

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Team Manager Operational Community Safety
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to, amend, revoke or refuse driver and vehicle licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 1st of March 2014 to the 2nd of May 2014 and a summary of applications considered by committee. I note that this report contains only two months of data rather than the usual three due to the period of time between the Strategic Licensing Committee meetings held.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

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

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:
 - a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licence policy or Out of Area policy is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licence policy is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 1st of March 2014 to the 2nd May 2014. During this period the total number of licences processed was 789.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1st of March 2014 and the 2nd of May 2014.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Taxi Operator Fleet Checks undertaken between the 1st of March 2014 and the 2nd of May 2014, 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'	Refused /Revoked	To refer to Committee
New	3			1	
Renewal		2			
Conduct	1	2			
Vehicle	Granted	Granted subject to keeping records	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New		1			
Renewal				2	
Condition					

6. Conclusion

6.1 During the last two months the work load for the Licensing team continues to be high the team have been working hard to maintain the flow of applications whilst changing over processing systems.

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

Cabinet Member (Portfolio Holder)

Councillor Steve Charmley

Local Member

Cover all areas of Shropshire

Appendices

A – Licences issued 1st of March 2014 to the 2nd of May 2014.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st of March 2014 to the 2nd of May 2014.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st of March 2014 to the 2nd of May 2014.

D – Taxi Operator Fleet Checks undertaken between the 1st of March 2014 and the 2nd of May 2014.

APPENDIX A

Licences issued – 1st March 2014 to the 2nd May 2014.

General Licensing	Total
Acupuncture Personal	
Acupuncture Premises	
Animal Boarding	
Animal Breeding	8
Caravan Sites	3
Cosmetic Piercing Personal	8
Cosmetic Piercing Premises	
House to House Collection	10
Pet Shops	
Riding Establishments	9
Scrap Metal Site	8
Scrap Metal Collector	1
Sex Shop	1
Street Collection	27
Street Trading Consent	6
Tattooing Personal	1
Tattooing Premises	
Electrolysis	
Dangerous Wild Animals	
Zoo	
Performing Animals	1
Total Applications General	83

Taxi Licensing		Total
Hackney Carriage	N	15
Hackney Carriage	R	59
Joint HC/PH Driver	N	3
Joint HC/PH Driver	R	10
Private Hire Operator	N	
Private Hire Operator	R	1
Private Hire Vehicle	N	53
Private Hire Vehicle	R	149
Hackney Vehicle Transfer		43
Private Hire Vehicle Transfer		18
Private Hire Licensee Transfer		3
Total Taxi Applications		354

Gambling Act 2005	Total
Bingo Premise Licence	
Betting Premise Licence	
Licensed Premise Gaming Machine Permit	5
Notification of Intent to have gaming machines	
Club Machine Permits	
Occasional Use Licence	2
Adult Gaming Centre	
Small Society Lotteries	9
Change of Promoter	
Annual Fee	3
Total Gambling Act 2005 Applications	19

Licensing Act 2003	Total
Club Certificate with alcohol	
Personal Alcohol	44
Premises Licence	
Temp Event Notice no Alcohol	5
Temp Event Notice with Alcohol	255
Minor Variation Application	
DPS Change/Variation	4
Transfer Application	3
Annual Fee	22
Premises Review	
Premises Lic with Alcohol - Full Variation	
Premises Lic without Alcohol - Full Variation	

Total Applications

789

Total Lic Act Applications General	333
---	------------

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st March 2014 to the 2nd May 2014.

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
None				

APPENDIX C

Licensing Act Sub-Committees. Hearings held for licensed premises from 1st March 2014 to the 2nd May 2014.

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
18 th March 2014	Off Licence/ Grocery Store, 45-46 High Street, Broseley	New Premises	Councillors J. Barrow, P. Cherrington, K Roberts	Shirehall	Granted	
22 nd April 2014	Clementines, Station Road, Baschurch, SY4 2BB	New Premises	Councillors V Bushell, P Cherrington, A Davies	Shirehall	Granted	

APPENDIX D

Taxi Operator Fleet Checks undertaken between the 1st March 2014 and the 2nd of May 2014.

Inspection Date	Total Number of Vehicles in Fleet	Total Number of Vehicles Inspected	Advisory Note	No Action Required
15/03/14	8	8	1	7