



Committee and Date

Strategic Licensing
Committee

19th March 2014

Item

10

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Team Manager – Operational Community Safety

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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, variations that have been made and the enforcement action undertaken between 1st of December 2013 to the 28th of February 2014 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 December 2013 to the 28th February 2014. During this period the total number of licences processed was 1706.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1st of December 2013 and the 28th of February 2014.
- 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 December 2013 and the 28th of February 2014, 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 | 1 | 3 | | 2 | |
| Renewal | | 1 | | 1 | |
| Conduct | | 1 | | 4 | |
| | | | | | |
| Vehicle | Granted | Granted subject to keeping records | Letter sent stating Council is 'Minded to refuse' | Refused | To refer to Committee |
| New | | | | 2 | |
| Renewal | | | | | |
| 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 December 2013 to the 28th of February 2014.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st of December 2013 to the 28th of February 2014.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st of December 2013 to the 28th of February 2014.

D – Taxi Operator Fleet Checks undertaken between the 1st of December 2013 and the 28th of February 2014.

APPENDIX A

Licences issued – 1st December 2013 to the 28th February 2014.

| General Licensing | Total |
|-----------------------------------|------------|
| Acupuncture Personal | 1 |
| Acupuncture Premises | 0 |
| Animal Boarding | 56 |
| Animal Breeding | 12 |
| Caravan Sites | 3 |
| Cosmetic Piercing Personal | 2 |
| Cosmetic Piercing Premises | 0 |
| House to House Collection | 23 |
| Pet Shops | 14 |
| Riding Establishments | 3 |
| Scrap Metal Site | 13 |
| Scrap Metal Collector | 28 |
| Sex Shop | 0 |
| Street Collection | 63 |
| Street Trading Consent | 7 |
| Tattooing Personal | 3 |
| Tattooing Premises | 1 |
| Electrolysis | 0 |
| Dangerous Wild Animals | 1 |
| Zoo | 0 |
| Performing Animals | 0 |
| Total Applications General | 230 |

| Taxi Licensing | Total |
|--------------------------------|------------|
| Hackney Carriage N | 9 |
| Hackney Carriage R | 31 |
| Joint HC/PH Driver N | 59 |
| Joint HC/PH Driver R | 92 |
| Private Hire Operator N | 3 |
| Private Hire Operator R | 9 |
| Private Hire Vehicle N | 49 |
| Private Hire Vehicle R | 199 |
| Hackney Vehicle Transfer | 7 |
| Private Hire Vehicle Transfer | 49 |
| Private Hire Licensee Transfer | 8 |
| Total Taxi Applications | 515 |

| Gambling Act 2005 | Total |
|--|------------|
| Bingo Premise Licence | 0 |
| Betting Premise Licence | 0 |
| Licensed Premise Gaming Machine Permit | 1 |
| Notification of Intent to have gaming machines | 0 |
| Club Machine Permits | 0 |
| Occasional Use Licence | 0 |
| Adult Gaming Centre | 0 |
| Small Society Lotteries | 12 |
| Change of Promoter | 2 |
| Annual Fee | 304 |
| Total Gambling Act 2005 Applications | 319 |

| Licensing Act 2003 | Total |
|---|------------|
| Club Certificate with alcohol | 1 |
| Personal Alcohol | 54 |
| Premises Licence | 10 |
| Temp Event Notice no Alcohol | 5 |
| Temp Event Notice with Alcohol | 153 |
| Minor Variation Application | 8 |
| DPS Change/Variation | 38 |
| Transfer Application | 22 |
| Annual Fee | 347 |
| Premises Review | 0 |
| Premises Lic with Alcohol - Full Variation | 4 |
| Premises Lic without Alcohol - Full Variation | |
| Total Lic Act Applications General | 642 |

Total Applications

1706

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st December 2013 to the 28th February 2014.

| Date of Meeting | Scheduled/ Additional | Item | Time | Decisions |
|-----------------|--------------------------|------|------|-----------|
| None | | | | |

APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 1st December 2013 to the 28th February 2014.

| Date | Premises | Type of application | Councillors | Meeting Venue | Decision | Review Requested by |
|--------------------------------|---|----------------------------|--|----------------------|-----------------|----------------------------|
| 16 th December 2013 | 6-8 Shrewsbury Street, Prees, Whitchurch. | New Premises Licence | Joyce Barrow, Vernon Bushell & Peter Cherrington | Shirehall | Granted | |

APPENDIX D

Taxi Operator Fleet Checks undertaken between the 1st December 2013 and the 28th February 2014.

| Inspection Date | Total Number of Vehicles in Fleet | Total Number of Vehicles Inspected | Advisory Note | No Action Required |
|------------------------------------|--|---|----------------------|---------------------------|
| 06/12/13 – Shrewsbury Multi-Agency | - | 43 | 10 | 33 |
| 13/12/13 | 13 | 13 | 0 | 13 |
| 13/12/13 | 2 | 2 | 0 | 2 |
| 27/02/14 – Telford Multi-Agency | - | 21 | 8 | 13 |