



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

Date: Tuesday, 14 March 2017

Committee:
Strategic Licensing Committee

Date: Wednesday, 22 March 2017

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)
Andrew Davies (Vice Chairman)
Peter Adams
Joyce Barrow
Vernon Bushell
Dean Carroll
Peter Cherrington
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
Vince Hunt
John Cadwallader
Ted Clarke
Pauline Dee
Richard Huffer
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 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 6)

To approve the minutes of the previous meeting as a true record

3 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 5.00 pm. on Friday, 17th March 2017.

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 Licensing Fees and Charges 2017 - 2018

Following the consultation process that was undertaken between 30 January 2017 and 26 February 2017 in relation to the hackney carriage and private hire fees and charges that were proposed by the Strategic Licensing Committee on the 25 January 2017, no objections were received and hence the fees came into effect on the 27 February 2017 in accordance with the Committee recommendation.

6 Licensing Forward Plan (Pages 7 - 12)

Report of the Transactional and Licensing Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702).

7 Air Quality and the Euro 6 Emission Standard (Pages 13 - 16)

Report of the Transactional and Licensing Manager is attached, marked 7.

Contact: Mandy Beever (01743 251702).

8 Exercise of Delegated Power (Pages 17 - 24)

Report of the Transactional and Licensing Manager is attached, marked 8.

Contact: Mandy Beever (01743 251702).

9 Records of Proceedings (Pages 25 - 34)

To note the records of proceedings of the Licensing Act Sub-Committee meetings for October 2016 to February 2017 are attached for the Committees information.

- 10th October 2016

- 12th December 2016
- 1st February 2017 (Minutes to follow)

Contact: Emily Marshall (01743 257717) or Shelley Davies (01743 257718)

10 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

11 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on 14th June 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

Strategic Licensing Committee

22nd March 2017

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 25
JANUARY 2017
10.00 - 10.53 AM**

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

Present

Councillor Keith Roberts (Chairman)
Councillors Andrew Davies (Vice Chairman), Peter Adams, Joyce Barrow, Vernon Bushell,
Peter Cherrington, Nigel Hartin, Roger Hughes, Duncan Kerr, Nic Laurens, Robert Macey,
Jon Tandy and Robert Tindall

12 Apologies

Apologies for absence were received from Councillors Dean Carroll and Vivienne Parry.

13 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 7th June 2016 be approved as a correct record and signed by the Chairman.

14 Public Question Time

There were no public questions received.

15 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.

16 Safety of Sports Grounds - Annual Report of Activity (January 2017)

Consideration was given to a report of the report of the Health Protection/Prevention Team Manager (copy attached to the signed minutes), detailing the exercise of

delegated functions in respect of the safety of sports grounds, undertaken by the Public Protection service over the past year.

The Health Protection/Prevention Team Manager responded to a number of general questions from Members and explained that parking issues were outside of the remit of the safety certificate but he would discuss the parking problems on match days at The New Saints Ground with the Club.

RESOLVED:

That the report of the Health Protection/Prevention Team Manager be noted.

17 Licensing Fees and Charges - 2017 - 2018

Consideration was given to a report of the Trading Standards & Licensing Operations Manager in relation to the Licensing Fees and Charges for 2017 – 2018. (copy attached to the signed minutes). It was explained that a vet fee for new applications for Breeding Establishments had been omitted from the table shown at Appendix A Part 2 and would be included in the report presented to Cabinet and Council.

The Trading Standards & Licensing Operations Manager answered a number of general questions and confirmed that the income from fees and charges and how this was off set against the estimated service costs would be provided to Members as part of the report that would be presented to Committee in relation to the 2018/19 fees and charges.

RESOLVED:

1. The Committee noted the statutory fees that Shropshire Council was required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Part 1 of Appendix A and agreed that the authority implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2017 and instructs the Trading Standards and Licensing Operations Manager to include the fees in the 2017/18 annual fees and charges reports to be presented to Cabinet and Council and further instructed the Trading Standards and Licensing Operations Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2017/18 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as was practicable.
2. The Committee agreed that the authority implement, with any necessary modification and with effect from 1 April 2017, the proposed fees as set out in Part 2 of Appendix A, (subject to the inclusion of a vet fee for new applications for breeding establishments) that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Trading Standards and Licensing Operations Manager to include the proposed fees in the 2017/18 annual fees and charges reports presented to Cabinet and Council and further instructed the Trading Standards and Licensing Operations Manager to publish the fees, as agreed by Council, on the licensing pages of the Council's website as soon as was practicable.

