



Sandwell

Metropolitan Borough Council

Annual Report of the Licensing Committee 2017/18

Foreword – Chair of the Licensing Committee

My name is Councillor Bob Piper and I am Chair of the Licensing Committee. This year saw the introduction of a new committee structure. Under the provisions of the Licensing Act 2003, the Licensing Committee established three Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. The Licensing Committee has 15 members including myself as Chair and two Vice Chairs.

Three members of the Licensing Committee sit when considering matters in relation to the Licensing Act 2003 and 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.

The Committee has considered 125 individual matters relating to the grant or review of Private Hire and Hackney Carriage Licensing throughout the year covering a wide variety of issues.

The Committee works with the Taxi Licensing Office to ensure that all laws, conditions and obligations in respect of regulation and public safety are complied with. Following an extensive consultation the Cabinet, on 30 August 2017, approved a new Private Hire and Hackney Carriage Licensing policy in the borough. The new policy was implemented on 1 October 2017 and has seen the introduction of a new more stringent Determination of Matters Policy, a requirement that all drivers, operators and their staff undergo CSE & Safeguarding Training and Equality & Disability Awareness Training.

Drivers who have been affected by the changes in the Determination of Matters Policy are being referred to Committee to have their licence reviewed against the new policy. This has placed an extraordinary burden of work on officers in dealing with the administrative tasks of preparing papers for Licensing Panels, and also on Committee members who have often sat for up to six hours at a time dealing with outstanding cases. I would like to extend my thanks to them, and in particular to my Committee Vice Chairs, Councillors Chris Tranter and Trevor Crumpton.

All matters are considered against the licensing regimes primary function, which is to protect the public. In order to maintain the integrity of the service, it is essential that members of the public can feel confident and safe when using Private Hire Vehicles and Hackney Carriages in Sandwell. I am confident that the decisions made by the Committee make travelling in a hackney carriage or private hire vehicle a safe and comfortable experience with competent drivers who fulfil the Council's essential requirements.

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I would like to take this opportunity to thank fellow Members of the Council and staff involved in the licensing process for their work throughout the year and I look forward to the coming year and the challenges it presents in shaping the future of taxi provision within Sandwell.



Cllr Bob Piper
Chair of Licensing Committee

1. The Licensing Committee

The Licensing Committee is established by Council each year. Its purpose 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.

Membership of the Licensing Committee was as follows:-

- Cllr Bob Piper (Chair)
- Cllr Trevor Crumpton (Vice-Chair)
- Cllr Chris Tranter (Vice-Chair)
- Cllr Keith Davies
- Cllr Patricia Davies
- Cllr Sharon Davies
- Cllr Susan Downing
- Cllr Susan Eaves
- Cllr Joy Edis
- Cllr Bill Gavan
- Cllr Carol Goult
- Cllr Geoffrey Lewis
- Cllr Danny Millard
- Cllr Caroline White

The Committee receives officer support from Licensing Managers, Democratic Services and Legal Services.

The key objectives of the Licensing Committee are: -

- the protection of public health and safety;
- the establishment of professional and respected hackney carriage and private hire trades.

2. Business

For this report the activity of Licensing Sub Committee has been separated into two parts:

- Private Hire and Hackney Carriage Licensing
- General Licensing

Private Hire and Hackney Carriage Licensing:

During the year the Committee considered 125 reports regarding the grant or renewal of a licence or a review of an existing licence.

Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/Deferred	Warned	No Action	Total
13/06/2017	2	1			1	3			7
27/06/2017	1		1	1	1	1	1		6
11/07/2017		1	1		1		1	1	5
21/07/2017		1	1		2				4
04/08/2017	1		2		1	2			6
14/08/2017	2		2			2			6
01/09/2017	1				2		1		4
13/09/2017				1					1
19/09/2017					2	2			4
31/10/2017			1		1	3			5
14/11/2017			1		3	1			5
20/11/2017			1	2		4			7
22/11/2017				1		2	3	2	8
28/11/2017			1	1		1		1	4
12/12/2017		1		3	1				5

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Date	Granted	Renewed	Suspended	Revoked	Refused	Adjourned/ Deferred	Warned	No Action	Total
09/01/2018				3	2				5
23/01/2018				2		1	1		4
06/02/2018		2	1		2	1			6
20/02/2018			1		2	1	1	1	6
06/03/2018	2		1		1	1	1		6
20/03/2018		3	1	1	1	2		1	9
17/04/2018	1	1	2		2	1	1		8
25/04/2018	1	1	1		1				4
Total	11	11	18	15	26	28	10	6	125

