose, the Notice of application must be served on the Police by sending it to :
Licensing Administration Unit
LPU Headquarters
Moor Street
West Bromwich
B70 7AQ

I understand that I must advertise my Application on or near the Premises for 21 days starting with the date of application.

I understand that I must advertise the Application in a Local Newspaper within seven days after the date of the application and that a copy of the Notice of Application which has been published must be given to the Licensing Authority in accordance with paragraph 10(8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

DECLARATION

I declare that the details of this Application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused.

I further declare that I have read and agree to abide by any Conditions of Licence made by the Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my Application be granted.

Date: 18th July 2023.....

Signature:
.....
.....

Name of Signatory: Stephen Leinster.....

Designation of Signatory: Managing Director.....

Applicants are informed that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, is guilty of an offence and liable, on summary conviction, to be a fine not exceeding £20,000.

This Application should be Completed and Returned to:

**General Licensing Team
Regulated Services
Borough Economy
Sandwell Council House
PO Box 2374
Oldbury
B69 3DE**

Attachment 1

Premises address	Licensing Authority
6 London Road, Carlisle	Carlisle City Council
528 Sheffield Road, Chesterfield	Chesterfield Borough Council
60 Elm Row, Edinburgh	City of Edinburgh Council
3 Howard Street North, Gt Yarmouth	Gt Yarmouth Borough Council
63 Moorfields, Liverpool	Liverpool City Council
20/22 Scotswood Road, Newcastle	City of Newcastle upon Tyne
8 Regent Square, Northampton	Northampton Borough Council
81/85 Upper Parliament Street	City of Nottingham
19 Bull Street, West Bromwich	Sandwell Borough Council

Updated 18.06.2023



Licence No. **31/7/2022**

SANDWELL METROPOLITAN BOROUGH COUNCIL

Local Government (Miscellaneous Provisions) Act 1982

The Sandwell Metropolitan Borough Council by virtue of their powers under the Local Government (Miscellaneous Provisions) Act 1982 hereby grant to: -

STEPHEN LEINSTER

of:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

a licence to use the place known as "**PRIVATE SHOP**" and situated at **19 BULL STREET, WEST BROMWICH, WEST MIDLANDS B70 6EU** in the said Borough for the purpose of: -

A SEX SHOP

subject to the following conditions and restrictions:-

1. The Licence shall, unless revoked in the meantime, be in force from **1st August 2022 to the 31st July 2023.**
2. The licensed premises shall not be used for the purpose of which this licence is granted on any occasion when the licensing authority shall have signified their desire in writing to the occupier or other person having at the time the care and management of such premises that the same should not be open.
3. This Licence is also subject to the additional terms and conditions specified in the attached document.

Signed for and on behalf of the said Borough Council of Sandwell

Balbir Dhugga
Licensing Officer

Dated 8th September 2022

SEX SHOP LICENCE CONDITIONS

- 1 (a) "The Council" means the Council of the Metropolitan Borough of Sandwell and where a function has been delegated to a Committee of the Council or to any Sub-Committee of the Committee, the Committee or Licensing Committee to whom the exercise of the function is delegated.
- (b) "The premises" means the premises described above in respect of which this licence is granted.
- (c) "The Act" means the Local Government (Miscellaneous Provisions) Act 1982.
- 2 This Licence is granted in respect of a sex shop only as defined in the Act and the premises shall not be used as a sex cinema as defined in the Act without the issue of a further licence by the Council.
- 3 Unless otherwise provided for by paragraph 14 below, the premises shall not be opened or used for the purpose for which the licence is granted before the hour of 9.00am in the morning or after the hour of 6.00pm in the afternoon of any weekday including Saturday.
 - (ii) The premises shall not be opened on Christmas Day.
- 4 No refreshment of any kind shall be served or sold to or consumed by customers or potential customers visiting the premises or to or by any person thereupon other than bona fide staff employed upon the premises.
5. Facilities for previewing films may be permitted subject to the following –
 - a) Any screen(s) shall be placed in such a position so as not to be visible to the public outside the premises.
 - b) Only video clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than 3 minutes.
 - c) No film or movie will be shown in its entirety.
 - d) Films or video clips will not be shown at the customer's request
- 6 The licensee or any person acting or purporting to act on his behalf shall be responsible for ensuring that the conditions of the Licence are complied with and will be held responsible for any breach thereof.
- 7 Admission shall be given at all reasonable times to the Police and to authorised officers of the Council.
- 8 No person under the age of 18 shall be admitted to the premises at any time.
- 9 No person under the age of 18 shall be employed in the business carried out at the premises.
- 10 (i) The interior of the premises shall not be visible to passers-by and the licensee shall obscure all windows and doors in a colour and manner satisfactory to the

