

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

Date: Wednesday, 25th May 2016

Committee:
Strategic Licensing Committee

Date: Tuesday, 7 June 2016

Time: 10.00 am

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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 Committee

Keith Roberts (Chairman)
Peter Adams
Joyce Barrow
Vernon Bushell
Dean Carroll
Peter Cherrington
Andrew Davies (Vice Chairman)
Nigel Hartin
Roger Hughes
Duncan Kerr
Nic Laurens
Robert Macey
Vivienne Parry
Jon Tandy
Robert Tindall

Substitute Members of the Committee

Andrew Bannerman
Gwilym Butler
John Cadwallader
Ted Clarke
Pauline Dee
Richard Huffer
Vince Hunt
John Hurst-Knight
Christian Lea
Jane MacKenzie
William Parr
David Roberts
David Turner
Tina Woodward
Paul Wynn

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the ensuing year.

2 Apologies

To receive apologies for absence

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman for the ensuing year.

4 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the Minutes of the meeting held on 30th March 2016

Contact: Shelley Davies (01743 257718)

5 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2nd June 2016.

6 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.

7 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 2016 to 2017 (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.

8 Licensing Act 2003 and 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 2016 to 2017 (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).

9 Exercise of Delegated Powers (Pages 5 - 12)

Report of the Transactional Team Manager is attached, marked 9.

Contact: Mandy Beever (0345 678 9026)

10 Records of Proceedings Licensing Act Sub-Committee (Pages 13 - 16)

Copies of the records of proceedings of the Licensing Act Sub-Committee meetings from February 2016 to April 2016 are attached for the Committee's information.

Contact: Shelley Davies (01743 257718)

- 24th March 2016

11 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on 28th September 2016 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Strategic Licensing
Committee

7th June 2016

Item

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Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 30
MARCH 2016
10.00 - 10.32 AM**

Responsible Officer: Shelley Davies
Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Keith Roberts (Chairman)
Councillors Andrew Davies Keith Roberts (Vice Chairman), Peter Adams, Joyce Barrow,
Vernon Bushell, Dean Carroll, Andrew Davies, Nigel Hartin, Roger Hughes, Duncan Kerr,
Nic Laurens, Vivienne Parry and Robert Tindall.

35 Election of Chairman

RESOLVED:

Councillor Keith Roberts be elected as Chairman.

36 Welcome and Introduction from the Chairman

The Chairman welcomed everyone to the meeting.

37 Appointment of Vice-Chairman

RESOLVED:

That Councillor Andrew Davies be appointed as Vice-Chairman.

38 Apologies

Apologies for absence were received from Councillors Robert Macey and Jon Tandy.

39 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.

40 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 6th January 2016 be approved as a correct record and signed by the Chairman.

41 Public Question Time

There were no public questions or statements received.

42 Exercise of Delegated Powers

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

The Transactional Team Manager, responded to a number of general queries from Members and confirmed that the officer panel process used for dealing with matters concerning hackney carriage and private hire vehicles and drivers was working well with applications being processed in a more efficient and timely manner. The Transactional Team Manager agreed to circulate further information to Members to show the timescale of the officer panel process compared to the previous Committee process.

RESOLVED:

That the report of the Transactional Team Manager be noted.

43 Overview of Private Hire Company "Uber"

Consideration was given to the report of the Operations Manager – Health and Community Protection in relation to an overview of the Private Hire Company 'Uber'. (copy attached to the signed minutes).

The Operations Manager – Health and Community Protection, responded to a number of general queries from Members and confirmed that concern in relation to 'Uber' had been raised nationally and locally through MPs.

RESOLVED:

That the report of the Operations Manager – Health and Community Protection be noted.

44 Appointments to Licensing and Safety Sub-Committee

RESOLVED:

That, Councillors Nic Laurens and Dean Carrol be appointed as substitute members on the Licensing and Safety Sub-Committee.

45 Records of Proceedings - Licensing Sub-Committees

The records of proceedings of the Licensing Act Sub-Committee meetings from December 2015 to February 2016 were received by Members (Copies attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from December 2015 to February 2016 be noted.

46 Date of Next Meeting

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 18th May 2016 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and Date

Strategic Licensing
Committee

7th June 2016

Item

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Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional - Team 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 1 March 2016 and the 13 May 2016 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 1 March 2016 and the 13 May 2016. During this period the total number of licences processed was 1048.
- 5.4 The Table in Appendix B shows that there was 1 Licensing and Safety Sub-Committee Meeting held between the 1 March 2016 and the 13 May 2016.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 March 2016 and the 13 May 2016, 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'	Refuse to Grant	Revoke	To refer to Committee
New		1	1			
Renew						
Conduct		1			1	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Suspend'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal				1		
Condition						

6. Conclusion

6.1 During the last couple of months the workload for the Licensing team continued to be high and the team have been working hard to maintain the flow of applications.

