

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 22nd 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 19th 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 10th 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

| Agency triggering review | Total 2022/23 |
|---------------------------------|----------------------|
| Trading Standards | 1 |
| Police | 2 |
| Court order | 0 |
| Environmental Health | 1 |
| | Total 4 |

| Reasons for review | Total 2022/23 |
|------------------------------------|----------------------|
| Serious Crime and Disorder | 3 |
| Crime, disorder, and Public Safety | 1 |
| | Total 4 |

| Other hearings | Total 2022/23 |
|-----------------------|----------------------|
| Grant application | 7 |



| | |
|-----------------------------------|-----------------|
| Vary premises licence application | 1 |
| Sex Establishment applications | 2 |
| Temporary Event notices | 2 |
| Expedited review | 1 |
| Scrap Metal | 1 |
| | Total 14 |

Delegated officer decisions

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

| Decision Type | 2022/2023 |
|---|-----------|
| 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.

| Licence type | Total number of current licences for 2022/23 |
|-------------------|--|
| 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.

