NON-CONFIDENTIAL



Marmion House, Lichfield Street, Tamworth, Staffordshire B79 7BZ.

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LICENSING COMMITTEE

4 April 2022

Dear Councillor

A meeting of the Licensing Committee will be held in Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Tuesday, 12th April, 2022 at 6.00 pm. Members of the Committee are requested to attend.

Yours faithfully

Chief Executive

AGENDA

NON CONFIDENTIAL

- 1 Apologies for Absence
- 2 Minutes of the Previous Meeting (Pages 3 4)
- **3 Minutes of any Sub-Committee meeting** (Pages 5 6)
- 4 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

5 Review of Licensing service in 2021-2022 (Pages 7 - 14)

(Report of the Head of Environmental Health)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail <u>democratic-services@tamworth.gov.uk</u>. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found here for further information.

If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page here

To Councillors: B Price, T Clements, D Box, D Cook, M Cook, R Claymore, S Doyle, A Farrell, T Jay, K Norchi, M Oates, M Summers and P Thurgood.



MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD ON 24th JUNE 2021

PRESENT: Councillor B Price (Chair), Councillors T Clements (Vice-Chair),

D Box, R Claymore, S Doyle, J Jones, K Norchi, J Oates, M Oates

and P Thurgood

The following officers were present: Fiona Samuda (Licensing Legal Advisor), Anna Miller (Assistant Director – Growth & Regeneration), Gareth Harvey (Head of Environmental Health), Simon Rolfs (Environmental Health Officer) and Jodie Small (Legal, Democratic and Corporate Support Assistant)

Apologies received from: Councillor(s) M Cook, A Farrell and R Pritchard

1 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 22nd April 2021 were approved and signed as a correct record.

(Moved by Councillors S Doyle and seconded by Councillor T Clements)

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

PROPOSED EXTENSION OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2022 - 2024

The current Gambling Policy is due to expire on 31st March 2022 but in December 2020 the Department for Digital, Culture, Media & Sport launched a major and wide-ranging review of gambling laws to ensure they are fit for the digital age. This call for evidence has now been completed and we are expecting a new Gambling Act sometime in the next 12 months at which point we will need to prepare a new Policy and Statement of Principles.

This report is to inform the committee of these forthcoming changes and propose that the existing policy be extended in its' current form for a further 24 months until 31st January 2024. Within this time frame we will draft a new Policy and Statement of Principles once the new legislation comes into force and this will then be brought before the Licensing Committee before going out to consultation.

RESOLVED That Committee,

Agreed to extend the current Gambling Policy and Statement of Principles until 31st January 2024.

(Moved by Councillor T Clements and seconded by Councillor S Doyle)

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from

the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as

amended).

(Moved by Councillor T Clements and seconded by Councillor M Oates)

Councillor J Oates left the meeting.

5 COMMITTEE REPORT FOR THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 SUITABILITY OF PERSON TO CONTINUE TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The report of the Head of Environmental Health, for committees' consideration to make a decision whether the person continues to remains fit and proper to hold a licence to drive hackney carriage/private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976

RESOLVED Committee decided to

Revoke the license to drive Hackney Carriage/Private Hire Vehicles under section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 for any other reasonable cause.

Chair			



MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 17th MARCH 2022

PRESENT: Councillors R Claymore, K Norchi and B Price

LEGAL Leo Charalambides (Counsel)

The following officers were present: Anna Miller (Assistant Director – Growth & Regeneration), Paul Holmes (Public Health Officer), Jodie Small (Environmental Health Technical Support Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

1 APPOINTMENT OF CHAIR

Councillor B Price was appointed as Chair for this Committee

(Moved by Councillor R Claymore and seconded by Councillor K Norchi)

2 APOLOGIES

None

3 DECLARATIONS OF INTEREST

There were no declarations of interest

4 EXCLUSION OF THE PRESS AND PUBLIC

That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

(Moved by Councillor R Claymore and Seconded by Councillor K Norchi)

5 LICENCE REVIEW HEARING - ESCO BAR, 6-7 KING STREET, TAMWORTH, STAFFORDSHIRE, B79 7DB

To consider a Summary Review of the premises licence under section 53C and review of the Interim Steps hearing under section 53D of the Licensing Act 2003 ("the 2003 Act") following an application for summary review under s.53A of the 2003 Act, made by Staffordshire Police, of the Premises Licence of Esco, 6-7 King Street, Tamworth, Staffordshire, B79 7DB ("ESCO")

RESOLVED: That

The premises licence for ESCO is revoked and the interim step of suspension is to remain in place.

