



Committee and Date
Strategic Licensing
Committee

5th September 2012

Item

7

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer

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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.
- 1.3 This report gives details of the licences issued and variations that have been made between 1st of May 2012 and the 17th of August 2012 and a summary of applications considered by committee.

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 1st of May 2012 and the 17th of August 2012. During this period the total number of licences processed was 2032.
- 5.4 The Table in Appendix B shows that there were four Licensing and Safety Sub-Committee Meetings held between the 20th of June and the 15th of August 2012.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 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 25 vehicle licences.
- 5.7 Following the decision at the Strategic Licensing Committee on 21st 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. In relation to Driver Applications 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.

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

Driver	Granted	Granted with warning letter	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New	4	2	3	12	
Renewal	2	3	5	3	
Conduct		2			
Vehicle	Granted	Granted subject to keeping records	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New	4		6	63	1
Renewal	1			4	
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.

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 May 2012 to August 2012

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees in May, June, July and August 2012.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees in May, June, July and August 2012.

APPENDIX A

Licences issued - May 2012 to 15th August 2012

General Licensing	Total
Acupuncture Personal	1
Acupuncture Premises	1
Animal Boarding	8
Animal Breeding	1
Caravan Sites	5
Earpiercing Personal	0
Earpiercing Premises	0
House to House Collection	20
Motor Salvage	1
Pet Shops	3
Riding Establishments	4
Scrap Metal Dealers	2
Sex Shop	0
Street Collection	44
Street Trading Consent	15
Tattooing Personal	4
Tattooing Premises	3
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	1
Total Applications General	113

Taxi Licensing	Total
Hackney Carriage	139
Joint HC/PH Driver	403
Private Hire Operator	23
Private Hire Vehicle	372
Total Taxi Applications	798

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	4
Licensed Premise Gaming Machine Permit	4
Notification of Intent to have gaming machines	21
Club Machine Permits	3
Occasional Use Licence	1
Adult Gaming Centre	6
Small Society Lotteries	48
Total Gambling Act 2005 Applications	87

Licensing Act 2003	Total
Club Certificate with alcohol	18
Personal Alcohol	96
Premises Licence	376
Temporary Event Notice NO Alcohol	27
Temporary Event Notice WITH Alcohol	517
Total Licensing Act 2003 Applications	1034

Total Applications	2032
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APPENDIX B

Licensing and Safety Sub-Committee Meetings - May – August 2012

Date of Meeting	Scheduled/ Additional	Number of Cases	Times	Decisions
Wednesday 20 th June 2012	Scheduled	3 HC Licence (pedicab) Driver application Conduct of a driver	9.30am – 11.56am	HC Licence - Deferred Driver application - Refused Conduct of a driver – No further action taken
Tuesday 3 rd July 2012	Additional	1 HC Licence (pedicab)	9.30am – 10.48am	Approved
Wednesday 18 th July 2012	Scheduled	1 Renewal of HC Licence (Zone 4)	10am – 10.55am	Refused
Wednesday 15 th August 2012	Scheduled	1 Renewal of HC Licence (Zone 4)	10am – 10.30am	Refused

APPENDIX C Licensing Act Sub-Committees. Hearings held for licensed premises from May to August 2012

Date	Premises	Type of application	Meeting Venue	Decision	Review Req'd by	Appeal (Y/N)
1st May 2012	The Red Lyon, High St, Whitchurch	Variation	Edinburgh House, Wem	Approved subject to conditions	N/A	N
8th May 2012	Royal George, High St, Shifnal	Review	N/A	Cancelled - Objection withdrawn by West Mercia Police	West Mercia Police	N/A
8th May 2012	Severn Bar & Restaurant, 8 Broadway, Shifnal	Review	N/A	Cancelled – Objection withdrawn by West Mercia Police	West Mercia Police	N/A
28th May 2012	Whitchurch Town Centre	New Premises		Approved subject to conditions	N/A	N
29th May 2012	The Spar, Baschurch	New Premises	Edinburgh House, Wem	Approved subject to conditions	N/A	N
12th June 2012	Flaming Great, Shrewsbury	New Premises	Shirehall	Refused	N/A	N
13th June 2012	148 Crowmere Rd, Shrewsbury	New Premises	Shirehall	Approved subject to conditions	N/A	N
19th June 2012	Co-op Pontesbury	Variation	N/A	Cancelled - Withdrawn by applicant	N/A	N/A
19th June 2012	Co-op Bomere Heath	Variation	N/A	Cancelled - Withdrawn by applicant	N/A	N/A
18th July 2012	Shrewsbury Town Centre	New Premises	Shirehall	Approved subject to Conditions	N/A	N