

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 1st September 2015 and the 30th November 2015 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 1st September 2015 and the 30th November 2015. During this period the total number of licences processed was 1741.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1st September 2015 and the 30th November 2015.
- 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 1st September 2015 and the 30th November 2015, 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	To refer to Committee
New	2	1		4	
Renewal					
Conduct		3		8	
Vehicle	Granted	Granted subject to keeping records (Warning)	Letter sent stating Council is 'Minded to refuse'	Refused	To refer to Committee
New		1			
Renewal		4			
Condition					

6. Conclusion

6.1 During the last three months the workload for the Licensing team continued to be high, 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 1st September 2015 and the 30th November 2015.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1st September 2015 and the 30th November 2015.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1st September 2015 and the 30th November 2015.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 1st September 2015 and the 30th November 2015.

APPENDIX A

Licences issued – 1st September 2015 to the 30th November 2015.

General Licensing	Total
Acupuncture Personal	1
Acupuncture Premises	1
Animal Boarding	26
Animal Breeding	4
Caravan Sites	6
Cosmetic Piercing Personal	5
Cosmetic Piercing Premises	5
House to House Collection	10
Pet Shops	2
Riding Establishments	5
Scrap Metal Site	0
Scrap Metal Collector	0
Sex Establishment Licence	1
Street Collection	53
Street Trading Consent	7
Tattooing Personal	1
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	0
Total Applications General	127

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	15
Hackney Carriages	3
Total Surrendered Vehicles	18

Taxi Licensing		Total
Hackney Carriage	N	9
Hackney Carriage	R	37
Joint HC/PH Driver	N	31
Joint HC/PH Driver	R	157
Private Hire Operator	N	4
Private Hire Operator	R	9
Private Hire Vehicle	N	46
Private Hire Vehicle	R	182
Hackney Vehicle Transfer		5
Private Hire Vehicle Transfer		52
Private Hire Licensee Transfer		0
Total Taxi Applications		532

Licensing Act 2003	Total
Club Certificate with alcohol	0
Personal Alcohol	99
Premises Licence	17
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	313
Minor Variation Application	9
DPS Change/Variation	63
Transfer Application	33
Annual Fee	426
Premises Review	0
Premises Lic with Alcohol - Full Variation	6
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	966

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	7
Licensed Premise Gaming Machine Permit	6
Notification of Intent to have gaming machines	75
Club Machine Permits	8
Occasional Use Licence	0
Adult Gaming Centre	0
Small Society Lotteries	20
Change of Promoter	0
Annual Fee	0
Total Gambling Act 2005 Applications	116

Total Applications

1741

Total Surrendered Vehicles

18

APPENDIX B

Licensing and Safety Sub-Committee Meetings – 1st September 2015 to the 30th November 2015.

Date of Meeting	Scheduled/ Additional	Item	Time	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 1st September 2015 to the 30th November 2015.**

Date	Premises	Type of application	Councillors	Meeting Venue	Decision	Review Requested by
2nd September 2015	St Nicholas Café, 24 Castle Street, Shrewsbury, Shropshire, SY1 2BQ.	Review	Peter Adams, Andrew Davies and Michael Wood	Shirehall	Licence amended and Conditions added	Environmental Health
10th September 2015	St Chad's Church and Church Hall, St Chad's Terrace, Shrewsbury, SY1 1JX	New	Peter Adams, Joyce Barrow and Keith Roberts	Shirehall	Granted	
7th October 2015	Efes Kebab & Burger House, 8 Castle Foregate, Shrewsbury, SY1 2DJ.	Variation	n/a	Shirehall	Cancelled – Withdrawn by applicant	

APPENDIX D

Private Hire Vehicle and Hackney Carriage checks undertaken between the 1st September 2015 and the 30th November 2015.

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
12 th September 2015	3	0	3
2 nd October 2015	3	0	3
17 th October 2015	3	0	3
18 th October 2015	10	0	10
21 st October 2015	4	0	4
25 th October 2015	19	0	19
31 st October 2015	2	0	2