Chair

Tuesday, 12 April 2022

Report of the Head of Environmental Health

Review of licensing service in 2021-2022

Exempt Information

None

Purpose

Purpose of this report is an information item briefing the committee about the Licensing Teams administration activities during 2021/22.

Recommendations

It is recommended that the Licensing Committee note the contents of the report and endorse future work for 2022/23.

Executive Summary

The Team deals with the administration, principally of the Licensing regimes under the Licensing Act 2003 and Gambling Act 2005. In addition, it covers Taxi and Private Hire Licensing under Local Government (Miscellaneous Provisions) Act 1976 &1982.

The Licensing Team also administer the licensing of scrap metal dealers and motor salvage businesses under The Scrap Metal Dealers Act 2013.

Street & House Collections show an increase from last year, this could be due to reductions in public sector funding and with the impact of the recent pandemic thus resorting to charities as an alternative funding stream.

Regulatory Licensing Workload

The Licensing Team processed the following licence applications/requests

SUBJECT AREA DESCRIPTION		TOTAL 2021/2022
LICENSING ACT 2003	Premises Licence Applications, New/ amendments, variations etc.	50
	Premises/ Club Premises Certificate - Annual Fee (renewals)	213
	Premises/ Club Premises Certificate – Revoked / Surrendered	5
	Temporary Event Notice (TENS) Standard	41
	Temporary Event Notice (TENS) Late	6

Annual Fee Enquiries	35
Personal licence, New/amendments.	66
etc.	
Sub-Committee/Court Hearings for	2
New/Reviews/Appeals	
Application, Licence Transfer and	75
Change of DPS	
Request for Service	85

GAMBLING ACT Licence Applications, amendments,		5
2005	variations etc.	
	Premises/Permits/ Lottery's	61
	Registrations - Annual Fee (renewals)	
	Premises/ Permits/Registrations -	4
	Surrendered	
	Request for Service	25

LICENSING OTHER	Applications for Street Collections/ House to House Collections, Sex Shop, etc.	75
MISCELLANEOUS LICENSING ENQUIRIES	Request for Service (enquires)	50

Taxis

The Team have generated 328 renewals for Hackney Carriage, Private Hire vehicles and drivers, 72 of which are awaiting returned applications in order to be processed.

Eight new drivers have been granted Taxi Licenses with three new applications pending.

During the pandemic the process had to move to an online process with all applications emailed to Customer Services initially for checking and payment taken either online or over the telephone. This replaced the face to face service at the counter that was conducted by Customer Services.

Once this had been done the applications were forwarded to Taxi Licensing dedicated email account for processing by the team. Plates and licences are then produced, then left for collection from the Post room at Marmion House at allocated time slots.

Currently the time slots agreed are Monday to Friday 10am – 11am, and Wednesday 4pm-5pm. These slots allow a 15 minute timeframe for the drivers to collect their license and plates.

New driver knowledge test were initially conducted on line but are gradually migrating back to face to face in a dedicated room at Marmion House.

Safeguarding - 3 yearly refresher training

Safeguarding courses have been conducted online since the pandemic, but one face to face session has recently been held. Since November when we appointed a Technical Officer to assist we have done the following sessions

Training Date	Number of attendees		
29 th November 2021	6 (online session)		
27th January 2022	13 (online session)		
18th February 2022	7 (online session)		
21st March 2022	10 (face to face Marmion House)		

The next sessions are planned for April 7th which is being held online, 25th April face to face session at Marmion House, then 9th May, online session.

There were some overdue from 2019, which have now attended the training session.

There were 5 drivers overdue from 2020, 3 of which we are in contact with and for various reasons haven't been able to do the training as yet. 2 we are currently trying to make contact with.

2021 we have 4 overdue, 2 drivers we are in contact with and 2 we are attempting to contact.

We have 16 drivers due their safeguarding in April and 18 Drivers due in May so we have secured dates for training with the Safeguarding Officers during April and May as mentioned above.

We have had 8 drivers inform us they are no longer Taxi driving and they have been removed from the "current driver" database.

DVLA Driver License Checks – Due yearly.

183 reminder letters sent out for in January, these were all overdue

Response of 98 DVLA codes sent back and checked off by the Team.

