



<u>Committee and Date</u>
Licensing and Safety Sub Committee
Wednesday 1 February 2012

<u>Item</u>
2
Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD
ON FRIDAY 2ND DECEMBER 2011**

9.30 a.m. – 1.21 p.m.

Responsible Officer Ann Almond

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PRESENT

Councillors: P Adams (Chairman)
A Davies (Vice-Chairman)

B Benyon and V Bushell.

336. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor T Barker.

337. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

338. DECLARATIONS OF INTEREST/PREDETERMINATION

There were no declarations of interest.

**339. APPLICATION FOR AN EXEMPTION FROM PRIVATE HIRE VEHICLE
POLICY IN RESPECT OF ROOF SIGNAGE**

Consideration was given to a report of the Licensing Officer in respect of an application for an exemption from the Private Hire Vehicle Policy in respect of roof signage.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that the applicant had made four applications for exemption, the vehicles being a Vauxhall Zafira Registration number FN05 OLK, Citroen Registration number YR53 YZG, Peugeot 406 Registration

number SH53 LZU and a Citroen C5 Registration number BJ54 NRU. She then advised that paragraph 4.2 contained within the report should read "...the applicant may appeal to a Magistrates Court within 21 days from the date on which the licence was granted."

Mr Carl Wilday (the applicant) was not in attendance.

Mr David Wilson (the applicant's legal representative) was in attendance. The applicant's legal representative presented the case to the Sub Committee, stating that removal of the roof signs would cause confusion for the public and would reduce public safety.

The Licensing Team Leader summed up the application. The Chairman invited the applicant's representative to make any final comments prior to the Sub Committee making its decision.

Members of the Sub Committee retired to consider the matter, in private, at 9.38 a.m. and reconvened at 9.40 a.m. to announce their decision.

RESOLVED:

That the application for an exemption from Private Hire Vehicle Policy in respect of roof signage be refused.

Reason: The Sub Committee considered the representations made and did not consider there to be any reason why they should depart from Shropshire Council's policy for licensed private hire vehicles, which stated that no vehicle shall display a roof sign and will have Council issued signage on the side of the vehicle. The reasons given by the applicant for an exemption to policy were of a general nature and did not relate to the particular vehicles under consideration.

340. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Adrian Picken.

Mr and Mrs Horler (the operator of Diamond Cars Telford Ltd) and Mr Wilson (the legal representative) were in attendance. The legal representative presented the case to the Sub Committee advising that Diamond Cars:

- Was the second largest taxi operator in Shropshire and Telford and Wrekin, and was a family run business trading for approximately 21 years;
- Currently had 21 school contracts with Shropshire Council;
- Employed drivers who lived in Bridgnorth;

- Was a professional business having a good history and reputation, and had been voted as the best taxi firm in Shropshire, 2010, by Shropshire Radio listeners;
- Had secured a contract, with Sainsbury's, to ply for hire outside its store in Bridgnorth;
- Had seen a 20% increase in work in the Shropshire area; and
- Was the only taxi firm with a rank in Bridgnorth;

In response to questions raised by the Licensing Team Leader and Members of the Sub Committee, the operator confirmed that:

- A fee had been paid to Sainsbury's, the local supermarket, to allow Diamond Cars to ply for hire outside the supermarket;
- It was difficult to quantify how much time would be spent plying for hire in the Shifnal and Bridgnorth areas, but he felt that the vehicle would be there for large periods of time and would be available for inspection;
- Diamond cars operated 74 hackney carriage vehicles, and 36 private hire vehicles, approximately 26 of the these vehicles were licensed by Diamond Cars, the remainder were licensed by their drivers;
- This vehicle had not yet been allocated a driver;
- He had a Bridgnorth taxi telephone number;
- He was not prepared to keep records of bookings/customers as he felt it was unmanageable due to the size of the business;
- He was able to identify what driver was in a vehicle at any given time;
- Each vehicle had a GPS tracking system, that could be interrogated to identify the location of the vehicle, but would not show whether the vehicle was carrying a fare and he felt this was another option, for enforcement purposes, to ensure the vehicle was plying for hire, to a material extent, within the zone applied for;
- GPS records were kept for approximately 6 months and the Licensing team were welcome to check these records at their offices; and
- He believed his circumstances to differ from other applications considered by this Sub Committee, as this was a large well known company having in excess of 100 vehicles.

The Licensing Team Leader summed up the application. The Chairman invited the applicant's representative to make any final comments prior to the Sub Committee making its decision.

Members of the Sub Committee retired to consider the matter, in private, at 10.40 a.m. and reconvened at 10.47 a.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the operator's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth).
2. That as agreed with the applicant there be a condition placed on the licence to the effect that a GPS record of all journeys made be recorded

and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader.

341. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Mohammed Zamir whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant did not intend, to a material extent, ply for hire within Zone 1 (Bridgnorth).

Mr Mohammed Zamir (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee confirming that the applicant had secured work with a Wellington based Taxi firm, that operated approximately 20 to 25 vehicles, and the applicant would be predominantly plying for hire outside The Hundred House, Shifnal Golf Club and Shifnal train station. Furthermore the vehicle would be fitted with a meter, attached to a PDA system that would record hackney and private hire bookings, and would detail the location of the vehicle but would not record mileage.

