



Committee and Date

Strategic Licensing  
Committee

12<sup>th</sup> March 2013

Item

9

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 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013 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 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013. During this period the total number of licences processed was 619.
- 5.4 The Table in Appendix B shows that there were two Licensing and Safety Sub-Committee Meetings held between the 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.
- 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 3 vehicle licences.
- 5.7 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. 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:-

<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		9		3	
Renewal		2	1		
Conduct		3		4	
<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			2	
Renewal				3	
Condition					

## 6. Conclusion

- 6.1 During the last quarter the work load for the Licensing team continues to be high the team have been working hard to tighten up the processes within the new Licensing Computer System, along with 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 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.

## APPENDIX A

### Licences issued – 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	29
Animal Breeding	2
Caravan Sites	0
Earpiercing Personal	0
Earpiercing Premises	0
House to House Collection	3
Motor Salvage	1
Pet Shops	7
Riding Establishments	0
Scrap Metal Dealers	5
Sex Shop	0
Street Collection	45
Street Trading Consent	2
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
<b>Total Applications General</b>	<b>95</b>

Taxi Licensing		Total
Hackney Carriage	N	12
Hackney Carriage	R	33
Joint HC/PH Driver	N	16
Joint HC/PH Driver	R	87
Private Hire Operator	N	5
Private Hire Operator	R	81
Private Hire Vehicle	N	50
Private Hire Vehicle	R	24
<b>Total Taxi Applications</b>		<b>308</b>

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	2
Notification of Intent to have gaming machines	0
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	5
<b>Total Gambling Act 2005 Applications</b>	<b>7</b>

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	34
Premises Licence	7
Temporary Event Notice NO Alcohol	5
Temporary Event Notice WITH Alcohol	163
<b>Total Licensing Act 2003 Applications</b>	<b>209</b>

<b>Total Applications</b>	<b>619</b>
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## APPENDIX B

### Licensing and Safety Sub-Committee Meetings – 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.

Date of Meeting	Scheduled/ Additional	Number of Cases	Times	Decisions
Wednesday 5 <sup>th</sup> December 2012	Scheduled	1 Application For Renewal Of A Hackney Carriage Vehicle/Drivers Licence	10.00 am – 10.25 am	Refused
Wednesday, 9 <sup>th</sup> January 2013	Scheduled	1 Renewal Zone 4 Hackney Carriage Licence  2 New Zone 4 Hackney Carriage Licence	10.00 a.m. until 11.10 am	Both applications Refused.

**APPENDIX C**

**Licensing Act Sub-Committees. Hearings held for licensed premises from 1<sup>st</sup> of December 2012 and the 28<sup>th</sup> of February 2013.**

<b>Date</b>	<b>Premises</b>	<b>Type of Application</b>	<b>Meeting Venue</b>	<b>Councillors</b>	<b>Decision</b>	<b>Review Requested by</b>	<b>Appeal (Y/N)</b>
23.1.13	Gabrielle's, Bridge Street, Bridgnorth	Review	Council Chamber, Westgate, Bridgnorth	R. Taylor-Smith A. Davies B. Baker	Various conditions imposed.		
13.2.13	Mr Roberts	Application for a Personal Licence	Council Chamber, Castle View, Oswestry	P. Adams T. Barker S. Davenport	Application Refused.		