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General Licensing:

Detailed in the table below is a breakdown of the type of applications considered by the Licensing Sub Committees together with further information on the responsible authority requesting the review for the period 1 April 2017 – 31 March 2018. The main reason for reviews throughout the year was the finding of illicit or non-duty paid goods on licensed premises: -

Reviews	
Trading Standards	2
Police	2
Total Reviews	4
Reason for review	
Serious Crime and Disorder	2
Crime, disorder and Public Safety	2
Total	4
Other Hearings	
Grant application	
Vary premises licence	4
application	0
Sex Establishment applications	5
Total other hearings	9

Temporary Event Notices 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.

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.

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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 and the event cannot go ahead.

The limit on the number of temporary events that can be held at a premise increased from 12 to 15 per year with effect from 1 January 2016.

During the course of this year there were 154 such notices given. 2 Counter notices were issued and 1 hearing notice with added conditions.

3. Commentary on the work of the Committee

New Policies

A full review of the existing policies and guidelines in respect of Driver, Vehicle and Operator licences resulted in a new Private Hire and Hackney Carriage Licensing Policy being approved by Cabinet on 30 August 2017. The new policy was implemented on 1 October 2017.

Delegations to Officers

During the year the following delegated decisions have been made by Taxi Licensing managers which have resulted in fewer reports being considered by the Committee:-

3 – Licensed drivers had their licence suspended with immediate effect on the grounds of public safety due to having committed or being investigated for criminal offences of a serious nature.

20 – Drivers had their licence suspended with immediate effect on the grounds of public safety as their DBS certificate had expired.

23 – Drivers had their licence suspended with immediate effect on the grounds of public safety due to having a serious medical condition which rendered them unfit to continue to drive a licensed vehicle or they were examined and found to be medically unfit to continue to drive.

14 – Drivers had their licence suspended with immediate effect on the grounds of public safety as their medical certificate had expired.

2 – Driver Applications were refused due to the applicant failing to pass the Knowledge Test within three attempts.

3 – Warning Letters were issued due to failing to declare minor road traffic endorsements on application or within the designated time period.

5 – Drivers were issued an exemption certificate from carrying guide or assistance dogs due to having a medical condition.

4. Contribution to the 2030 Vision

The Licensing Committee delivers a range of activity which contributes to the delivery of the 2030 Vision, in particular the following ambitions:

Ambition 5: 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.

Ambition 8: our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

The work of Licensing Committee enforces key council policies and provides and effective response to local issues as they arise.

5. Training & development

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

- Member Conduct/Licensing Process.
- Relevant legislation.
- Case law.
- Declarations of interest.
- The new Private Hire and Hackney Carriage Licensing Policy
- Determinations of Matters Policy.

6. Enforcement Activity

Private Hire and Hackney Carriage Licensing:

Between 1 May 2017 and 20 April 2018, the Taxi Licensing Enforcement Team conducted 13 multi-agency safety operations together with officers from the Driver & Vehicle Standards Agency (DVSA), West Midlands Police, and Her Majesty's Revenue & Customs (HMRC) Fuel testers at locations across the borough.

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On average 25 vehicles were checked on each operation. Historically vehicles found with defective tyres have been a problem which has resulted in Fixed Penalties being issued to the vehicle owner and a subsequent appearance at the Licensing Sub Committee, however more recently it has been noted that the main issues appear to be lighting problems which are rectified on site by the vehicle examiners so that the drivers may continue to work.

During one operation a vehicle was inspected and found to have a High Street Coffee Chain cup lid for a fuel cap. The driver appeared before committee and was suspended for 24 weeks.

General Licensing:

The Licensing Team are committed to ensure that businesses operate legally and responsibly so that our residents live in safe neighbourhoods and have a good quality of life. Whilst following the Black Country Local Authorities Enforcement Policy against those who fail to comply.

Since January 2018 the team has visited 14 licensed premises carrying out general enforcement visits and following up on complaints received. The team have been working closely with the Police and visiting 'problem' premises to ensure licence holders are complying with the operating schedule and conditions of licence.

7. Conclusion

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 licence holders.

Over the course of the 2018/19 municipal year there will be a move towards moving increasing the amount of operational activity that takes place online. This will both benefit the customer, by improving the efficiency and accessibility of service, and the committee, as it will increase the visibility of the work being carried out to all elected members and residents of the borough.