Council;

(ii) Except as agreed in writing with the Council, the windows, doors, fascia board and all external parts of the premises including the roof shall not contain any form of writing, sign or display, except for:

- (a) the address of the premises;
- (b) the name of the premises;
- (c) a notice, which shall be displayed in a prominent position on each entrance to the premises so as to be readily visible to any person approaching the premises with a view to entering therein but without their having so to enter containing the wording as prescribed by Section 1(6) Indecent Displays Control Act 1981, which is as follows:-

WARNING

Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to person under 18 years of age.

- (d) a notice stating the opening hours of the sex shop;

and

- (e) the wording "Private Shop" or "Adult Shop" but no other indication as to the nature of the business carried on at the premises.

(iii) In the case of items No's.10(ii) (a),(b),(c),(d) and (e) the lettering used shall be of such colour and style as may be approved by the Council. In the case of items No's. 10(ii) (a),(b) and (e) the lettering shall not exceed one foot in height for each letter.

The Licensing (Miscellaneous) Committee, at its meeting on 23rd September 2008 gave approval for a limited form of open window display at the premises for the display of lingerie on mannequins but nothing of a sexual or explicit nature.

11 No alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the licensee shall first obtain the written consent of the Council.

12 (i) The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses and dates of birth of all persons employed at the premises whether upon a full or part time basis and shall upon request by an authorised officer of the Council make such records available for inspection to