- 3.(a) The Committee proposed to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Part 3 of Appendix A, with any necessary modification, and instructed the Trading Standards and Licensing Operations Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish in the Shropshire Star a notice setting out those fees that it was proposed would be varied and to specify a period from 30 January 2017 to 26 February 2017 (this being not less than 28 days) within which and the manner in which objections to the proposed fees can be made.

AND

- 3.(b) The Committee agreed to implement the proposed variation to the fees on 27th February 2017, where no objections to the proposed variation in fees were received by 26 February 2017 or if all objections so made were withdrawn by the said date or where objections to the proposed variation to the fees were received by 26 February 2017 and were not withdrawn by the said date, the Committee would consider the objections at a meeting on the 22 March 2017 with a view to setting the date of 1 April 2017 (being a date not later than 2 months after the 27 February 2017) when the proposed variation to the fees would come into force with or without further modification and further instructed the Trading Standards and Licensing Operations Manager to publish the agreed fees on the licensing pages of the Council's website as soon as is practicable.
4. The Committee instructed the Trading Standards and Licensing Operations Manager to include the proposed fees as set out in Part 3 of Appendix A, with any necessary modification, to be included in the 2017/18 annual fees and charges reports presented to Cabinet and Council and that in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation between 30 January 2017 and 26 February 2017; fees to be confirmed by the Strategic Licensing Committee by 22 March 2017'.

18 Street Trading - Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

Consideration was given to the report of the Transactional and Licensing Manager in relation to the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (Street Trading). (Copy attached to the signed minutes).

RESOLVED:

The Committee agreed to adopt Schedule 4 of the 1982 Act, pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') and in accordance with the delegations set out in the Constitution to apply throughout the Shropshire Council administrative area with effect from 26 January 2017 and agreed that all existing Street Trading delegations and designated streets remain in place subject to any future amendments.

19 **Street Trading Policy Consultation Proposals**

Consideration was given to the report of the Transactional and Licensing Manager in relation to the Council's Street Trading Policy consultation proposals. (Copy attached to the signed minutes).

The Transactional and Licensing Manager answered a number of general questions and in response to a query regarding the operation of a particular market held in Oswestry, explained that where traders were trading as an organised market this was different to 'street trading' as it was controlled by separate markets legislation, which was not something that Shropshire Council controlled. The issue of peddlers was then also raised and the Transactional and Licensing Manager advised that this similarly did not fall under 'street trading' controls and was in fact legislation that was enforced by the Police.

It was suggested that a Task and Finish Group be set up following the elections in May to look at street trading and how it sits with markets, peddling and other street trading type activities to assess whether there were anomalies within the legislation and how these may be addressed in the future. Due to the process required to set up a Task and Finish Group, it was accepted that it could not be set up directly as a result of this meeting. Accordingly, it was agreed that an item would be included on the agenda for the next meeting in relation to this issue.

In response to a question from a Member in relation to Charity Collections the Trading Standards and Licensing Operations Manager confirmed that the Public Fundraising Association (PFRA) would be regulating the 'chugger' type of fundraising activity on Pride Hill in Shrewsbury in line with a signed voluntary agreement that was in place with the Council. The Operations Manager also explained that once the agreement was fully in place it would work alongside the licensing controls that exist for cash fundraising activities in order to ensure that cash fundraising and 'chugger' activities do not occur at the same time. Once established, the PFRA approach could be taken to other areas in Shropshire where there was an identified need.

RESOLVED:

The Committee approved, with any necessary amendments, the proposed Street Trading Policy 2017 – 2022 as set out in Appendix A and instructed the Transactional and Licensing Team Manager to commence an 8 week public consultation from 30 January 2017 to the 26 March 2017.

20 **Exercise of Delegated Power**

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

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

21 Records of Proceedings - Licensing Act Sub-Committees

The records of proceedings of the Licensing Act Sub-Committee meetings from May 2016 to September 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 May 2016 to September 2016 be noted.

22 Date of Next Meeting

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 22nd March 2017 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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<u>Committee and Date</u>
Strategic Licensing Committee
22 March 2017

<u>Item</u>
6
Public

Licensing Forward Plan

Responsible Officer Mandy Beever, Transactional and Licensing- Team Manager
e-mail: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 This report provides details of the proposed forward plan for the Licensing Service and aims to provide members of the Strategic Licensing Committee with information in support of the committee processes.