In response to questions raised by the Licensing Team Leader and Members of the Sub Committee, the applicant confirmed that:

- He had no contracts in his name;
- He had been a taxi driver for the past 12 months;
- He preferred Hackney Carriage work;
- He was the registered keeper of the Audi A4 saloon Registration Number GM04 GOT; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

The Licensing Team Leader summed up the application. The Chairman invited the applicant's representative to make any final comments prior to the Sub Committee making its decision.

Members of the Sub Committee retired to consider the matter, in private, at 11.12 a.m. and reconvened at 11.14 a.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth).

2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

(The Sub Committee retired at 11.17 a.m. and reconvened at 11.27 p.m.)

342. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Sajid Mehmood whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant did not intend, to a material extent, ply for hire within Zone 1 (Bridgnorth).

Mr Sajid Mehmood (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee confirming that the applicant was one of the Directors of the Wellington based Taxi firm. The applicant had secured contracts with The Hundred House and Shifnal Golf Club. He advised that, although the business was based in Wellington, there was a lot of business within the Shropshire region, and the company was looking to expand in the Shropshire area.

In response to questions raised by the Licensing Team Leader and Members of the Sub Committee, the applicant confirmed that:

- He would ply for hire at Bridgnorth train station and outside public houses in the High Street, Bridgnorth and Shifnal;
- The vehicle would undertake pre-booked work also;
- All pre-booked work would be taken by the Wellington based taxi firm; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

The Licensing Team Leader summed up the application. The Chairman invited the applicant's representative to make any final comments prior to the Sub Committee making its decision.

Members of the Sub Committee retired to consider the matter, in private, at 11.37 a.m. and reconvened at 11.38 a.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth).
2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

343. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

RESOLVED:

That consideration of an application for a Hackney Carriage Licence from Mr Saed Hafiz Mohammad Rezaye be deferred to the end of this meeting as he was not in attendance.

344. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Yasin Hussein Ahmed Ali whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Yasin Hussein Ahmed Ali (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, confirming that the applicant was currently unemployed, and intended to work between five and six days a week between the hours of 5.30 a.m. til 9.00 p.m. He would ply for hire outside supermarkets and in the High Street, Bridgnorth.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He had not driven a Hackney Carriage or Private Hire vehicle before;
- He would only work within Zone 1 (Bridgnorth);
- He would consider taking bookings from a Private Hire Operator within Shropshire;
- He would ply for hire in Bridgnorth High Street;
- He intended to start work immediately upon receipt of his plates; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

Members of the Sub Committee retired to consider the matter, in private, at 11.52 a.m. and reconvened at 11.54 a.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth). The Sub Committee noted that the applicant intended to work five or six days per week within Zone 1 and would start work immediately upon receipt of his plates.
2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

345. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Gursharan Singh whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Gursharan Singh (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, confirming that the applicant had been made redundant from a factory job and wanted to work as a Hackney Carriage driver, he intended to work five days a week and would ply for hire in the High Street, Bridgnorth.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He had not driven a Hackney Carriage or Private Hire vehicle before;
- He lived in the Smethwick area of Birmingham;
- He would only ply for hire in Bridgnorth, not Shrewsbury and Birmingham as stated on his application form;
- He intended to start work immediately upon receipt of his plates; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

Members of the Sub Committee retired to consider the matter, in private, at 12.04 p.m. and reconvened at 12.07 p.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage Licence for Zone 1 (Bridgnorth) be refused. The Sub-Committee found that that the applicant intended to trade in another authority's area for a substantial amount of time and that if a licence was granted the purpose of the legislation would be frustrated and public safety would be compromised.

In making their decision, Members took into account that the applicant had indicated on his application form that he would be working in Birmingham, Shrewsbury and Bridgnorth. The Sub-Committee also took into account the answers given to their questions at the meeting and concluded that the vehicle would not be in the area to a significant extent. While the vehicle was in Birmingham officers could not inspect the vehicle or ensure that the Council's conditions were being complied with.

346. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Azhar Yaqoob whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Azhar Yaqoob (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, explaining that the applicant intended to work three days in Bridgnorth and three days in Birmingham initially as a Hackney Carriage driver, with the intention of becoming a Private Hire operator within the Shropshire area.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He intended to start work immediately upon receipt of his plates;
- He would ply for hire outside clubs and pubs in the High Street, Bridgnorth;
- He lived in the Aston area of Birmingham;
- He had not driven a Hackney Carriage or Private Hire vehicle before; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

Members of the Sub Committee retired to consider the matter, in private, at 12.18 p.m. and reconvened at 12.20 p.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage Licence for Zone 1 (Bridgnorth) be refused. The Sub-Committee found that that the applicant intended to trade in another authority's area for a substantial amount of time and that if a licence was granted the purpose of the legislation would be frustrated and public safety would be compromised.

