

NON-CONFIDENTIAL



Borough of Tamworth

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

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LICENSING COMMITTEE

20 March 2024

Dear Councillor

A meeting of the Licensing Committee will be held in **Council Chamber, Marmion House, Lichfield Street, Tamworth, B79 7BZ on Thursday, 28th March, 2024 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke.

Chief Executive

A G E N D A

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- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 6)**
- 3 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.

4 REVIEW OF LICENSING ACTIVITY 2023/24 (Pages 7 - 12)

(Report of the Assistant Director, Growth and Regeneration)

5 Exclusion of the Press and Public

To consider excluding the Press and Public from the meeting by passing the following resolution:-

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 and 2 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

6 Fitness of Individual to hold a Hackney Carriage and Private Hire Driver's Licence (Pages 13 - 88)

(Report of the Assistant Director, Growth and Regeneration)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. 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, L Clarke, T Clements, G Coates, A Cooper, J Jones, R Kingstone, P Thompson, P Thurgood, P Turner, J Wade, J Wadrup and L Wood.

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**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
HELD ON 6th MARCH 2024**

PRESENT: Councillors L Clarke, T Clements, G Coates, A Cooper,
R Kingstone (Vice-Chair), P Thompson, P Thurgood, P Turner
and L Wood

The following officers were present: Fiona Samuda, Legal Advisor, Sarah Gear (Senior Licensing Officer), Jodie Small (Environmental Health Licensing Officer), Giles Dean (Taxi & Environmental Licensing Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B Price, J Wadrup, J Wade and J Jones.

The Vice Chair Cllr R Kingstone presided over the meeting in the Chairs absence

45 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5th February 2024 were approved and signed as a correct record.

(Moved by Councillor T Clements and seconded by Councillor P Turner)

46 DECLARATIONS OF INTEREST

There were no Declarations of Interest

47 EXCLUSION OF THE PRESS AND PUBLIC

Resolved by the Committee that:

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 and 2 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.

(Moved by Councillor T Clements and seconded by Councillor L Wood)

48 APPLICATION FOR A HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS LICENCE

Report of the Assistant Director Growth and Regeneration to consider an application for the Grant of a Hackney Carriage and Private Hire drivers licence.

Decision

Refusal to grant the applicant a licence to drive Hackney Carriage/Private Hire vehicles with Tamworth Borough Council, as he is not a 'fit and proper' person to hold a licence.

49 FITNESS OF INDIVIDUAL TO HOLD A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

Report of the Assistant Director, Growth and Regeneration to Fitness of Individual to hold a Hackney Carriage and Private Hire Driver's Licence.

Following information from the individuals Legal Advisor a motion was proposed to adjourn the meeting and bring back to Committee on Thursday 28th March 2024.

(Moved by Councillor P Thurgood and seconded by Councillor L Wood)

The motion was carried

Chair

Thursday, 28 March 2024

Report of the Assistant Director - Growth & Regeneration**REVIEW OF LICENSING ACTIVITY 2023/24****Exempt Information**

None

Purpose

This is an information item briefing the committee about the Licensing Team's activity for the year 2023/2024

Recommendations

That the Licensing Committee note the content of the report and note future work for 2024-2025.

Executive Summary

The Licensing Team deals with the administration 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 & Town Police Clauses Act 1847. The Licensing Team also administer the licensing of scrap metal dealers and motor salvage businesses under The Scrap Metal Dealers Act 2013 and co-ordinates Street & House to House Collections. During 2024 the team will start to administer street trading consents.

This report reviews the work over the last financial year and provides information upon the various activities undertaken in fulfilment of the Council's obligations.

Options Considered

This report is for information only.

Resource Implications

No specific financial implications emanate from this report which provides a review of the Council's Licensing Team's enforcement and administration activities during 2023/24.

Legal/Risk Implications Background

The Licensing Team exercises the Council's regulatory functions under the Local Government and Miscellaneous Provisions Act 1976, Town Police Clauses Act 1842; 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

This report has been prepared in accordance with the Council's Diversity and Equality Policies

Environment and Sustainability Implications (including climate change)

A visibly effective taxi/licensing/gambling service links into the Corporate Plan Priorities. 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

The following figures reflect the number of applications received by the team from 01st April 2023 - 01st March 2024 it shows the figures provided for April 2022 – February 2022 as a comparison.

| SUBJECT AREA | DESCRIPTION | TOTAL 2022/2023 | TOTAL 2023/2024 |
|-------------------------------|--|--------------------|--------------------|
| LICENSING ACT 2003 | Premises Licence Applications, New/ amendments, variations etc. | 60 | 70 |
| | Premises/ Club Premises Certificate - Annual Fee (renewals) | 209 | 208 |
| | Premises/ Club Premises Certificate – Revoked / Surrendered | 5 | 7 |
| | Temporary Event Notice (TENS) Standard | 42 | 46 |
| | Temporary Event Notice (TENS) Late | 11 | 8 |
| | Annual Fee Enquiries | 50 | 50 |
| | Personal licence, New/amendments. etc. | 49 | 51 |
| | Sub-Committee/Court Hearings for New/Reviews/Appeals | 1 | 1 |
| | Premise Licence Transfer and Change of DPS | 65 | 80 |
| | Request for Service | 150 | 170 |
| | Compliance Visits | 10 + | 30 |
| GAMBLING ACT 2005 | Licence Applications, amendments, variations etc. | 1 | 5 |
| | Premises Notifications/ Permits/ - Annual Fee (renewals) | 60 | 61 |
| | Premises Notification/ Permits/ - Surrendered | 4 | 2 |
| | Lottery Registrations New/Renewals- Annual Fee (renewals) | 30 | 32 |
| | Lottery Registrations - Surrendered | 3 | 3 |
| | Request for Service | 25 | 35 |
| | Compliance Visits | 5 | 8 |
| TAXIS | New Drivers | 42 | 25 |
| | Renewal Drivers | 122 | 186 |
| | Drivers Expired | 68 | 40 |

| | | | |
|------------------------|--|-----|-----|
| | P/H Vehicle – New/Renewal/Transfer | 83 | 100 |
| | P/H Operators - New /Renewal | 4 | 15 |
| | H/C Vehicles – New/Renewal/Transfer | 128 | 130 |
| | H/C & P/H Vehicles - Expired | 30 | 30 |
| | Request for Service | 400 | 450 |
| | Compliance Checks | ?? | 25 |
| | | | |
| SCRAP METAL | New/Renewal Site licence | 3 | 3 |
| | New/Renewal Collectors | 10 | 10 |
| | Site/Collectors Surrendered/Expired | 1 | 1 |
| | Request for Service | 10 | 10 |
| | | | |
| LICENSING OTHER | Applications for Street Collections/ House2 House Collections, Sex Shop, Street Trading etc. | 60 | 75 |
| | Request for Service | 50 | 100 |

The Responsible Body Group continues to be held every couple of months with representation from Staffordshire Police, Trading Standards, Staffordshire Fire and Rescue, Environmental Health, Environmental Protection, Immigration, Security Industry Agency to discuss Licensing matters, including possible problem premises.

The team continue to take part in the Safer Nights initiative run by Staffordshire Police. Licensing Officers together with Police officers are conducting compliance checks on licensed premises.

The first issue of the Taxi Newsletter was produced in October 2023 and sent to all licensed drivers, vehicle proprietors and operators. The second was produced in March 2024.

Monitoring visits continue to take place at Motor Vehicle Services.

We have started to engage with neighbouring authorities regarding the introduction of a timetable for the taxi trade to be compliant with the councils net zero vision.

Review meetings are being held with Tamworth Railway Station to establish an exchange of information in connection with the permits they issue to our Hackney Carriage Vehicles.

Continued engagement with Staffordshire County Council in connection with badges they issue to drivers & escorts relating to school contracts. Attendance at compliance check's in relation to vehicles used for school contracts.

A review of the website is on going to ensure all guidance & application forms are up to date.

Committee Work

During 2023/2024 we prepared, consulted on and adopted a new Scrap Metal Policy, Charitable Collection Policy, Sexual Establishment Policy and Street Trading Policy.

Future Planned Work

- Implementation of the new Taxi Policy is on going. We intended to do an informal review of the Policy during April/May. The Penalty Points System has been bought in

line with the new conditions on Drivers, Vehicles and Operators. The Penalty Points System will be implemented by increasing our presence and conducting more checks on Drivers, Vehicles and Operators. Points issued to date are attached at Appendix 1.

- Licensed Scrap Metal Site Compliance checks to be conducted with partners.
- Test purchasing of licensed vehicles and drivers will be taking place this coming year.
- Joint enforcement of out of area vehicles with the relevant local authorities.
- All licensed premises will be entered onto a work programme to ensure all premises receive compliance visits at regular intervals.
- An increase in trade engagement will be taking place in the form of regular checks of the taxi ranks, the re introduction of regular trade meetings and regular updates via email or newsletter,
- The Medical contract with Aldergate Medical Practice requires reviewing. A tender exercise will be undertaken, together with a review of the medical form used to assess the medical fitness of licensed drivers.
- Introduction of a Street Trading regime following the adoption of the policy. This will be a new regime for Tamworth Borough Council.
- Introduction of a Pavement Licence regime should the requirements contained within the Business & Planning Act 2022 become permanent.
- Review of the existing Gambling Act Policy.
- Assist in the development of the new Assure system. This will improve our processes and make the team more efficient.

Report Author

Sarah Gear – Senior Licensing Officer

List of Background Papers

[List of licences | Tamworth Borough Council](#)

Appendices

Appendix 1 Penalty Points Issued

Appendix 1 – Update on Penalty Points awarded since April 2023

| Points | Reason |
|---------------|--|
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 7 points | 4 failure to display plate & 3 for smoking |
| 4 points | Failure to display dash badge |
| 6 points | Failure to report conviction |
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 3 points | Smoking |
| 3 points | Smoking |
| 4 points | Bald Tyre |
| 14 points | 4 Committee 6 refusal of fare 4 leaving vehicle unattended |
| 4 points | Failure to display dash badge |
| 4 points | Failure to inform us of a change of ownership |
| 4 points | Failure to notify change of owner |
| 4 points | Failure to display dash badge |
| 4 points | Failure to display dash badge |
| 3 points | smoking |
| 4 points | Failure to display dash badge |
| 4 points | Unacceptable behaviour |
| 4 points | Leaving vehicle unattended |
| 4 points | Failure to display dash badge |
| 10 points | 4 points for unacceptable behaviour, 3 points for smoking & 3 points for smoking |
| 3 points | smoking |
| 4 points | Failure to report accident within 72 hours |

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