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 providing Members with details about the Forward Plan for the Licensing Service detailing the programmed project work to be undertaken and therefore a risk assessment and opportunities appraisal have not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Since the Unitary Authority was formed in 2009 the Licensing Service has been under continuous pressure to improve the service provision whilst at the same time provide greater efficiency and reduce costs.

This has resulted in the service now operating with almost 50% less staff than it had in 2009.

- 5.2 The Strategic Licensing Committee is an important part of the licensing process and in support of the continued improvements to the Licensing Service this report has been prepared to provide greater clarity for Members on the work the Licensing Service has committed to undertake going forward.
- 5.2 The proposed dates within the Forward Plan can be subject to change in line with committee timetables, any additional consultation periods identified as being required and workload pressures.

6. Additional Information

- 6.1 The workload for the Licensing team continues to be high and the team have been working hard to maintain the flow of applications whilst identifying improvements that can be made to the service to ensure customer satisfaction is maintained.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>None</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Councillor Malcolm Price – Portfolio Holder for Regulatory Services, Housing and Commissioning (Central)</p>

<p>Local Member</p>

<p>Cover all areas of Shropshire</p>

<p>Appendices</p>

<p>Appendix 1 – Licensing Forward Plan</p>
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Appendix 1

Licensing Team – Forward Plan 2017/18

Ref.	Service Activity	Who/ When	Task and/or Key Measures
LIC/1	Street Trading Policy	Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Consultation Period 30 January 2017 to 26 March 2017 • Consultation Responses Report to the Strategic Licensing Committee - June 2017 • New Policy Document will follow
LIC/2	Fees and Charges	Frances Darling/Mandy Beever	<ul style="list-style-type: none"> • May 2017 Meeting with Finance to review 2016/17 income and expenditure • Strategic Licensing Committee Report on all proposed fees – December 2017 • Consultation with Hackney Carriage and Private Hire Trade – December 2017/January 2018 • Full Council report for none Hackney Carriage and Private Hire proposed fees – February 2018 • Strategic Licensing Committee - March 2018 Hackney Carriage and Private Hire fees only
LIC/3	Update Premises Licences Project	Jessica Moores/Mandy Beever	<ul style="list-style-type: none"> • Identify previously licenced premises under the pre-unitary authority that have not been varied/amended since 1 April 2009 • Update system records to include operating schedules • Completion Date – June 2017 (HMRC Requirements)
LIC/4	National Fraud Initiative return	Jessica Moores/Kate Roberts/James	<ul style="list-style-type: none"> • Review matches – March/April 2017

		Tawn	
LIC/5	Section 182 Guidance of LA03 – Online forms requirement.	Jessica Moores/Mandy Beever	<ul style="list-style-type: none"> • Review current provisions – July 2017 • Identify improvements – July 2017 • Implement project – September 2017
LIC/6	Review of Safeguarding for Taxi Drivers	Kate Roberts/Mandy Beever	<ul style="list-style-type: none"> • Programme of existing Drivers and Nominated Person for Operators being rolled out in accordance with the requirements of the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 – April 2017
LIC/7	Safeguarding Training for the Hackney Carriage and Private Hire proprietors and operators	Kate Roberts/Mandy Beever	<ul style="list-style-type: none"> • Review current content – April 2017 • Update in line with the Equalities Act 2010 and new laws from April 2017
LIC/8	On-line Public Register	Jessica Moores/Mandy Beever	<ul style="list-style-type: none"> • Review current provision – September 2017 • Ensure requirements captured to inform the new computer system provision
LIC/9	Operator Fleet Checks	Kate Roberts/James Tawn/Mandy Beever	<ul style="list-style-type: none"> • Set programme for Operator fleet checks 2017/18 – March 2018
LIC/10	Designated Premises Supervisor Checks	Jessica Moores/James Tawn/Mandy Beever	<ul style="list-style-type: none"> • Set programme for DPS checks 2017/18 – March 2018
LIC/11	Passenger Transport Project	Stacia Cotton/Kate Roberts/Mandy Beever	<ul style="list-style-type: none"> • Monthly report of operators/drivers who undertake Schools Contracts • Monthly checks to ensure compliance with licence conditions and contract
LIC/12	Joint Enforcement Exercises (VOSA, HMRC, T&W and Wolverhampton Council's)	Kate Roberts/James Tawn	<ul style="list-style-type: none"> • Set programme for Joint Enforcement – March 2017