In making their decision, Members took into account the guidance given by the Strategic Licensing Committee for such applications. The sub committee was concerned that the applicant would be working in both Shropshire and Birmingham; that though his stated intention was to work for three days a week in Zone 1 he would have the vehicle for four days a week in Birmingham, away from the control of the Council. While the vehicle was in Birmingham officers could not inspect the vehicle or ensure that the Council's conditions were being complied with.

347. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Gary Pottenger whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 3 (Oswestry).

Mr Gary Pottenger (the applicant) and Mr Paul Warren (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, confirming that the applicant operated seven vehicles throughout four neighbouring authorities. He commented that it was difficult to quantify how much time would be spent plying for hire in Oswestry, but felt the vehicle would be in the area for a substantial amount of time, it would take pre-booked journeys and would be available for inspection.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- The vehicle had not yet been allocated a driver;
- The vehicle had replaced another vehicle that was no longer licensed;
- The intention was for this vehicle to be on the ranks in Oswestry; and
- Hackney Carriage vehicles were not restricted to Hackney Carriage use, this vehicle would also be used for private hire bookings.

Members of the Sub Committee retired to consider the matter, in private, at 12.45 p.m. and reconvened at 12.51 p.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage Licence for Zone 3 (Oswestry) be refused.

The Sub Committee found that the applicant did not intend, to a material extent, to use the vehicle to ply for hire within the relevant Zone.

In making their decision, Members found that the vehicle was predominantly going to be used for private hire work and work outside of the Shropshire Council area.

348. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Kamran Yaqoob whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Kamran Yaqoob (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, confirming that the applicant intended to work between six and seven days a week, possibly one or two of these days within the Birmingham area, and would predominantly ply for hire in the High Street, Bridgnorth.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He intended to start work immediately upon receipt of his plates;
- He was confident that there would be plenty of work within Zone 1 (Bridgnorth), and would be producing business cards;
- He lived near the Star City area of Birmingham;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

Members of the Sub Committee retired to consider the matter, in private, at 1.02 p.m. and reconvened at 1.03 p.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth). The Sub Committee noted that the applicant intended to work six or seven days

per week within Zone 1 and would start work immediately upon receipt of his plates.

2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

349. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Muhammad Yousaf whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Muhammad Yousaf (the applicant) was in attendance. The applicant was happy to represent himself and presented his case to the Sub Committee, confirming that he intended to work as a full time Hackney Carriage driver, as he had previously worked for a private hire taxi firm and found it was not profitable.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He intended to start work immediately upon receipt of his plates;
- He lived in the Finchfield area of Wolverhampton; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

The Licensing Team Leader advised that, following the information provided by the applicant, she changed the recommendation to that of approval of the Hackney Carriage Licence.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth). The Sub Committee noted that the applicant intended to work full time within Zone 1 and would start work immediately upon receipt of his plates.
2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a

condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

350. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Majed Ghazi Abu Nasser whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Majed Ghazi Abu Nasser (the applicant) and Mr Patrick Nolan (the applicant's legal representative) were in attendance. The applicant's legal representative presented the case to the Sub Committee, confirming that the applicant had previously worked as a delivery driver for approximately six to eight weeks and had during this time got to know Bridgnorth and Shifnal areas very well. The applicant was now looking to become a full time Hackney Carriage driver and advised of an amendment to his application form as the applicant intended to work six days a week in Bridgnorth and had no intention of working in Birmingham.

In response to questions raised by the Members of the Sub Committee and the Licensing Team Leader, the applicant confirmed that:

- He intended to start work immediately upon receipt of his plates;
- He would ply for hire in Bridgnorth High Street; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand.

Members of the Sub Committee retired to consider the matter, in private, at 1.18 p.m. and reconvened at 1.19 p.m. to announce their decision.

RESOLVED:

1. That the application for a Hackney Carriage Licence be granted, as the Members accepted the applicant's assurances that he intended to ply for hire, to a material extent, within Zone 1 (Bridgnorth). The Sub Committee noted that the applicant intended to work full time within Zone 1 and would start work immediately upon receipt of his plates.
2. That as agreed with the applicant there be a condition placed on the licence to the effect that a record of all customers and all journeys made be recorded and made available for inspection when required. Such a condition to be set and worded by the Licensing Team Leader and to include mileage of journeys.

351. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Consideration was given to a report of the Licensing Officer in respect of an application for a Hackney Carriage Licence.

The Licensing Team Leader reminded the Sub Committee that this item was previously considered at minute number 343 at which it was deferred as the applicant, Mr Saed Hafiz Mohammad Rezaye, was not in attendance.

The Licensing Team Leader confirmed that the applicant had not arrived and that his application had been deferred from two previous meetings due to non attendance. The Sub Committee agreed to consider the matter in his absence.

The Licensing Team Leader presented the report to the Sub Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Saed Hafiz Mohammad Rezaye whose home address was outside the Shropshire Council area and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

RESOLVED:

That the application for a Hackney Carriage Licence for Zone 1 (Bridgnorth) be refused.

The Sub Committee had not been provided with any further information from the applicant and, determined from the information available to them that the applicant did not intend, to a material extent, to use the vehicle to ply for hire within the relevant Zone.

CHAIRMAN:

DATE: