



Committee and Date

Strategic Licensing
Committee

18th December 2013

Item

8

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer

Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

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, variations that have been made and the enforcement action undertaken between 1st of September 2013 to the 30th of November 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 of the 1st September 2013 to the 30th November 2013. During this period the total number of licences processed was 1796.
- 5.4 The Table in Appendix B shows that there was one Licensing and Safety Sub-Committee Meeting held between the 1st of September 2013 and the 30th of November 2013.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Taxi Operator Fleet Checks undertaken between the 1st of September 2013 and the 30th of November 2013, results are provided in Appendix D.
- 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 and/or warning letter	Letter Council is 'Minded to refuse' or 'Suspend'	Refused /Revoked	To refer to Committee
New		2		2	
Renewal	1	1			
Conduct				1	
Vehicle	Granted	Granted subject to keeping records	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New					
Renewal				1	
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 maintain the flow of applications whilst at the same time undertake enforcement and maintain compliance through the Operator Fleet Checks.

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 1st of September 2013 to the 30th of November 2013.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st of September 2013 to the 30th of November 2013.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st of September 2013 to the 30th of November 2013.

D – Taxi Operator Fleet Checks undertaken between the 1st of September 2013 and the 30th of November 2013.

APPENDIX A

Licences issued – 1st September 2013 to the 30th November 2013.

General Licensing	Total
Acupuncture Personal	4
Acupuncture Premises	4
Animal Boarding	0
Animal Breeding	0
Caravan Sites	1
Cosmetic Piercing Personal	2
Cosmetic Piercing Premises	0
House to House Collection	9
Motor Salvage	0
Pet Shops	0
Riding Establishments	9
Scrap Metal Dealers	1
Sex Shop	0
Street Collection	18
Street Trading Consent	10
Tattooing Personal	10
Tattooing Premises	2
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	0
Total Applications General	70

Taxi Licensing	Total
Hackney Carriage N	8
Hackney Carriage R	59
Joint HC/PH Driver N	23
Joint HC/PH Driver R	100
Private Hire Operator N	5
Private Hire Operator R	14
Private Hire Vehicle N	91
Private Hire Vehicle R	208
Hackney Vehicle Transfer	13
Private Hire Vehicle Transfer	75
Private Hire Licensee Transfer	13
Total Taxi Applications	609

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	0
Notification of Intent to have gaming machines	0
Club Machine Permits	12
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	0
Change of Promoter	3
Annual Fee	141
Total Gambling Act 2005 Applications	156

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	54
Premises Licence	0
Temp Event Notice no Alcohol	14
Temp Event Notice with Alcohol	282
Minor Variation Application	11
DPS Change/Variation	68
Transfer Application	37
Annual Fee	476
Premises Review	1
Premises Lic with Alcohol - Full Variation	16
Premises Lic without Alcohol - Full Variation	2
Total Lic Act Applications General	961

Total Applications

1796

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st September 2013 to the 30th November 2013.

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
Thursday, 28 th November	Re-Scheduled	HC and PH Vehicle Licensing Fees and Charges	14.00 – 14.39	Approved as Recommended

APPENDIX C**Licensing Act Sub-Committees. Hearings held for licensed premises from 1st September 2013 to the 30th November 2013.**

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
17 th September 2013	Empire Cupcakery, Shrewsbury	New	Bushell Cherrington Roberts	Shirehall	Granted subject to conditions and amended closing time.	
1 st October 2013	Greenfields Convenience Store ,	New	A Davies Hartin Roberts	Shirehall	Granted	
9 th October 2013	Wots Cookin, Oswestry	New	Adams Cherrington Roberts	Council Chamber, Oswestry	Granted subject to conditions	
14 th November 2013	The Vaults, Oswestry	Review	Adams Davenport A Davies	Council Chamber, Oswestry	Premises Licence modified to include an additional condition.	Shropshire Council's Public Protection (Neighbourhood Pollution)

APPENDIX D

Taxi Operator Fleet Checks undertaken between the 1st September 2013 and the 30th November 2013.

Inspection Date	Total Number of Vehicles in Fleet	Total Number of Vehicles Inspected	Advisory Note	No Action Required
05/09/13	2	2	0	2
24/09/13	13	13	3	10
26/09/13	8	8	1	7