

**Committee and Date**Strategic Licensing
Committee21st May 2014**Item****6**

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
WEDNESDAY, 19TH MARCH 2014 IN THE SHREWSBURY ROOM,
THE SHIREHALL, SHREWSBURY**

10.00 a.m. – 10.28 a.m.

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Present:

Mr M. Wood (Chairman).

Mr P. Adams, Mrs J. Barrow, Mr V. Bushell, Mr P. Cherrington, Mr A. Davies, Mr R. Hughes, Mr K. Roberts (Vice-Chairman) and Mr R. Tindall

37. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

37.1 The Chairman welcomed everyone to the meeting.

38. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

38.1 Apologies for absence were received from Mr S. Davenport and Mr R. Huffer.

39. DISCLOSABLE PECUNIARY INTERESTS

39.1 Members were 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.

40. MINUTES**40.1 RESOLVED:**That the Minutes of the meeting held on 18th December 2013 be approved as a correct record and signed by the Chairman.

41. PUBLIC QUESTION TIME

41.1 There were no public questions or statements received.

42. LICENSING ACT SUB-COMMITTEE

42.1 The records of proceedings of the Licensing Act Sub-Committee meetings from November 2013 to March 2014 were received by Members. (Copies attached to the signed minutes).

42.2 RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from November 2013 to March 2014 be noted.

43. LICENSING AND SAFETY SUB-COMMITTEE

43.1 Minutes of the Licensing and Safety Sub-Committee meetings from November 2013 to March 2014 were received by Members. (Copies attached to the signed minutes).

43.2 RESOLVED:

That the Minutes of the Licensing and Safety Sub-Committee meetings from November 2013 to March 2014 be noted.

44. HOME OFFICE CONSULTATION – FEES UNDER THE LICENSING ACT 2003

44.1 Consideration was given to a report of the Service Manager – Safer & Stronger Communities in relation to the Home Office Consultation on the move from centrally-set to locally-set fees under the Licensing Act 2003. (Copy attached to the signed minutes).

44.2 The Service Manager – Safer & Stronger Communities explained that running separately, but alongside the consultation was a survey of licensing authority costs in which licensing authorities were being asked for estimates of their costs in performing each of their licensing functions under the Licensing Act 2003.

44.3 The Chairman highlighted his concerns in relation to the current timescale regarding Temporary Event Notices and requested that a comment be included in the response to the consultation stating that the timescale was too short and did not allow Local Authorities the opportunity to comment on Temporary Event Notices.

44.4 RESOLVED:

(1) That a response to the Home Office in respect of the consultation detailing the move from centrally-set to locally set-fees under the Licensing Act 2003 be made, following agreement with the Chairman of the Strategic Licensing Committee, by the Public Protection Service Manager for Safer & Stronger Communities, in her capacity as an officer of the Licensing Authority.

- (2) That the Public Protection Service Manager for Safer & Stronger Communities, in conjunction with the Chairman of the Strategic Licensing Committee, determine whether it was practicable and appropriate to respond to the Home Office's survey of licensing costs and where it was practicable and appropriate to do so that the response be made, following agreement with the Chairman of the Strategic Licensing Committee, by the Public Protection Service Manager for Safer & Stronger Communities, in her capacity as an officer of the Licensing Authority.

45. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

- 45.1 Consideration was given to a report of the Team Manager - Operational Community Safety which sought Members approval to review the existing Hackney Carriage and Private Hire Licensing Policy. (Copy attached to the signed minutes).
- 45.2 The Team Manager - Operational Community Safety outlined the recommendations as set out in paragraphs 2.1 to 2.4 of the report. The Solicitor advised that the recommendation at paragraph 2.4 of the report be amended to read: 'That the proposed formal consultation document be reported to the Strategic Licensing Committee on 21st May 2014 for approval and the formal consultation be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 12 weeks commencing from June 2014.'
- 45.3 The Team Manager - Operational Community Safety explained that informal consultation would be undertaken at taxi forums during the Easter holidays as requested by the Trade. It was added that the team were consulting as early as possible with an aim for the new policy to be introduced in April 2015.
- 45.4 The Chairman reported that Councillors K. Roberts and A. Davies had agreed to be included in the Rapid Action Group. In response to a question regarding the Rapid Action Group, the Chariman confirmed that it would meet in the Easter period and report back to the next Strategic Licensing Committee due to take place on Wednesday 21st May 2014.

