

# Annual Report of the Licensing Committee 2023-24



# 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.

To run a pub, a business owner must hold a personal licence, a premises licence, be registered as a food premises where applicable. A taxi or private hire driver will need a driver licence, a vehicle licence and as a sole trader, an operator's licence as well as insurance, road tax and a valid MOT. In respect of business licensing, the Public Protection and Community Safety team seek to make the process of obtaining the relevant licence as easy as possible.

In the past year licensed businesses have been impacted by the cost-of-living crisis and faced rising fuel and produce costs. Transport services, including taxi and private hire, have also seen an ongoing impact, with more people working from home. Both licensing services have altered their practices to adapt to new ways of working and continue to support the trade in every way possible. In addition, Committee members have participated in the relevant training to enable them to undertake their role on this important Committee. More training is planned during the municipal year 2024/2025.

This report provides a summary of the work undertaken in 2023/2024 by General Licensing and Taxi Licensing teams.

Can I take this opportunity just say a few words regarding David Elliott, a council officer and Solicitor for Legal Prosecutions and Licencing, who unfortunately passed away suddenly earlier this year. David was a very knowledgeable and professional officer who served this Council and the Licencing Committee for many years, often going above and beyond what was required. He had time for everyone – Councillor, officer, applicant or representative - and I and the other councillors on the Committee will miss him.

Our thoughts go out to his family.

Cllr Giles, Chair of Licensing Committee



# Introduction to the Licensing 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.
- Licensing Act 2003
- Gambling Act 2005
- The Policing and Crime Act 2009
- Scrap Metal Dealers Act 2013



## Who sits on the Committee?

Membership of the Licensing Committee for 2023/24 was as follows:-

Licensing Committee 1	Licensing Committee 2	Licensing Committee 3
Councillor John Giles (Chair)	Councillor Ellen Fenton (Vice Chair)	Councillor Ashley Lewis (Vice Chair)
Councillor Rizwan Jalil	Councillor Jennifer Hemingway	Councillor Elaine Giles
Councillor Muhammad Loan	Councillor Abid Hussain	Councillor Thomas Johnston
Councillor Nagi Daya Singh	Councillor Jag Singh	Councillor Khayam Khan
Councillor Jill Tromans	Councillor David Wilkes	Councillor Natalie Weston
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## 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>
	<p>A connected and accessible Sandwell</p> <p>The work of the Licensing Committee both enforces and contributes to providing safe and accessible transport across Sandwell.</p>

### 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 17 November 2023, the Department of Transport issued a revised document following consultation with both the Trade and Local Authorities during 2022 on Taxi and Private Hire Vehicle Licensing best practice guidance for Licensing Authorities in England. This will require a review of the existing Private Hire and Hackney Carriage Licensing Policy in consultation with the Trade. Officers are currently reviewing both documents with a view to going out to consultation later in the year.



A major refresh of the taxi licensing web pages has also been undertaken, making information more accessible with new sections added making forms easier to find and giving advice to residents on how to stay safe when using licensed vehicles.

In the municipal year 1 April 2023 to 31 March 2024, the Committee considered 78 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
17/4/23	2		1			1	(1)		4
24/4/23	3					2			5
15/5/23	1				1	2	(1)		4
03/7/23	1		1			3	(1)		5
17/7/23	3	1				1	(2)		5
31/7/23	1		1		2	1	(2)		5
21/8/23	2					1	(1)	1	4
04/9/23		1				1	1 (1)		3
18/9/23	4						(4)		4
02/10/23	2		2				(4)		4
16/10/23	1	1	2				(4)		4
30/10/23		1				1	(1)	1	3
06/11/23	1				2				3
20/11/23	1				1		(1)		2
04/12/23	1		1		1	1	(1)		4
18/12/23	1		1			2			4
15/1/24	1	1					1 (1)		3
29/1/24	1				1		(1)		2
11/3/24				1		1			2
25/3/24	1	2			1		(3)		4
27/3/24		1		1			2 (1)		4
<b>Total</b>	<b>29</b>	<b>4</b>	<b>11</b>	<b>2</b>	<b>7</b>	<b>17</b>	<b>6</b>	<b>2</b>	<b>78</b>

(NB The warnings in brackets were as well as either a grant/renewal or suspension of licence)



## 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:

	<b>Municipal year 2023/24</b>
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	0
Licensed drivers who were issued with 21 days delayed suspension notice for failure to sign up to the DBS update service	112
Licensed Drivers who had their licence suspended with 21 days delayed suspension notice as their medical certificate had expired	13
Licensed drivers who had their licence suspended with immediate effect as they were not medically fit	21
Warning letters issued due to failing to declare minor road traffic endorsements on application or within the designated period	7
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	10

## Numbers of licences

The numbers below are the issued licences for the municipal year of 2023/24 broken down by licence type.

<b>Licence type</b>	<b>Total number of current licences as at 31/3/2023</b>	<b>Total number of licences as at 31/3/2024</b>
Private Hire Operator	41	41
Private Hire Driver	934	1013
Hackney Carriage Driver	16	12



Dual Licence Holder	310	289
Private Hire Vehicle	1136	1114
Hackney Carriage Vehicle	66	59

## Policy Position

### Private Hire and Hackney Carriage Policy Handbook

No changes were made to policy during 2023.