LIC/13	Joint Enforcement Exercises Security Industry Authority (SIA)	Jessica Moores/James Tawn	<ul style="list-style-type: none"> • Set programme for Joint Enforcement – March 2017
LIC/14	Member Training (post-election)	Kate Roberts/Jessica Moores	<ul style="list-style-type: none"> • Book dates and provider for Gambling Act, Licensing Act and Taxi Licensing – April 2017
LIC/15	Caravan Site Project	Jessica Moores	<ul style="list-style-type: none"> • Identify sites licenced under previous District Authorities – April to Sept 2017 • Schedule programme of inspections – March 2017
LIC/16	Caravan Site Licensing Policy (Including the Mobile Homes Act 2013 requirements)	Jessica Moores/Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Develop policy document • Strategic Licensing Committee Report – Dec 2018 • Consultation - Spring 2018 • Strategic Licensing Committee March 2018
LIC/17	Statement of Licensing Policy 2019 onwards	Jessica Moores/Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Revise existing policy document • Liaise with Drug and Alcohol Team Public Health • Strategic Licensing Committee Report - March 2018 • Consultation with Trade Representatives – Summer 2018 • Strategic Licensing Committee Report - September 2018 • Full Council Report - December 2018
LIC/18	Hackney Carriage and Private Hire Licensing Policy from 1 April 2019 onwards	Kate Roberts/ Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Informal Engagement with Trade – Forums Autumn 2017 (October Half Term) • Strategic Licensing Committee Report - March 2018 • Consultation with Trade Representatives Summer 2018 • Strategic Licensing Committee – September 2018. • Full Council Report - December 2018
LIC/19	Gambling Act Policy Statement	Jessica	<ul style="list-style-type: none"> • Strategic Licensing Committee Report - June 2018

	from 1 April 2019 onwards	Moores/Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Consultation with Trade Representatives - Autumn 2018 • Strategic Licensing Committee Report (post consultation) - December 2018 • Full Council Report – February 2019
LIC/20	Street Collections Policy - Section 5, Police, Factories, & c. (Miscellaneous Provisions) Act 1916	Jessica Moores/Mandy Beever/Frances Darling	<ul style="list-style-type: none"> • Develop policy document • Strategic Licensing Committee Report – date tbc • Trade Representatives – date tbc



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	7
22 March 2017	Public

Air Quality and the Euro Emissions Standard

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
e-mail: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 European Directive 2008/50/EC on ambient air quality and cleaner air for Europe sets out the maximum concentrations of key pollutants in ambient air. The Directive places legal obligations on the UK to improve air quality and reduce health impacts.
- 1.2 In response the Department for Environment, Food and Rural Affairs (DEFRA) have introduced a new programme of Clean Air Zones (CAZ) across the UK.
- 1.3 DEFRA have set minimum emissions standards for vehicles to be allowed entry to Clean Air Zones.
- 1.4 In the Midlands Birmingham, Leeds, Southampton, Nottingham and Derby have been all identified as CAZ's. The aim of a CAZ is to discourage the most polluting diesel vehicles - old polluting buses, coaches, taxis and lorries from entering the town/city centres.
- 1.5 Birmingham City Council are currently consulting with their Hackney Carriage proprietors, Private Hire owners, drivers and operators in relation to the replacement of vehicles in order to meet the European Directive and the requirements of the CAZ.
- 1.6 This report provides details on what Shropshire Council's Licensing Service have already done to help improve the air quality in Shropshire.

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 Clean Air Zones, Air Quality and the Euro Emission requirements in regard to the Hackney Carriage and Private Hire Trade and therefore a risk assessment and opportunities appraisal have not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 European Directive 2008/50/EC on ambient air quality and cleaner air for Europe sets out the maximum concentrations of key pollutants in ambient air, i.e. the air that we all breathe.
- 5.2 This European Directive requires the UK to reduce concentrations of nitrogen dioxide below 40 µg/m³.
- 5.3 The Department for Environment, Food and Rural Affairs (DEFRA) are committed to improving the UK's air quality, reducing health impacts, and fulfilling the legal obligations as set out by the European Directive. As part of their commitment they undertook a forty day public consultation (September 2015) on the draft plans of how they were going to achieve compliance with the European Directive.
- 5.4 In response to the consultation DEFRA have, in order to meet their goals, set out a plan of introducing a new programme of CAZ's across the UK.
- 5.5 By 2020 the most polluting diesel vehicles - old polluting buses, coaches, taxis and lorries - will be discouraged from entering the centres of Birmingham, Leeds, Southampton, Nottingham and Derby. These Zones will cover old diesel buses, coaches, taxis and lorries, newer vehicles that meet the latest emission standards, and private cars, will be unaffected.
- 5.6 The Zones will reduce the pollution in city centres and encourage the replacement of old polluting vehicles with modern cleaner vehicles.
- 5.7 Local Authorities are responding to the requirements and introducing additional constraints on the types of vehicles that can be used in the city centres, some bus and utility companies have already introduced modern cleaner vehicles to their fleets.

