

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 12 May 2015

Committee:
Strategic Licensing Committee

Date: Wednesday, 20 May 2015
Time: 10.00 am
Venue: Shrewsbury Room - Shirehall

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Strategic Licensing Committee will be appointed at the Annual Council Meeting on 14th May 2015.

Your Committee Officer is:

Shelley Davies Committee Officer
Tel: 01743 252719
Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Welcome and Introduction from the Chairman

2 Apologies

To receive apologies for absence

3 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the Minutes of the meeting held on 18th March 2015.

Please contact Emily Marshall (01743 252726).

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

6 Appointment to Licensing and Safety Sub-Committee

The Committee is asked to confirm the delegated powers of the Licensing and Safety Sub-Committee for the municipal year 2015 to 2016 (see minute 10 of the meeting held on 8th June 2011) and to appoint its membership. Members will be aware that this Sub-Committee's powers are used mainly for dealing with matters concerning hackney carriage and private hire vehicles and drivers.

7 Licensing Act 2003 & Gambling Act 2005 Delegations and Administrative Matters

The Committee is asked to confirm the delegated powers of the Licensing Act Sub-Committee for the municipal year 2015 to 2016 (see minute 11 of the meeting held on 8th June 2011). This Sub-Committee deals with matters concerning applications made under the Licensing Act 2003 and the Gambling Act 2005. The committee will also be asked to confirm the method of appointing members (which can be any three members of this committee).

8 Exercise of Delegated Powers (Pages 5 - 10)

Report of the Team Manager Operational Community Safety is attached, marked 8.
Contact: Mandy Beever (0345 678 9026).

9 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on 30th September 2015 in the Shrewsbury Room, Shirehall.



Strategic Licensing
Committee

20th May 2015

Item

3

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 18
MARCH 2015
10.00 - 10.18 AM**

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

Present

Councillor Michael Wood (Chairman)

Councillors Keith Roberts (Vice Chairman), Peter Adams, Joyce Barrow, Vernon Bushell, Andrew Davies, Peter Cherrington, Roger Hughes, Simon Jones, Robert Macey, Vivienne Parry and Jon Tandy

38 Welcome and Introductions from the Chairman

The Chairman gave a brief introduction and welcomed those present to the meeting.

39 Apologies

Apologies for absence were received from Councillors Nigel Hartin and Robert Tindall.

40 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 10th December 2014, be approved as a correct record and signed by the Chairman.

41 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

42 Public Question Time

The Chairman referred to a request to speak that had been received from Mr David Wilson, of A to Z Licensing. Mr Wilson stated that as his statement related to Item 5, Hackney Carriage and Private Hire Licensing Fees and Charges 2015/16, he would speak at the start of that item.

43 Hackney Carriage and Private Hire Licensing Fees and Charges 2015/16

Consideration was given to a report of the Senior Commissioner (Public Protection) in relation to the Hackney Carriage and Private Hire Licensing Fees and Charges 2015/16 (copy attached to the signed minutes).

In accordance with Procedure Rule 14, the Chairman invited Mr David Wilson, A to Z Licensing to address the Committee.

Mr David Wilson addressed the Committee drawing attention to his previously submitted written objection for information and specifically questioned why, if the current fees being charged by Shropshire Council were correct and no surplus or deficit was being generated, was it necessary to increase the current fees.

The Senior Commissioner (Public Protection) responded by explaining that the proposed fees were calculated for the 2015/16 financial year based on 2015/16 projected budgets and current performance in relation to the work/time necessary to administer and issue licences and to undertake relevant compliance checks and enforcement. As a result some fees had increased, whilst others had decreased.

In response to a question from a Member of the Committee concerning whether additional work being undertaken in relation to safeguarding would increase the costs associated with hackney carriage and private hire licensing, the Senior Commissioner (Public Protection) stated that, there were likely to be additional costs incurred as a result of the Council's revised Policy that was due to take effect from the beginning of April; however, it was hoped that some of these increased costs might be offset by new ways of working, for example by increasing the self-serve approach through on-line applications, thus potentially reducing the costs of the administration element of licensing in order to free up resources to concentrate and increase the work carried out on the compliance and enforcement elements.

RESOLVED:

That in accordance with the provisions of Section 70 (5) of the Local Government (Miscellaneous Provisions) Act 1976, the Committee considered the objections received, together with associated officer comments, as set out in **Appendix A**, following the legally prescribed objection process that was undertaken in respect of the variations proposed to the fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences and agreed, with no further modifications, to implement the variations proposed to the fees as set out in **Appendix B (Parts 1 and 2)** with effect from 1 April 2015, this being a date not later than 2 months after the 16 February 2015.