## Service Improvements

In August 2022, the Licensing Committee were consulted on and supported the use of other vehicle testing stations via approved providers for full tests and interim safety checks for both private hire and hackney carriage vehicles. All garages in Sandwell were written to and invited to express an interest via the In-Tend portal for procurement. On 1<sup>st</sup> March 2024, 5 new garages were approved and have started to offer the full tests (compliance test) with MOT test. It is hoped that they will also be able to offer the interim safety checks by the end of the year.

All licensed vehicles have now been issued with window stickers which contain the vehicle licence number, no smoking sign on the outside and confirm that Sandwell Council licensed the vehicle. The stickers also advise how customers can contact the taxi licensing team should they need to make a complaint on the inside of the vehicle.

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, 19 were completed in 2022/2023. 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 these were deferred until the publication of the national Taxi and Private Hire Licensing Best Practice Guidance. The guidance was published in late 2023 and these remaining areas will be considered by the licensing committee in 2024/2025. In addition, a review of the fees and charges





for taxi licensing functions and licences will be undertaken during 2024/2025 with any changes coming into effect the following financial year.

## Enforcement Activity

Between 1 April 2023 and 31 March 2024, the Taxi Licensing Enforcement Team carried out 17 Multi Agency Stop Operations and visited 41 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 not had any requests to undertake any checks with the Travel Assistance Service and Adult Social Care Transport (TAS) Team this year.

## 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 2023 to 31 March 2024:

### Reviews

Agency triggering review	Total 2023/24
Trading Standards	0
Police	3
Court order	0
Environmental Health	1
	<b>Total 4</b>

Reasons for review	Total 2023/24
Serious Crime and Disorder	2
Crime, disorder, and Public Safety	2
	<b>Total 4</b>

Other hearings	Total 2023/24
Grant application	10





Vary premises license application	0
Sex Establishment applications	3
Temporary Event notices	2
Expedited review	1
Scrap Metal	0
Personal	2
	<b>Total 18</b>

## Delegated officer decisions

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

Decision Type	2023/2024
New Premises licences	38
Minor Variations	28
Full Variation	5
Vary Designated Premises Supervisor	141
Transfer Premise Licence Holder	63
Licences surrendered	21
Licences suspended	41
Change of name/address Premises Licence	45
Personal licences	137
Change of name/address Personal Licence	61

## Number of Licences

The numbers below are the current registered licences for the municipal year 2023/24 broken down by licence type.

Licence type	Total number of current licences for 2023/24
Premises licences	943
Personal licences	4673
Casino	2



Bingo	7
Alcohol Licenced Gaming Machine Permit (ALPGM)	38
Adult Gaming Centre (AGC)	11
Betting (BET)	42
Betting Premises (TRACK)	1
Unlicensed Family Entertainment Centre (UFECP)	2
Family Entertainment Centre (FEC)	0
Club Machine Permit (CMP)	7
Sexual Entertainment/Establishment Venues) (SEV)	2
Scrap Metal	55
Temporary event notice (TEN)	203

## 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.

### Statement of Licensing Policy

The Licensing Act 2003 requires every Council to have a 'Statement of Licensing Policy' which includes information outlined in the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales. The Council's Statement of Licensing Policy provides advice and guidance to the Licensing Authority when exercising its statutory functions as a Licensing Authority under the 2003 Act. The Policy is an essential tool to assist Responsible Authorities (mainly Regulators) and the Licensing Committee during the decision-making process to ensure that the decisions reached are sound, and robust enough to withstand an Appeal or judicial challenge. The



Councils Statement of Licensing Policy was produced in 2020, as the 2003 Act requires that the Council's Statement of Licensing Policy is reviewed via public consultation, formally adopted, and published every five years' work will begin this municipal year in readiness for a revised Policy to be published in 2025.

## Service Improvement

During the 2023/2024 municipal year focus on the digital transformation of the licensing activity has focused on Taxi Licensing. The key objective is to enable customers to apply and communicate with the Licensing Department.

Work on the licensing system for General Licensing was paused, however this work will resume during this municipal year.

## Enforcement Activity (General Licensing)

The team has worked closely with various partners and responsible authorities such as West Midlands Police, Trading Standards, Environmental Health, Planning and West Midlands Fire Service. 205 visits have been carried out at premises to ensure licence holders are compliant with the operating schedule and conditions of their licence.

The team has supported Trading Standards on 62 underage test purchase exercises across the Borough and participated in Safer 6 carrying out 9 enforcement visits in partnership with Trading Standards and West Midlands Police. As part of National Licensing Week (12 to the 16 June 2023) Licensing Officers held several drop-in sessions at the Council house to deal with licensing queries from local businesses and members of the public and conducted 30 inspections.

At the request of the Home Office the service has worked on joint operations following intelligence reports relating to licensed premises. These visits were targeting the use of employees that are not permitted to work in this country, which is a criminal offence.

A programme of visits was carried out to licenced premise gaming machines. 15 out of the 17 (88%) were non-compliant on first visit, 93% of those became compliant without the need for further action.



# Looking Ahead

The Department for Transport issued the long-awaited Best Practice Guidance in November 2023. The guidance will be considered as part of the review of the Sandwell Private Hire and Hackney Carriage Licensing policy in 24/25.

During 2024/2025, General Licensing will conduct the necessary consultation and engagement to get the Statement of Licensing policy revised and produce a Scrap Metal policy. In addition, the team will seek to improve software systems to enable the introduction of an online function for the processing of licensing applications, creating efficiencies and an improved customer journey.

In 2024/25, and as part of the review of policy we will be looking at how our vehicle licensing policy can and should support environmental policies adopted by the local authority.

## 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 conducting 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.