5.8 Shropshire Council's Environmental Health Team monitor the air quality across Shropshire and as part of this work have identified four 'Hotspots' within the administrative area that do not meet the requirements of the European Directive;

- Castlegates/Caste Foregates around the train station in Shrewsbury
- Raven Meadows/Smithfield Road junction Shrewsbury
- Whitburn Street/Pound Street junction in Bridgnorth
- Mill Street/St Johns Street junction Bridgnorth

In addition, the junction where Mill Street meets High Street in Wem is closely monitored because there is concern that this may also become a 'Hotspot' without any measures being put in place to improve the air quality in that area.

5.9 In 2014, as part of the ongoing commitment to improve the air quality in Shropshire, Shropshire Council's Environmental Health Team made a request for additional conditions to be put onto the Hackney Carriage and Private Hire vehicles being licenced by the authority to reduce air pollution.

5.10 After a lengthy consultation process with trade representatives on the 1 April 2015 Shropshire Council introduced additional conditions to the licensing of Hackney Carriage and Private Hire vehicles in Shropshire. These conditions were part of the revised Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 (the Policy) and included a phasing in period for cleaner vehicles. Proprietors of vehicles were required to prove that the European Emissions Standard of the vehicles they wanted to licence met the standard outlined in the Policy.

5.11 The chart below shows how many vehicles were licenced and the European Emissions Standard since the new conditions were introduced and the shift from lower rated emission standards to higher rated emission standards.

Euro Emissions Standard Rating (Euro)	Total number of vehicles licenced between 1 April 2015 and the 31 March 2016	Total number of vehicles licenced between 1 April 2016 and the 10 March 2017
Euro 3	280	22
Euro 4	437	371
Euro 5	315	465
Euro 6	46	91

(The higher the European Emissions Rating the cleaner the vehicle is.)

- 5.12 From 1 April 2016 the Licensing Service will no longer renew a vehicle licence for a vehicle with a Euro 3 rating and from 1 April 2018 no Euro 4 rated vehicles will be renewed. All new vehicles must be a Euro 5 Rating before they will be licenced as a Hackney Carriage or Private Hire Vehicle.
- 5.13 Since the policy came into force the phasing in process has resulted in a shift towards higher European Emission Standard Rated vehicles and the standard of vehicles will continue to improve over the next two years.
- 5.14 It is unlikely that the CAZ's being introduced across the Midlands will have implications for Shropshire Council i.e. older vehicles applying to be licenced from the CAZ areas, because the current Policy prohibits older more polluting vehicles from being licenced.

6. Additional Information

- 6.1 Shropshire Council's Licensing Service will continue to work closely with the Environmental Health Service and Trade representatives to improve the air quality in our County.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Hackney Carriage and Private Hire Licensing Policy 2015 to 2019

DEFRA Improving air quality in the UK - *Tackling nitrogen dioxide in our towns and cities, December 2015*

DEFRA Air Quality Plan for the achievement of EU air quality limit value for nitrogen dioxide (NO₂) in West Midlands Urban Area (UK0002), December 2015

Birmingham City Council's *Proposals to introduce Emission Standards for Taxi and Private Hire Vehicles*, <https://www.birminghambeheard.org.uk/place/proposals-to-introduce-emission-standards-for-taxi/>

Cabinet Member (Portfolio Holder)

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

Local Member

Cover all areas of Shropshire

Appendices

None



Committee and Date

Strategic Licensing
Committee

22 March 2017

Item

8

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - 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 January 2017 and the 3 March 2017 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 January 2017 and the 3 March 2017. During this period the total number of licences processed was 899.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 January 2017 and the 3 March 2017.
- 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 January 2017 and the 3 March 2017, 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, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	1			1		
Renew	1	12	4	1	5	
Conduct		1				
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Condition	1					

6. Conclusion

6.1 During the last two 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 between 1 January 2017 and the 3 March 2017.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 January 2017 to the 3 March 2017.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 January 2017 to the 3 March 2017.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 January 2017 and the 3 March 2017.