44 Licensing and Safety Sub-Committee Procedure Rules

Consideration was given to the report of the Senior Commissioner (Public Protection) in relation to the Licensing and Safety Sub-Committee Procedure Rules (copy attached to the signed minutes).

The Senior Commissioner (Public Protection) explained that discussions with West Mercia Police were ongoing. The Committee congratulated officers on the report and

the work that had been undertaken. They were pleased to note that the Council's Scrutiny Committee and Safeguarding Board had input into the process, as well as senior representatives of West Mercia Police Force.

RESOLVED:

That the Committee instructs the Head of Public Protection to take whatever steps are necessary to progress the proposed amendments, as set out in Appendix A with any necessary modifications, to the Council's Licensing & Safety Sub-Committee Procedure Rules detailed in Part 4 of the Council's Constitution in consultation with the Head of Legal and Democratic Services and the Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North).

45 Records of Proceedings - Licensing Act Sub-Committee

The records of proceedings of the Licensing Act Sub-Committee meetings from August 2014 to February 2015 were received by Members (Copies attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from August 2014 to February 2015 be noted.

46 Exercise of Delegated Powers Report

Consideration was given to the report of the Team Manager – Operational Community Safety in relation to delegated powers to issue and amend licences. (copy attached to the signed minutes).

RESOLVED:

That the report of the Team Manager – Operational and Community Safety be noted.

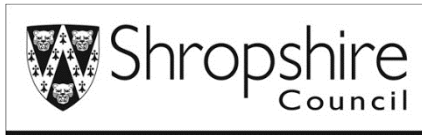
47 Date of Next Meeting

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 20th May 2015 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date: (Date)

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Committee and Date
Strategic Licensing
Committee

Wednesday 20th May 2015

10.00 am

Item

8

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactions Manager
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 March 2015 and the 30th April 2015 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 March 2015 and the 30th April 2015. During this period the total number of licences processed was 973. In addition, the table includes the total number of surrendered Hackney Carriage and Private Hire Vehicle licences during the same period.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1st March 2015 and the 30th April 2015.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 There were no Taxi Operator Fleet Checks undertaken between the 1st March 2015 and the 30th April 2015.
- 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		2	
Renewal		1			
Conduct		1			
Vehicle	Granted	Granted subject to keeping records	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New		1			
Renewal					
Condition				1	

6. Conclusion

- 6.1 During the last two months the work load for the Licensing team continues to be high the team have been working hard to maintain the flow of applications and respond to additional queries in regard to the introduction of the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019.

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 March 2015 to the 30th April 2015.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st March 2015 to the 30th April 2015.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st March 2015 to the 30th April 2015.

APPENDIX A

Licences issued – 1st March 2015 to the 30th April 2015.

General Licensing	Total
Acupuncture Personal	1
Acupuncture Premises	3
Animal Boarding	3
Animal Breeding	2
Caravan Sites	0
Cosmetic Piercing Personal	7
Cosmetic Piercing Premises	5
House to House Collection	1
Pet Shops	0
Riding Establishments	4
Scrap Metal Site	1
Scrap Metal Collector	2
Sex Shop	0
Street Collection	24
Street Trading Consent	2
Tattooing Personal	7
Tattooing Premises	6
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
Total Applications General	69

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	18
Hackney Carriages	3
Total Surrendered Vehicles	21

Taxi Licensing		Total
Hackney Carriage	N	4
Hackney Carriage	R	33
Joint HC/PH Driver	N	31
Joint HC/PH Driver	R	114
Private Hire Operator	N	3
Private Hire Operator	R	2
Private Hire Vehicle	N	70
Private Hire Vehicle	R	136
Hackney Vehicle Transfer		8
Private Hire Vehicle Transfer		24
Private Hire Licensee Transfer		1
Total Taxi Applications		426

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	56
Premises Licence	9
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	189
Minor Variation Application	4
DPS Change/Variation	32
Transfer Application	15
Annual Fee	110
Premises Review	1
Premises Lic with Alcohol - Full Variation	2
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	419

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	4
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	0
Annual Fee	43
Total Gambling Act 2005 Applications	59

Total Applications

973

Total Surrendered Vehicles

21

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st March 2015 to the 30th April 2015.

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
None				

APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 1st March 2015 to the 30th April 2015.

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
16 th March 2015	Kwang Tung, 2 Beatrice Street, Oswestry.	New Premises Licence	Andrew Davies, Vivienne Parry and Keith Roberts	Shirehall	The application for the licensable activity of the Supply of Alcohol off the Premises, be refused.	
13 th April 2015	Greenfields Convenience Store, 41 Wood Street, Shrewsbury.	Review of Premises Licence	Vernon Bushell, Peter Cherrington and Jon Tandy	Shirehall	Premises Licence revoked	Trading Standards