him,

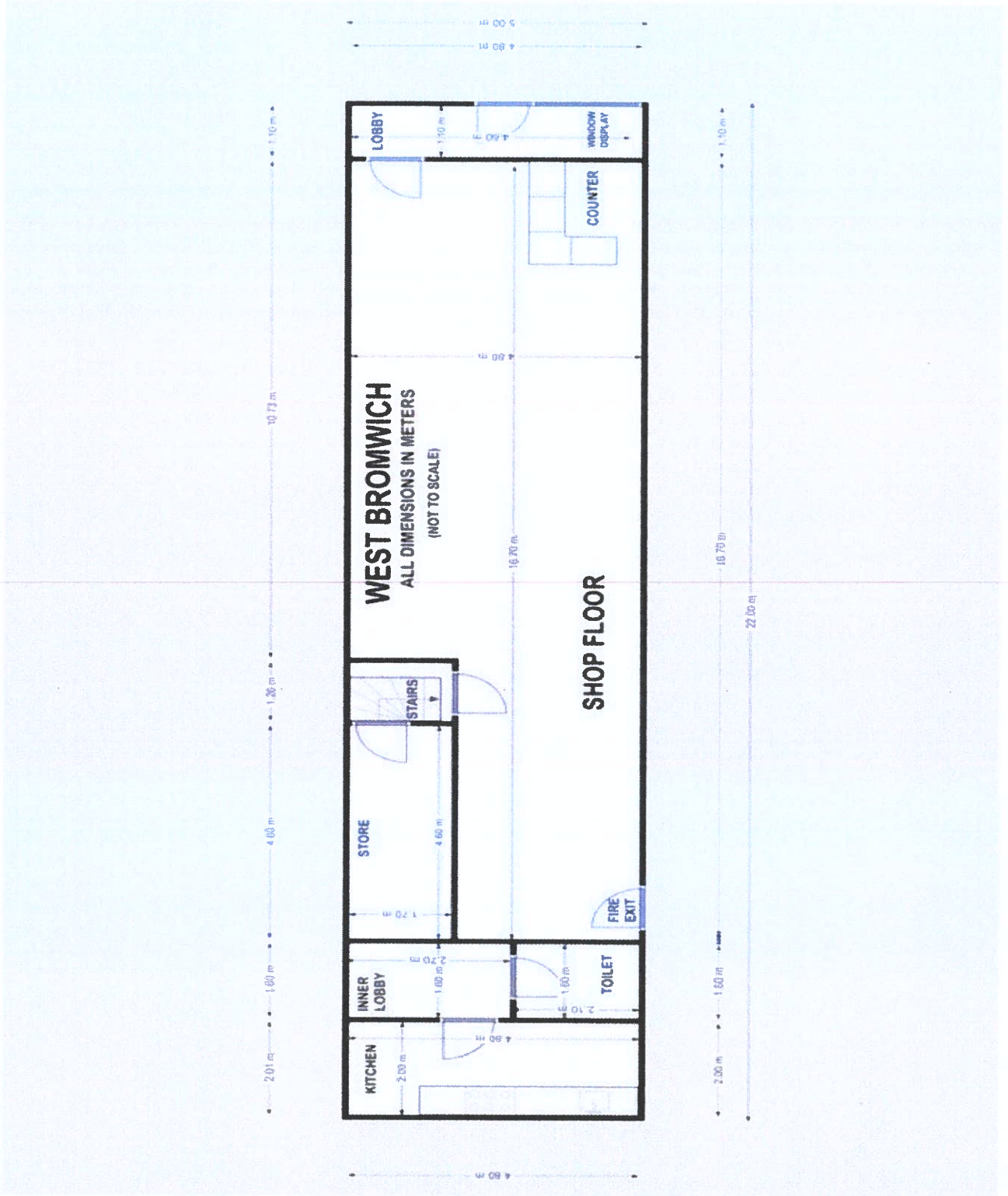
(ii) The licensee shall at all times provide the Council with written notification as to the Names, addresses and dates of birth of such person or persons whether employees or otherwise connected with the business who have authority to manage the premises in the licensee's absence.

- 13 The Council may at any time waive, modify or vary these conditions or impose additional restrictions in any particular case.
- 14 The premises are allowed to remain open on Fridays until 8.00pm. Additional permission is given for the premises to remain open until 8.00pm from Monday to Thursday and Saturday during the 2 weeks preceding Christmas each year. The premises are allowed to open on Sundays and Bank Holidays between the hours of 10.00am and 4.00pm.
- 15 All pre-recorded video tape cassettes sold or offered for sale or hire at the premises must:-
 - (a) have a valid British Board of Film Classification Certificate and be marked accordingly, excluding those which are exempt from certification.
 - (b) be labelled on the cassette, packaging and any related promotional material only with the title under which the British Board of Film Classification Certificate was issued.
 - (c) not display any pictorial material which did not form part of the video tape itself, unless the front of the video cover contains a sticker, of the size agreed with the Licensing Authority, which states the following disclaimer:-

'The cover of this video does not necessarily depict the film within.'

General Licensing Team, Regulated Services, Borough Economy, Sandwell Council House, PO Box 2374, Oldbury, B69 3DE

Annex - Plan



Report to Licensing Sub Committee 1

Monday 4 September August 2023

Not for Publication

Exempt information: relating to any individual

The information contained in this report is strictly confidential and in accordance with the appropriate Codes of Conduct, must not be disclosed to unauthorised persons.