APPENDIX A

Licences issued – 1 January 2017 to the 3 March 2017.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	32
Animal Breeding	4
Caravan Sites	2
Cosmetic Piercing Personal	13
Cosmetic Piercing Premises	3
House to House Collection	5
Pet Shops	4
Riding Establishments	6
Scrap Metal Site	2
Scrap Metal Collector	4
Sex Establishment Licence	1
Street Collection	30
Street Trading Consent	0
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	3
Total Applications General	110

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	18
Hackney Carriages	2
Total Surrendered Vehicles	20

Taxi Licensing		Total
Hackney Carriage	N	3
Hackney Carriage	R	23
Joint HC/PH Driver	N	12
Joint HC/PH Driver	R	42
Private Hire Operator	N	0
Private Hire Operator	R	1
Private Hire Vehicle	N	42
Private Hire Vehicle	R	92
Hackney Vehicle Transfer		8
Private Hire Vehicle Transfer		0
Private Hire Licensee Transfer		23
Trailer Licence		0
Total Taxi Applications		246

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	35
Premises Licence	13
Temp Event Notice no Alcohol	126
Temp Event Notice with Alcohol	0
Minor Variation Application	4
DPS Change/Variation	34
Transfer Application	11
Annual Fee	300
Premises Review	1
Premises Lic with Alcohol - Full Variation	3
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	528

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	4
Club Machine Permits	0
Occasional Use Licence	2
Adult Gaming Centre	0
Small Society Lotteries	8
Change of Promoter	0
Annual Fee	0
Total Gambling Act 2005 Applications	15

Total Applications	899
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Total Surrendered Vehicles	20
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APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1 January 2017 to the 3 March 2017.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 1 January 2017 to the 3 March 2017.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
1 st February 2017	Stanford Farm, Stanford, Halfway House	New Premises Licence	Andrew Davies Keith Roberts Nic Laurens	Granted	n/a

APPENDIX D**Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 January 2017 and the 3 March 2017.**

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
22 January 2017	1	0	1
28 January 2017	2	0	2
3 February 2017	15	6	9
4 February 2017	1	0	1
10 February 2017	1	0	1
11 February 2017	2	0	2
12 February 2017	3	0	3
19 February 2017	1	0	1
24 February 2017	5	1	4
25 February 2017	2	0	2
26 February 2017	5	1	4

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 10 October 2016

11.00 - 11.45 am in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Vernon Bushell, Nic Laurens and Keith Roberts

7 Election of Chairman

RESOLVED:

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

8 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.

9 Application for a new Club Certificate - Ellesmere Rangers Football Club, Club House, Beech Grove, Ellesmere, Shropshire, SY12 0BZ

Consideration was given to an application for a Club Certificate in respect of Ellesmere Rangers Football Club, Club House, Beech Grove, Ellesmere, Shropshire, SY12 0BZ.

Ms Margaret Dodd - Club Secretary – Ellesmere Rangers FC, Mr David Guard (Chairman of Ellesmere Rangers FC), Mr M Jones (Committee Member of Ellesmere Rangers FC) (Applicants), Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

Mr M Jones addressed the Sub-Committee, providing background information and explaining that the Club had received grant funding to rebuild the old Club House and part of the agreement had been that the Club House should be available for use by the wider Community.

In response to questions from Members of the Sub-Committee Mr Jones confirmed that:

- The objection received referred to a private birthday party and that the complaints mainly related to the noise from children playing outside; and
- There would always be a committee member present at private functions

In response to questions from the Sub-Committee, the Public Protection Officer explained that a Club Certificate would only permit the Club to serve alcohol to registered members and their guests. An alternative, which would allow for use by the wider community, would be to apply for a Temporary Event Notice (TEN) for each third party function, to make changes to the Club's Constitution or to apply for a Premises Licence which would be an additional cost but would provide the best solution if the Club intended to let the premises out on a regular basis.

The Chairman adjourned the meeting at 11.17 a.m. to allow time for the applicant to discuss how to proceed with the application. The meeting reconvened at 11.25 a.m. and the applicant confirmed that they wished to proceed with the application for a Club Certificate with a view to applying for TEN as and when required and amending the Club Constitution.

The Public Protection Officer (Specialist) addressed the Sub-Committee, confirming that one objection had been received from a local resident who had also raised concerns but was unable to attend the hearing.

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 11.28 a.m. and reconvened at 11.41 a.m. to announce their decision.