85 second reminder Letters sent out in February,

A recent report shows until end of April 46 are now overdue, 2 from 2019, 27 from 2020, 14 from 2021 and 3 due by end of April 2022.

Response of 42 DVLA codes sent back after second reminder letter.

43 third reminder letters sent out during March.

Medicals

The team have been chasing medicals, these were very overdue as the appointments during Covid virtually stopped. Reminder letters have been sent out urging drivers to book their medicals.

There is 1 medical outstanding from 2019 in which the driver is unwell. We are in regularly contact with him. He is not currently working.

12 medicals outstanding for 2020, 10 outstanding for 2021 and 11 for 2022 till the end of April. Second reminder letters have been sent out in March.

Medicals are difficult at present. Aldergate medical practice who do the medicals will only do up to a maximum of 19 medicals a month and this has contributed to the backlog. They have been asked by officers to do more but they have stated that working under their Covid protocols it is not possible to do any more then 19 at the moment.

We don't believe there is an unwillingness to have a medical from the drivers. After all it will adversely affect their insurance cover if they have not undergone a medical to comply with our policy.

The issue, is purely of availability of appointments. Hopefully over the coming months we anticipate should ease. Officers feel that a robust approach with the drivers may be counterproductive, however the Team are assisting where possible and catching up on the overdue medicals will put us in better standing moving forwards.

Options Considered

There is a Committee report going to Staffing and Appointments on 21st April requesting 18 month temporary post for a Senior Licensing Officer and extension of the secondment of the Technical Support Officer.

At present the licensing section of the team has a flat structure with three officers reporting directly to the Head of Service. It is proposed that the introduction of a Senior Licensing Officer would have supervisory responsibility of the licensing staff providing them with technical support and supervision. In addition this post would be responsible for reviewing, renewing and retendering contracts, policies and procedures many of which are overdue and again relieve current Environmental Health staff who have been tasked with some of these duties so that they can concentrate on addressing overdue regulatory inspections. With the addition of this post it is also envisaged that the licensing team could undertake a body of proactive work including resurrecting the Responsible Authorities Group, working closely with partners by carrying out enforcement inspections of taxis and licensed premises with both the police, trading standards and the Security Industry Agency (SIA).

Extension of Technical Support Officer:

The Technical Support Officers main duties include but are not limited to assisting in the processing of Environmental Health, Licensing and other related applications and complaints/service requests, including checking of the validity of information, input of data onto the Northgate database, sending out related correspondence and processing of associated fees/reminders. Assistance with production of taxi vehicle plates and driver license badges and development of Northgate database to expedite annual Licensing Fee administration. The extension of the secondment of this post would assist in addressing the back log of licensing checks and support the two substantive licensing posts with administration and relieve the Licensing Officer of some duties to work on supporting migration of licensing to Assure.

Resource Implications

No specific financial implications emanate from this report which provides a review of the Council's Licensing Team's administration activities during 2021/22.

Legal/Risk Implications Background

The Licensing Team exercises the Council's regulatory functions under the Local Government and Miscellaneous Provisions Act 1976 &1982; Licensing Act 2003, Gambling Act 2005 and the Scrap Metal Dealers Act 2013. The Council will be at risk of legal challenge if its decision making process on determining applications is not transparent and evidentially based. Also the Council will be at risk where a decision to take, or not to take, enforcement action does not follow the Authority's published enforcement policy. This report reviews the work over the last financial year in fulfilment of the Council's obligations. There are no immediate legal implications arising from this report.

Equalities Implications

None

Environment and Sustainability Implications

A visibly effective taxi/licensing/gambling service links into the Corporate Plan Furthermore measures to promote fair trading; reduce crime and disorder will enhance the attraction of Tamworth as a place to visit and run a business.

Background Information

None

Report Authors

Wendy Smith Head of Environmental Health Jodie Small – Technical Support Officer

List of Background Papers

None

Appendices

Appendix 1 Alcohol and late night refreshment licensing questionnaire 2021/22





Alcohol and Late Night Refreshment Licensing 2021/22: data collection for period 1 April 2021 to 31 March 2022