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 Malcolm Price – Portfolio Holder for Regulatory Services, Housing and Commissioning (Central)

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued 1 March 2016 and the 13 May 2016.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 March 2016 and the 13 May 2016.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 March 2016 and the 13 May 2016.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 March 2016 and the 13 May 2016.

APPENDIX A

Licences issued – 1 March 2016 and the 13 May 2016.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	8
Animal Breeding	2
Caravan Sites	1
Cosmetic Piercing Personal	5
Cosmetic Piercing Premises	2
House to House Collection	14
Pet Shops	7
Riding Establishments	10
Scrap Metal Site	0
Scrap Metal Collector	1
Sex Establishment Licence	1
Street Collection	17
Street Trading Consent	2
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	1
Distribution of Free Printed Matter	4
Total Applications General	76

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	27
Hackney Carriages	2

Taxi Licensing		Total
Hackney Carriage	N	10
Hackney Carriage	R	34
Joint HC/PH Driver	N	24
Joint HC/PH Driver	R	76
Private Hire Operator	N	0
Private Hire Operator	R	0
Private Hire Vehicle	N	52
Private Hire Vehicle	R	151
Hackney Vehicle Transfer		4
Private Hire Vehicle Transfer		30
Private Hire Licensee Transfer		0
Trailer Licence		0
Total Taxi Applications		381

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	78
Premises Licence	11
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	247
Minor Variation Application	13
DPS Change/Variation	40
Transfer Application	13
Annual Fee	164
Premises Review	0
Premises Lic with Alcohol - Full Variation	3
Premises Lic without Alcohol - Full Variation	0

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	5
Club Machine Permits	0
Occasional Use Licence	3
Adult Gaming Centre	0
Small Society Lotteries	14
Change of Promoter	0
Annual Fee	0
Total Gambling Act 2005 Applications	22

Total Applications	1048
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Total Surrendered	29
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Total Surrendered Vehicles	29

Total Lic Act Applications General	569

Vehicles



APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1 March 2016 and the 13 May 2016.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
10 May 2016	Additional	Renewal of Private Hire Operator's Licence	Shirehall	Granted for 6 months with a condition to send in records each month.

APPENDIX C

Licensing Act Sub-Committees.

Hearings held for licensed premises from 1 March 2016 and the 13 May 2016.

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
24 March 2016	Ashley's Wine Bar	Variation	Peter Cherrington, Nigel Hartin and Jon Tandy	Shirehall	Granted	n/a

APPENDIX D

Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 March 2016 and the 13 May 2016.

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
5 March 2016	2	0	2
8 March 2016	12	0	12

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 24 March 2016

2.00 - 5.21 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Cherrington, Nigel Hartin and Jon Tandy

25 Election of Chairman

RESOLVED:

That Councillor Peter Cherrington be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

26 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.

27 Application for a Full Variation of a Premises Licence - Ashley's Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF

Consideration was given to an application for a Variation of a Premises Licence in respect of Ashley's Wine Bar, 9 Shoplatch, Shrewsbury, SY1 1HF.

Ms. L. Prince (Solicitor – Shropshire Council), Mr S. Ditton (Public Protection Officer – Specialist), Sgt R. Coles (West Mercia Police), Councillor A. Bannerman (Local Ward Member); Matthew Clark (Public Protection Officer – Professional); Mr A. Davies (Applicant); Mrs Davies (Applicant's wife); Mr R. Goodchild (Shrewsbury Shop & Pubwatch Scheme); Mr K. Rippard (Licence Holder's Advisor); Mr S. Warlock (Other Person); Colin Dowse (Other Person); Dr. A. Shrank (Other Person); Mr M. Evans (Other Person); Prof. L Bown (Other Person); Mr P. Stewart (Other Person); Mr T. Wheatley (Other Person) and Mr R. Tudor (Other Person) were present.

Mrs Davies addressed the Sub-Committee on behalf of the Applicant. She explained that a variation application had been submitted to extend the use of the outdoor seating area to 12 Midnight. She went on to explain that currently when the outside seating area was closed at 10 pm customers were leaving the premises to drink in another nearby premises which did not have the same restriction.