RESOLVED:

That the application for a Club Certificate for Ellesmere Rangers Football Club, Club House, Beech Grove, Ellesmere, SY12 0BZ be granted for the following days, hours and licensable activity:

Supply of Alcohol - on the premises

Monday to Saturday – 11:00 to 23:30

Sunday – 11:00 to 23:00

Opening Hours

Monday to Saturday – 11:00 to 00:00

Sunday – 11:00 to 23:30

And in accordance with the following operating schedule

General

Staff to be trained on all licensing issues (including Challenge 25).

Prevention of Crime and Disorder

Club will be members of the local pub watch scheme.

Prevention of Public Nuisance

Signs requesting people to be respectful and leave the premises quietly will be displayed.

Protection of Children from Harm

- 1. A Challenge 25 policy is in place and all customers who appear to be under 25 will be asked to show proof of age identification.
- 2. Challenge 25 posters will be displayed within the premises.
- 3. Forms of ID - will bear a photograph, date of birth and holographic mark.
- 4. A record book will be maintained to record all incidents of attempted under age purchases. This will be made available for inspection by police and officers of responsible authorities on request.
- 5. All staff receive training to include Challenge 25, refreshed at least annually, with staff training records retained and available for inspection by responsible authorities on request.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and 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 resident and understood their position and advised the applicant to keep doors to the premises closed as much as possible. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that 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:

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 12 December 2016

10.35 am - 1.59 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Peter Adams, Peter Cherrington and Vivienne Parry

10 **Election of Chairman**

RESOLVED:

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

11 **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.

12 **Application for a Premises Licence - Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH**

Consideration was given to an application for a Premises Licence in respect of Hayes Barn, The Hayes, Mount Road, Oswestry, Shropshire, SY10 7PH

Mr Gui Chipchase (Head of Licensing CPL Training – representing the applicant), Ms. Rebecca Cadwallader (Applicant), Ms. Sophie Dillon (Resident Manager of the Premises), Mr and Mrs Sarre (residents of The Hayes - Objectors), Miss Betty Gull (resident of Mount Crescent – Objector), Stuart McNeil (resident of Hayes View – Objector), Matthew John (resident of High Fawr Avenue – Objector), Councillor Rebecca Chahar-Evans (Oswestry Town Councillor – Objector), Mr and Mrs Parish (resident of High Fawr Avenue – Objectors), Mr Philip Trow (resident of Mount Crescent – Objector), Councillor Vince Hunt (Shropshire Council Local Ward Member and member of Oswestry Town Council supporting objectors) Ms Louise Prince (Solicitor – Shropshire Council) and Mr Simon Ditton (Public Protection Officer - Specialist- Shropshire Council) were present.

On behalf of the applicant, Mr Gui Chipchase addressed the Sub-Committee stating that Hayes Barn was primarily a Bed and Breakfast establishment. The applicant had attempted to address the concerns of local residents through the mediation process, explaining that it was not the applicant or the premises managers' intention to cause disturbance to nearby residents. Events such as stag parties would not take place at Hayes Barn, some examples of recent enquiries for events that would not have been suitable to have been held at the Barn were given. Conditions to

protect the amenity of local residents had been proposed and if the Premises Licence were granted, the Licensing Act would also offer protection to local residents who under the act could request a review of the Premises Licence. The type of events that they were hoping to attract to Hayes Barn were outlined. These included conference style lunches and events in association with small, local business within Oswestry. It was confirmed that there was ample parking at Hayes Barn to accommodate the numbers of guests anticipated.

In response to questions from the Public Protection Officer (Specialist), Objectors and Members of the Sub-Committee the applicant's representative confirmed:

- That the site notice had been displayed on the gate at the entrance to Hayes Barn and in accordance with the licensing requirements;
- Recorded music would be played within the premises along with the occasional use of a DJ and the occasional live pianist;
- All music would stop at 11.00 p.m.;
- There were no plans to erect a marquee within the grounds of Hayes Barn although guests would be able to consume their drinks in the garden of the premises;
- The nearest residential property was approximately 50 meters away;
- The potential maximum capacity of the premises could be up to 150 in total, however the largest event to be held at the premises would be for approximately 80-100 guests, the small bar area could accommodate 15-18 people;
- They anticipated holding approximately one function per week or approximately 30 per year; and
- They were happy to remove 'bona fide guests' from the licence and the operating schedule.