Introduction

The Home Office is asking all licensing authorities in England and Wales to complete this statistical return for 2021/22 to enable them to produce the Alcohol and Late Night Refreshment Licensing 2021/22 statistical release (you do not need to submit data for 2018/19, 2019/20 or 2020/21, this collection was not scheduled for 2018/19 and cancelled due to the pandemic for years 2019/20 and 2020/21). May we take the opportunity to remind you that Alcohol and Late Night Refreshment Licensing is on the **mandatory** single data list of datasets that local government must submit to central government. For your information, the links to the single data list and the Alcohol and Late Night Refreshment Licensing release for 2017/18 are as follows:

https://www.gov.uk/government/publications/single-data-list

https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2018

Changes to the questions being collected
In response to the 2018/19 user consultation, these data are now collected every other year and the length of the questionnaire has reduced. This will reduce the burden on licensing authorities of collecting this data while continuing to ensure the headline data series is available. The Home Office response to 2018/19 'Alcohol and late night refreshment licensing statistics' consultation is available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789857/alcohol-licensing-statistics-consultation-response-march-2019.pdf

Please can all licensing authorities complete the questionnaire below, and refer to the error summary sheet and address any errors and/or blanks before submitting your return.

CONTA	CT DETAILS				
	Licensing authority (select from list)		Name of person responsible for completing the return		
	Tamworth E-mail		Paul F Telephone	Holmes	
	publicprotection@tamworth.gov.uk			709347	
Part 1	NUMBER OF LICENCES IN FORCE ON 31 MARCH 2022				PART 1 HELP
	ther enter a:				
	the answer is none				
	where the figure is unknown/missing (as opposed to leaving the cell blank).				
Please de	o not copy and paste data between data entry cells (unless you paste spec	·			
Q1a	Number of Premises Licences and Club Premises Certificates by f E or Band Unknown	ee band and number of F	Personal Licences. Also inc	clude premises with no fee applicable	in Bands A-
	Total	Premises Licences 198	Club Premises Certificates 15	Personal Licences 1045	
	of which: Band A	19	3		
	Band B Band C	120 24	11		
	Band D (no multiplier) Band D (with multiplier)	13	0		
	Band E (no multiplier) Band E (with multiplier)	21 0	0	I	
	Band Unknown	0	0	I	
Q1b	Number of Premises Licences and Club Premises Certificates with	no fee appl <u>icable</u>			Q1b HELP
	Total with no fee applicable. Premises with no fee applicable should also be inc		Premises Licences	Club Premises Certificates	
	Band Unknown in Q1a above	adda III Ballad / L D I lol	5	0	
Q2a	Number of Premises Licences and Club Premises Certificates whi	ch authorise the sale or s	supply of alcohol		Q2a HELP
	Total (taken from Q1a above)		Premises Licences 198	Club Premises Certificates 15	
	Licences/certificates which authorise the sale or supply of alcohol (On-sales or Licences which authorise the sale of alcohol (Off-sales only)	ly)	29 57	2	
	Licences/certificates which authorise both on and off sales or supplies of alcohol Licences/certificates which <u>do not</u> permit the sale or supply of alcohol	ol	83 29	13	
Q2b	Number of Premises Licences by licensable activity authorised This question is shorter than in the 2017/18 collection.				Q2b HELP
	Any Premises Licences with Late Night Refreshment		Premises Licences 117	1	
	Any Premises Licences with only Late Night Refreshment		18		
Q3	Number of premises with 24-hour alcohol licences by premises ty	pe			Q3 HELP
			Premises with 24-hour licences		
	Total of which, premises in:		7		
	Pubs, Bars and Nightclubs		0		
	Supermarkets and Stores of which:		3		
	Large supermarkets Other convenience stores (including petrol stations)		3		
	Hotel Bars of which:		4		
	Open 24 hours to residents and general public		0		
	Open 24 hours to residents and their guests only Other Premises Types (also include premises operating under Club Premises	Cartificates)	0]	
	Cuter Fremises Types (also module premises operating under Olds Fremises	Certificatesy			
Q4	Number of Cumulative Impact Areas			1	Q4 HELP
	Total		1		
Part 2	LICENCE ACTIVITY BETWEEN 1 APRIL 2021 AND 31 MARC	H 2022			PART 2 HELP
Q5a	Total number of licences/certificates applied for, granted and refusion is shorter than in the 2017/18 collection.	sed (across the entire LA) by type of licence		Q5a HELP
	New Premises Licence	Application made	Granted	Refused	
	Total of which:	11	11	0	
	Licences which authorise the sale or supply of alcohol (On-sales only)	1	1	0	
	Licences which authorise the sale of alcohol (Off-sales only) Licences which authorise both on and off sales or supplies of alcohol	5 4	5 4	0	
	Licences which do not permit the sale or supply of alcohol New Club Premises Certificate	1	0	0	
	NEW GIAD FIRMSES CHIMICALE	0		U	
Q5b	Number of licences/certificates within cumulative impact areas ap				(Note: This Q5b HELP
405	is a subset of Q5a so these figures should also be included within				GOS FILLI
	New Premises Licence Total	Application made 7	Granted 7	Refused 0	
	of which: Licences which authorise the sale or supply of alcohol (On-sales only)	4	4	0	
	Licences which authorise the sale of supply of alcohol (Off-sales only) Licences which authorise both on and off sales or supplies of alcohol	1 Pa	ne 12	0	

