



Committee and Date

Strategic Licensing  
Committee

25<sup>th</sup> January 2017

Item

9

Public

## EXERCISE OF DELEGATED POWERS

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### 1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to, amend, revoke or refuse driver and vehicle licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1 September 2016 and the 31 December 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 September 2016 and the 31 December 2016. During this period the total number of licences processed was 1910.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 September 2016 and the 31 December 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 September 2016 and the 31 December 2016, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 21<sup>st</sup> 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:-

<b>Driver</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New	4	1		5	2	
Renew		2	46		6	
Conduct		6	8		14	
<b>Vehicle</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New	1	1		2		
Renewal		4		5	1	
Condition						

## 6. Conclusion

6.1 During the last few 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 September 2016 and the 31 December 2016.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 September 2016 and the 31 December 2016.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 September 2016 and the 31 December 2016.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 September 2016 and the 31 December 2016.

## APPENDIX A

### Licences issued – 1 September 2016 and the 31 December 2016.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	0
Animal Boarding	24
Animal Breeding	17
Caravan Sites	6
Cosmetic Piercing Personal	11
Cosmetic Piercing Premises	6
House to House Collection	15
Pet Shops	6
Riding Establishments	7
Scrap Metal Site	7
Scrap Metal Collector	5
Sex Establishment Licence	0
Street Collection	76
Street Trading Consent	3
Tattooing Personal	1
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	1
Zoo	0
Performing Animals	1
Distribution of Free Printed Matter	6
<b>Total Applications General</b>	<b>192</b>

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	36
Hackney Carriages	4

Taxi Licensing		Total
Hackney Carriage	N	17
Hackney Carriage	R	34
Joint HC/PH Driver	N	1
Joint HC/PH Driver	R	90
Private Hire Operator	N	0
Private Hire Operator	R	2
Private Hire Vehicle	N	97
Private Hire Vehicle	R	158
Hackney Vehicle Transfer		11
Private Hire Vehicle Transfer		55
Private Hire Licensee Transfer		0
Trailer Licence		0
<b>Total Taxi Applications</b>		<b>465</b>

Licensing Act 2003	Total
Club Certificate with alcohol	1
Personal Alcohol	130
Premises Licence	19
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	349
Minor Variation Application	7
DPS Change/Variation	106
Transfer Application	34
Annual Fee	517
Premises Review	0
Premises Lic with Alcohol - Full Variation	0
Premises Lic without Alcohol - Full Variation	0

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	6
Club Machine Permits	0
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	17
Change of Promoter	0
Annual Fee	63
<b>Total Gambling Act 2005 Applications</b>	<b>90</b>

<b>Total Applications</b>	<b>1910</b>
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<b>Total Surrendered Vehicles</b>	<b>40</b>
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<b>Total Surrendered Vehicles</b>	<b>40</b>	<b>Total Lic Act Applications General</b>	<b>1163</b>
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## **APPENDIX B**

### **Licensing and Safety Sub-Committee Meetings – 1 September 2016 to the 31 December 2016.**

<b>Date of Meeting</b>	<b>Scheduled/ Additional</b>	<b>Item</b>	<b>Meeting Venue</b>	<b>Decisions</b>
None				

**APPENDIX C****Licensing Act Sub-Committees.****Hearings held for licensed premises from 1 September 2016 to the 31 December 2016.**

<b>Date</b>	<b>Premises</b>	<b>Type of Application</b>	<b>Councillors</b>	<b>Decision</b>	<b>Review Requested by</b>
10 <sup>th</sup> October 2016	Ellesmere Football Club	Club Certificate	Vernon Bushell Nic Laurens Keith Roberts	Granted	n/a
12 <sup>th</sup> December 2016	Hayes Barn, The Hayes, Oswestry	New Premises Licence	Peter Adams Peter Cherrington Viv Parry	Granted	n/a

**APPENDIX D****Private Hire Vehicle and Hackney Carriage checks undertaken between the 1 September 2016 and the 31 December 2016.**

<b>Inspection Date</b>	<b>Total Number of Vehicles Inspected</b>	<b>Advisory Note</b>	<b>No Action Required</b>
8 <sup>th</sup> September 2016	9	0	9
8 <sup>th</sup> September 2016	6	3	3
7 <sup>th</sup> October 2016	2	0	2
16 <sup>th</sup> September 2016	4	0	4
9 <sup>th</sup> December 2016	39	16	23