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

In response to questions from the applicant, objectors and Members of the Sub-Committee the Public Protection Officer (Specialist) stated that:

- Clarified what the requirements were in relation to displaying site notices and confirmed that in his view, the site notice had been displayed in the most appropriate location and that this was reflected in the large number of representations from local residents that had been received;
- The agent for the applicant had sent him a copy of the Oswestry Advertiser which featured the public notice;
- In response to points raised regarding the way that Shropshire Council had dealt with the application, the PPO confirmed that this had no bearing on the application before the Sub-Committee, although the application had not appeared on the Shropshire Council Website, notification of the application had been sent to all relevant parties, including Oswestry Town Council and the local elected Councillors.

The Chairman invited the objectors to present their case. Additional information was presented as part of the Objectors submissions and the applicant and the applicant's representative confirmed they were happy for the additional information to be considered by the Sub-Committee.

Mrs K. Sarre who objected to the application on the grounds of public safety, addressed the Sub-Committee, during her presentation the potential implications for highways safety as vehicles enter and exit the single track driveway and the safety of pedestrians using the pavement were highlighted. Mrs Sarre also referred to correspondence from David Gradwell (Shropshire Council Area Traffic Engineer (North)) who shared her concerns relating to access to the premises.

Miss B. Gull who objected to the application on the grounds of public safety and prevention of public nuisance addressed the Sub-Committee. During her presentation concerns in relation to highway and pedestrian safety were raised and concerns that the applicants appeared to be wishing to trade on different terms to those originally stated during the planning process.

Mr S. McNeil briefly addressed the Sub-Committee stating that his objections related to noise nuisance.

The Chairman adjourned the meeting at 12.41 p.m. and reconvened at 12.49 p.m.

Mr M. John, Objector and representing 19 local residents addressed the Sub-Committee. During his presentation Mr John raised objections relating to the potential for public nuisance (noise), the prevention of harm to children, light pollution, public safety, the prevention of crime and disorder due to the close proximity of the premises to nearby residential properties.

Councillor Vince Hunt, local Shropshire Councillor, spoke on behalf of local residents. Councillor Hunt explained that he had concerns in relation to public safety and questioned whether a fire risk assessment had been carried since the licensing application had been made.

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 1.28 p.m. and reconvened at 1.51 p.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Hayes Barn, The Hayes, Mount Road, Oswestry, SY10 7PH be granted for the following days, hours and licensable activity:

Supply of Alcohol - on and off the premises

Sunday to Thursday - 10:00 to 23:00

Friday and Saturday – 10:00 to 00:00

24hrs for residents

Opening Hours

Sunday to Thursday - 10:00 to 23:30

Friday and Saturday – 10:00 to 00:30

24hrs for residents

And in accordance with the following operating schedule

Prevention of Crime and Disorder

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) throughout the preceding 31 day period following any incident.
2. A member of staff with knowledge of the CCTV will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.
3. 24hr sale of alcohol will be restricted to residents of the hotel only, (up to a maximum of 4 people per room including the resident).

Public Safety

1. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
2. All exit doors shall be maintained easily operable without use of a key card, code or similar means.
3. When Disabled people are present sufficient numbers of staff will be present to aid their safe evacuation as needs be.
4. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
5. Public areas will be maintained free from obstruction and trip hazards
6. That the premises licence holder will ensure that clear and appropriate signage will be displayed and remain unobstructed at the entrance to the property to direct guests to the car parking facilities.

Prevention of Public Nuisance

1. All waste will be properly packaged and presented for collection no earlier than 30 minutes before scheduled collection times.
2. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
3. No deliveries to or collections from the premises will take place between 21:00 and 07:00 hours.
4. Notices shall be prominently displayed at all exits requesting patrons to leave the premises quietly.
5. Any legitimate complaint made by a resident to the management of the premises in relation to noise will be addressed with the minimum of delay and shall be recorded in an incident log which will be available for inspection by the police or authorised officer.

Protection of Children from Harm

- 1. A challenge 25 policy will be adopted with proportionate and appropriate signage displayed.
- 2. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised Officer, this log shall include the Date, Time and name and signature of the staff member who refused the sale. This Log shall also be signed by the DPS of the premises on a monthly basis
- 3. Staff shall be trained in Licensing Law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18

The Sub-Committee also recommends that the premises licence holder install noise limiters to the sounds system and provides contact details to a resident(s) in order to deal with any complaints or concerns.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and 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 raised by the local residents in respect of potential issues that granting the licence may cause and understood their position. The Sub-Committee also noted the concerns raised as to the requirements to advertise the application, but determined that the applicant had correctly followed the statutory procedure. Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that 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:

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