	Licences which do not permit the sale or supply of alcohol	1	1	0		
	New Club Premises Certificate	0	0	0		
	NEW OUTCOMEN And the second of	- h-tu 4 A!! 0004	d od Marrak 2000			
Q6a	NEW QUESTION: Number of completed reviews by type of licenc (Note: also include any completed expedited reviews here). Total					Q6a HELP
	Total completed reviews	Total 1	Granted 1	Refused 0		
	of which:					
	Licences which authorise the sale or supply of alcohol (On-sales only)	1	1	0		
	Licences which authorise the sale of alcohol (Off-sales only) Licences which authorise both on and off sales or supplies of alcohol	0	0	0		
	Licences which do not permit the sale or supply of alcohol	0	0	0		
	Reason for completed review (in relation to the completed review	rs recorded in Q6a)				
Q6b	(Note: more than one reason may apply to each review). This was					Q6b HELP
	Crime & Disorder	1				
	of which relate to the sale of illicit alcohol i.e. non-duty/VAT paid and/or counterfeit alcohol.	0				
	Protection of Children	1				
	Public Nuisance Public Safety	0				
	,					
Q6c	Number of completed reviews instigated by each of the following (in relation to the completed reviews recorded in Q6a). This was 0					Q6c HELP
	Police	4	1			
	Trading Standard Officers	0				
	Environmental Health Officers Local Residents	0				
	Other Responsible Authorities or Interested Parties	0				
07	Decision taken by licensing authority following completed review	1				OZ UEL D
Q7	(Note: more than one action may apply to each completed review). This was Q8 in 17/18.				Q7 HELP
	No action taken Operating hours modified	0				
	Licensable activity partially restricted	0				
	Licensable activity completely excluded Other conditions added or modified	0				
	Designated Premises Supervisor removed (Premises Licences only) Licence or Certificate suspended	0				
	Licence revoked or Club Premises Certificate withdrawn	1				
Q8	NEW QUESTION: Outcome of <u>completed</u> appeals lodged against	application decision and li	cence review decision			Q8 HELP
		Application decision	Licence review decision	7		
	Total completed appeals of which:	0	1	1 -		
	Upheld Dismissed	0	0	+		
	Appeal withdrawn	0	0	İ		
	NEW QUESTION: Number of closure notices issued by local auth	ority under section 76 of t	ne Anti-Social Behaviour	Crime & Policing Act 2014 ar	nd section 169A of the	
Q9	Licensing Act					Q9 HELP
	Total	0]			
	of which: Closure notice - S76 of the Anti-Social Behaviour Crime & Policing Act 2014	0				
	Closure notice - S169A of the Licensing Act 2003	0				
Q10	Number of standard and late Temporary Event Notices This was	Q12 in 17/18.				Q10 HELP
	Valid Temporary Event Notices given to licensing authority	Total 47	Standard 41	Late 6		
	Temporary Event Notices withdrawn	2	1 0	1		
	Temporary Event Notices received following modification with consent Counter Notices given following objection	0	0	0		
Q11	Late night levy (as at 31 March 2022) This was Q14 in 17/18.					Q11 HELP
QII			1			<u>WII NELP</u>
	Was a late night levy applied to your licensing authority area as at 31 March 2022?	No				
	If the answer was yes, how much, in pounds, did the late night levy raise during the 2021/22 financial year? (leave blank if answer was no/don't know)					
Q12	How many hours, approximately, has it taken your organisation (i.e. all employees) in total t	to complete this return? T	his was Q16 in 17/18.		
	Total	10				
Thank	you for completing the questionnaire.					Click Here to check
	check the Error Summary for possible data entry errors and blank	answers				Errors and Blanks