45.5 RESOLVED:

- (1) That the existing Hackney Carriage and Private Hire Licensing Policy be reviewed.
- (2) That Councillors K. Roberts and A. Davies be part of the Rapid Action Group to work with Officers on the completion of the review in consultation with the Trade.
- (3) That Taxi Forums be arranged to allow members of the Trade to put forward issues they had with the existing policy and to provide suggestions for improvements that could be made. (All suggestions would be considered and would form the basis for the proposed Hackney Carriage and Private Hire Licensing Policy to be put forward for formal consultation.)

- (4) That the proposed formal consultation document be reported to the Strategic Licensing Committee on 21st May 2014 for approval and the formal consultation be undertaken on the proposed Hackney Carriage and Private Hire Licensing Policy for no less than 12 weeks commencing from June 2014.

46. EXERCISE OF DELEGATED POWERS

- 46.1 Consideration was given to a report of the Team Manager - Operational Community Safety in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).
- 46.2 In response to a query from a Councillor in relation to street collections, the Team Manager - Operational Community Safety explained that a number of charities did not have to give the Council notification that they intended to hold a street collection but added that she would look in to the specific issue raised and if necessary draft a general press release. The Team Manager - Operational Community Safety added that details of street collections were not currently published on the website but there were plans to do this in the future.
- 46.3 In response to a query, the Team Manager - Operational Community Safety gave an update in relation to the recently introduced Scrap Metal Dealers Act, confirming that the policy was working well and that an enforcement exercise in conjunction with the Police had been undertaken on 18th March 2014.

46.4 RESOLVED:

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

47. DELEGATED OFFICER PROCEDURE (NON 2003 ACT MATTERS)

The Solicitor requested that the Committee approve an amendment to the procedure followed by the officer making decisions under delegated powers as it appeared in Annex B at page D59 of Part 4 of the Council's Constitution "Matters of Procedure for Licensing Officers" ("the procedure"). The delegated power was currently mostly used in connection to applications concerning hackney carriages and private hire vehicles (and drivers) and scrap metal dealers.

The delegated officer was required to consult with a legal advisor and any other officer he or she thought appropriate – see Paragraph 1 of the procedure. Officers considered that there was no longer a necessity for decisions that were adverse to an applicant to be re-considered by a more senior officer and a legal officer for a second time. Therefore the recommendation proposed that the final two sentences of Paragraph 4 of the procedure be removed in order that the particular paragraph just referred to the need to take all relevant matters into account.

47.1 RESOLVED:

That Council be recommended that the procedure followed by the officer making decisions under delegated powers be amended in order that the final two sentences of paragraph 4 of the procedure in Annex B at page D59 of Part 4 of the Council's Constitution "Matters of Procedure for Licensing Officers be removed so the particular paragraph would therefore just refer to the need to take all relevant matters into account.

48. EXCLUSION OF THE PUBLIC AND PRESS

48.1 RESOLVED:

That in accordance with the provisions of Schedule 12A Local Government Act 1972 and Paragraph 10.4 (5) of the Council's Access to Information Rules, the public and press be excluded during consideration of the following item.

49. MINUTES

49.1 RESOLVED:

That the Exempt Minute of the meeting held on 18th December 2013 be approved as a correct record and signed by the Chairman.

50. DATE OF NEXT MEETING

- 50.1 The next meeting of the Strategic Licensing Committee would be held on Wednesday 21st May 2014 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....