Subject:	Private Hire/Vehicles/Operators Licence related matters
Director:	Director of Borough Economy - Alice Davey
Contact Officer:	Fiona Gee – Licensing Manager Fiona_gee@sandwell.gov.uk David Elliott – Solicitor David_Elliott@sandwell.gov.uk

1 Recommendations



That the Committee take appropriate action in respect of individual licence applications and current licences in view of the information presented.



2 Reasons for Recommendations

To allow the Licensing sub-committee to make an informed decision in respect of individual licence applications and current licences in view of the information presented to them.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people: Our workforce and young people are skilled and talented geared up to respond to changing business needs to win rewarding jobs in a growing economy locally.
	Strong resilient communities: 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.

4 Context and Key Issues

4.1 Section 51 of the Act provides that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a licence:

- a) unless they are satisfied that the applicant is not a fit and proper person for the grant to that person of a licence to drive private hire vehicles, grant to that person a licence;
- b) to any person who has not for at least twelve months been, and is not at the date of application for a driver's licence, the holder of a licence granted under part III of the Act of 1972, 1988 (not being a provisional licence) authorising him to drive a motor car.

4.2 Section 61 (1) of the Act states that a district council may suspend, revoke or refuse to renew a private hire/hackney carriage driver's licence on any of the following grounds:

- a) the holder has, since the grant of the licence;
 - i) been convicted of an offence involving dishonesty, indecency or violence, or



- ii) been convicted of an offence or failed to comply with the provisions of this part of the Act, or
- iii) any other reasonable cause.

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) if it appears that the interest of public safety requires the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

4.3 Section 48 of the Act states that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied:-

- (a) that the vehicle is:-
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of part VI of the Act of 1972.



Section 55 of the Act states:-

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

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

(2) Every licence granted under this section shall remain in force for such period, not being longer than five years, as a district council may specify in the licence.

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

(4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.

4.4 Section 56 of the Act states:-

(1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

(2) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe and shall produce such record on request to any authorised officer of the council or to any constable for inspection.



(3) Every person to whom a licence in force under section 55 of this Act has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by him and shall produce the same on request to any authorised officer of the council or to any constable for inspection.

(4) A person to whom a licence in force under section 55 of this Act has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.

(5) If any person without reasonable excuse contravenes the provisions of this section, he shall be guilty of an offence.

4.5 Section 62(1) of the Act states a district council may suspend or revoke, or (on application therefore under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:-

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

4.6 Section 60 of the Act states that a district council may suspend or revoke or refuse to renew a vehicle licence on any of the following grounds:-

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this part of this Act by the operator or driver; or
- (c) any other reasonable cause.



- 4.7 Individual case details are appended which refer to unspent convictions. Unspent convictions are those not covered by the Rehabilitation of Offenders Act 1974.
- 4.8 If an application is refused, suspended or revoked the applicant has the right of appeal to the Magistrates Court.

5 Alternative Options

There are no alternative options.

6 Implications

Resources:	There are no resource implications in this report
Legal and Governance:	Article 6 of the Human Rights Act 1998 state that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence. Part II, Article 1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles on international law.
Risk:	The Licensing sub-committees help to deter and prevent disorder by exercising its quasi-judicial powers.
Equality:	It was not necessary to undertake an Equality Impact Assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)



7. Appendices

Cases for consideration attached.

8. Background Papers

- Local Government (Miscellaneous Provisions) Act 1976
- Council Policy and Guidelines
- Human Rights Act 1998



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Licensing Committee

Consideration with regard to granting licences for private hire vehicle and hackney carriage drivers and operators falls within the remit of the Licensing Committee and is delegated to the Sub Committee.

This requires the Sub Committee to receive personal information about the licence applicants that cannot be made publicly available under Access to Information and Data Protection legislation. Consequently the information cannot be released.

The Council would like to apologise to you for any inconvenience that the unavailability of this information may cause you.

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