In response to questions from the Local Ward Member, Members of the Sub-Committee and Other Persons the Applicant confirmed that:

- The outdoor seating area would be mainly used at the weekend but the application had requested Monday - Sunday to allow the business flexibility;
- Most complaints received were made by residents who did not live near the premises;
- Customers were using the outdoor seating area at another nearby premises after 10pm;
- He also lived in the Town Centre and felt that at the weekend it was reasonable for outdoor seating areas to be used until 12 Midnight;
- Following the Premises Review Hearing no complaints had been received;
- It was proposed that alcohol would be served from the premises to consume in the outdoor seating area until 12 midnight; and
- The application for planning approval was being held until after this meeting.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

In response to questions from the Local Ward Member, Members of the Sub-Committee and Other Persons the Public Protection Officer (Specialist) confirmed that:

- He had discussed the application with the Planning department but it was not relevant to the hearing today;
- The application to be considered today was for a variation to extend the use of the outside drinking area from 10 pm to 12 Midnight;
- The restriction had been included on the Premises Licence but it was not usual for a condition of this type to be included on a Premises Licence; and
- There was no mention in the Shropshire Council Licensing Act Policy in relation to a 10 pm watershed in Shrewsbury to distinguish between the evening and night-time economy.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been amended to close the outdoor seating area completely at 12 Midnight, noting that initially the Applicant had requested for the area to remain open for consumption of non-alcoholic drinks.

In response to questions from the Local Ward Member and Other Persons, the Public Protection Officer (Professional) confirmed that:

- There had not been any complaints made to Public Protection regarding the Premises in the last 12 months;
- He considered that the application would not have a substantial impact on residents if the noise management plan was followed;
- Pavement Permits were granted for a 12 month period and can be revoked should there be a relevant reason to do so; and
- As the night-time economy changes it becomes more difficult to balance the needs of residents and businesses.

Sgt Coles (West Mercia Police) presented his case to the Sub-Committee confirming that the Premises was considered by the Police as an orderly house and he did not have any problems with the application.

In response to questions from Other Persons and Members of the Sub-Committee Sgt Coles confirmed that:

- The Premises was supervised well and was not considered a high demand premises by Police;
- CCTV does support policing but was not relied on by the Police;
- Door supervisors were able to help to calm people and intervene before incidents escalated;
- There was no evidence of drunk people misbehaving at this venue; and
- If the Police visit any premises it was recorded.

The meeting was adjourned at 3:50 p.m. for a break and reconvened at 4:00 p.m.

Mr M. Evans (Other Person) addressed the Sub-Committee on behalf of the Shrewsbury Town Centre Residents Association. He explained that if approved the additional opening hours of the outside seating area would have a detrimental effect on local residents, particularly their right to enjoy a peaceful night's sleep.

Dr A. Shrank (Other Person) addressed the Sub-Committee in relation to the application stating that if approved the application would have a detrimental effect on local residents, particularly their right to enjoy a peaceful night's sleep and would move the 10pm watershed that currently distinguishes between the evening and night-time economy.

Mr S. Warlock (Other Person) addressed the Sub-Committee in relation to the application stating that if approved the application would set a precedent for the Town and reminded Members that Shrewsbury was a Market Town not a City.

Prof. L. Bown (Other Person) addressed the Sub-Committee in relation to the application stating that the Premises was in the wrong location for an outdoor seating area.

Councillor Andrew Bannerman (Local Ward Councillor) addressed the Sub-Committee stating that if this application was granted the premises would become part of the night time economy and become intolerable for residents.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 4:41 p.m. and reconvened at 5:20 p.m. to announce their decision.

RESOLVED:

That the variation application for Ashley’s Wine Bar, Shoplatch, Shrewsbury be granted and the following condition:

- No consumption of alcohol will be permitted in external areas after 22.00 hours.

Be amended to increase the end time from 22:00 to 00:00 as set out below:

- No consumption of alcohol will be permitted in external areas after 00.00. All glasses will be shatterproof and no bottles to be taken outside from 22.00 onwards. The external area to be used no later than 00.00 after which time no external furniture shall be used and no drinks shall be taken outside.

Reasons

The Sub-Committee had considered all of the documents submitted prior to the hearing and the representations made by all parties at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council’s Licensing Policy.

The Sub-Committee had noted the concerns of the local residents and understood their position. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was evidence to show that the licensing objectives would not be promoted by allowing the variation. Therefore, it was appropriate to grant the variation subject to the additional condition, set out above, which the applicant had accepted in order to further promote the licensing objectives.

Any party may appeal this decision to the magistrate’s court within 21 days of the decision notice being received.

The parties were advised that the decision would be confirmed in writing within 5 working days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date: