



<u>Committee and Date</u>
Strategic Licensing Committee
13 <sup>th</sup> June 2012

<u>Item</u>
8
<u>Public</u>

## EXERCISE OF DELEGATED POWERS

### Responsible Officer

Email: [lynne.towers@shropshire.gov.uk](mailto:lynne.towers@shropshire.gov.uk) Tel: 01939 237492 Fax:

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### 1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to, amend, revoke or refuse driver and vehicle licences (to include matters relating to the use of mobile phones).
- 1.3 This report gives details of the issue of licences, or variations, that have been issued between 1<sup>st</sup> February 2012 and 30<sup>th</sup> April 2012, as well as, the licensing enforcement activity undertaken during this period, a summary of applications considered by committee and the income received by Licensing in 2011/12.

### 2. Recommendations

- 2.1 That members note the position as set out in the report.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

### 4. Financial Implications

- 4.1 There are no financial implications associated with this report.

## 5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
  - b) The application has met the Council's policy criteria for accepting an application.
  - c) There are vehicle applications for new or renewal licenses and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licence policy or Out of Area policy is not met and the officer does not consider there to be any special reason for an exception to be made.
  - d) There are driver's applications for new or renewal licences or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licence policy is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period 1<sup>st</sup> February 2012 and 30<sup>th</sup> April 2012. During this three month period the total number of licences processed was 1398.
- 5.4 With the continued influx of 'Out of Area' applications for both driver badges and vehicles, there was also an increased number of referrals to the Licensing and Safety Sub-Committee in February and March before the procedure for decisions to be made by officers was approved. Appendix B shows that there were three scheduled committee meetings and a further 2 additional meetings.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C. During this period no 'reviews' were called.
- 5.6 The administrative function of the licence process is supported by the enforcement of licensing conditions. Appendix D shows the activities that have been carried out during February, March and April 2012.
- 5.7 As a result of checks on booking records and mileage of 'out of area' licenced vehicles, the Licensing team have used the new agreed delegation process to revoke 29 vehicle licences. However 13 of these have made appeals to the Magistrates Court.
- 5.8 This last quarter has seen a large number of Telford driver and vehicle licences fall due for renewal. Where they have been unable to show that they have been operating to a material extent within the Zone that they have been licensed for, then the vehicle applications have been refused. To date there have been 50 refusals which has resulted in 43 appeals being made to the Magistrates Court.

5.9 Following the decision at the Strategic Licensing Committee on 21<sup>st</sup> March 2012, vehicles and driver applications are now being considered by Officers using delegated powers. Evidence is obtained by the officers through interview with the applicants, to ascertain where they intend to operate to a material extent and to also obtain agreement that they will keep records if a licence is granted. Where the decision is 'minded to refuse', a letter is sent to the applicant giving them an opportunity to make written representations stating any exceptional circumstances that they wish to be taken into consideration. This is in line with the rules of natural justice which state that there is a right to be heard before a decision is made.

5.10 The number of licences and actions determined by this process is as follows:-

<b>Driver</b>	<b>Granted</b>	<b>Granted with warning letter</b>	<b>Letter sent stating Council is 'Minded to refuse'</b>	<b>Refused</b>	<b>To refer to Committee</b>
New	1	2	3	1	
Renewal		9	1	2	
Conduct					1
<b>Vehicle</b>	<b>Granted</b>	<b>Granted subject to keeping records</b>	<b>Letter sent stating Council is 'Minded to refuse'</b>	<b>Refused</b>	<b>To refer to Committee</b>
New		1			1
Renewal				50	
Condition					

## 6. Conclusion

6.1 During the last quarter the work load for the Licensing team continues to be high with the team addressing changes to the Licensing Act 2003 which were introduced with the Police Reform and Social Responsibility Act 2011 as well as balancing other licensing work and in particular the taxi and private hire licences. With respect to the latter, the team are continuing to deal with an influx of new 'out of area' driver and vehicle applications, the renewal applications of the Telford driver and vehicle licences as well as the enforcement activity associated with

checking 'out of area' licenced vehicles. Defence files are also being produced for the appeals to the Magistrates' Court.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

Councillor Steve Charmley

**Local Member**

Cover all areas of Shropshire

**Appendices**

A – Licences issued February 2012 – April 2012

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees in February, March and April 2012

C – Hearings held for licensed premises at the Licensing Act Sub-Committees in February, March and April 2012

D – Enforcement action carried out in February, March and April 2012



**APPENDIX B**

Date of Meeting	Scheduled/ Additional	Number of Cases/Applications	Decisions
<p><b>Wednesday 1<sup>st</sup> February 2012</b></p>	<p><b>Scheduled</b></p>	<p><b>18</b> 10 Drivers 8 HC Vehicles</p>	<p>10 Drivers 5 Granted 4 Refused 1 Deferred <u>8 HC Vehicles</u> 6 Granted 1 Refused 1 Deferred</p>
<p><b>Wednesday 29<sup>th</sup> February 2012</b></p>	<p><b>Scheduled</b></p>	<p><b>20</b> 10 Drivers 7 HC Vehicles 2 Conduct</p>	<p>10 Drivers 3 Granted 7 Refused <u>7 HC Vehicles</u> 4 Granted 1 Refused 2 Deferred <u>2 Conduct</u> 1 Written Warning 1 adjourned</p>
<p><b>Friday 9<sup>th</sup> March 2012</b></p>	<p><b>Additional</b></p>	<p><b>24</b> 22 HC Vehicles 1 Conduct 1 Zone 4</p>	<p><u>22 HC Vehicles</u> 15 Granted 2 Refused 4 Deferred 1 Withdrawn <u>1 Conduct</u> Written Warning <u>1 Zone 4</u> Granted</p>

Date of Meeting	Scheduled/ Additional	Number of Cases/Applications	Decisions
<p><b>Tuesday</b> <b>13<sup>th</sup> March 2012</b></p>	<p><b>Additional</b></p>	<p><b>22</b> 21 HC Vehicles 1 Zone 4</p>	<p>21 Vehicles 17 Granted 3 Refused 1 Deferred <u>1 Zone 4</u> Refused</p>
<p><b>Wednesday</b> <b>28<sup>th</sup> March 2012</b></p>	<p><b>Scheduled</b></p>	<p><b>26</b> 11 Drivers 3 Conduct 10 HC Vehicles 2 Zone 4</p>	<p>11 Drivers 4 Granted 2 Refused 3 Deferred 2 Officer Delegation <u>3 Conduct</u> 1 Suspended 2 Written Warning <u>10 HC Vehicles</u> 5 Granted 1 Refused 1 Deferred 1 Withdrawn 2 Officer Delegation <u>2 Zone 4</u> 1 Granted 1 Refused</p>
<p><b>Wednesday</b> <b>25<sup>th</sup> April 2012</b></p>	<p><b>Meeting Cancelled</b></p>		

**APPENDIX C**

**Licensing Act Sub-Committees. Hearings held for licensed premises from 01.11.11 to 31.01.12**

<b>Date</b>	<b>Premises</b>	<b>New Application</b>	<b>Variation Application</b>	<b>Review</b>	<b>Result of hearing</b>	<b>Review Requested by</b>	<b>Appeal (Y/N) - called by?</b>
6th March 2012	The Swan Hotel, Nantwich Road, Woore		X		Cancelled - DPS changed by Applicant	N/A	N/A
16th March 2012	The Buttermarket, Shrewsbury	X			Approved subject to standard Conditions	N/A	N
23rd March 2012	Welcome Break Service Area, J4 M54	X			Cancelled - Withdrawn	N/A	N/A
17th April 2012	Café Retreat, 24 Castle St, Shrewsbury	X			Cancelled - Issues resolved	N/A	N/A



## APPENDIX D

### VISITS / INSPECTIONS - FEBRUARY – APRIL 2012

AREA	DATE	ISSUES
<b>LICENSING ACT 2003</b>		
- Inspection of Licensed premises in Ludlow and Cleobury.	13 <sup>th</sup> April	All premises found to be compliant.
<b>TAXI / PRIVATE HIRE</b>		
- Following reports from Telford & Wrekin Council that Private Hire drivers were unlawfully picking up passengers and parking, Licensing Officers from Shropshire Council carried out a number of enforcement exercises at Telford Central Railway Station. These exercises were carried out on Friday and Saturday evenings.	February	No evidence found that private hire drivers were operating illegally by plying for hire or loitering in the area. The only offence that was noted by an Officer, was a driver seen to be using his mobile phone whilst driving away from the Station. This driver was identified and a letter of advice has been sent.
- Exercise in Bridgnorth to identify unlicensed drivers and observe which 'out of area' vehicles were operating within zone 1.	3 <sup>rd</sup> March	No evidence of non-compliance found.
- Exercise undertaken in Oswestry to see if there was illegal plying for hire	10 <sup>th</sup> March	No illegal activity

<ul style="list-style-type: none"><li>- Joint exercise with Telford &amp; Wrekin Council re condition of vehicles. Five Shropshire licensed vehicles inspected.</li><li>- Taxi inspections in Ludlow</li></ul>	<p>21<sup>st</sup> March 13<sup>th</sup> April</p>	<p>found. All vehicles found to be compliant. All vehicles found to be compliant</p>
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