



Committee and Date
Licensing and Safety Sub Committee
Wednesday, 20 th June 2012

Item
4
Public

MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD ON WEDNESDAY 29TH FEBRUARY 2012

9.30 a.m. – 4.37 p.m.

Responsible Officer Emily Marshall
Email: emily.marshall@shropshire.gov.uk Telephone: 01743 252726

PRESENT

Councillors: P Adams (Chairman)
A. Bannerman, A. Davies, T Barker, W Benyon and V Bushell

479. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B. Baker, Councillor Bannerman was in attendance as her substitute.

480. MINUTES

Councillor Barker requested that the minutes of the meeting held on 4th January 2012 be amended, as no apologies for absence had been given. Those members of the Sub-Committee that were not present were not in attendance by prior agreement.

RESOLVED:

That the Minutes of the meetings of the Licensing and Safety Sub-Committee held on 4th January and 25th January 2012 be approved as a correct record and signed by the Chairman.

481. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

482. DECLARATIONS OF INTEREST

<u>Member</u>	<u>!</u>	<u>Nature of Interest</u>
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W. Benyon

Personal and Prejudicial - he knew the subject of the report.

483. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That in accordance with the provisions of Schedule 12A, Local Government Act 1972 and paragraph 10.4(1) of the Council’s Access to Information Procedure Rules, the public and press be excluded during consideration of items 6 to 16 and item 25 on the agenda.

484. CONDUCT OF A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER

Consideration was given to an exempt report of the Licensing Officer in respect of the conduct of a Hackney Carriage/Private Hire Driver.

The Licensing Team Leader presented the report, in respect of the conduct of a Hackney Carriage/Private Hire Driver, to the Sub-Committee.

The applicant, and his representative were in attendance. The applicant’s representative presented the case to the Sub-Committee, providing background information, and the circumstances surrounding the offences as detailed in the Officer’s report.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that:

- The offence was committed in Birmingham;
- The applicant was in his own private vehicle at the time of the offence;

- He had no passengers in his vehicle; and
- He had only moved the vehicle a short distance.

The Licensing Officer summed up the application and the Chairman invited the applicant 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 9.48 a.m. and reconvened at 9.50 a.m. to announce their decision.

RESOLVED:

That the driver be issued with a written warning in relation to his Joint Hackney Carriage/Private Hire Vehicle Driver's Licence regarding his future conduct. This warning would remain on his file for three years and would be referred to if during that time the subject of the report were to come before the Sub Committee again.

Reasons: In making their decision, Members of the Sub Committee took into account the guidelines relating to the relevance of convictions, and had regard to the information detailed in the Officer's report.

486. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 1 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. The Licensing Team Leader presented the report in respect of Case 1 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

487. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 3 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. She presented the report in respect of Case 3 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

488. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 4 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. She presented the report in respect of Case 4 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the

applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

489. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 5 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. She presented the report in respect of Case 5 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

Councillors T. Barker and A. Bannerman were not present for consideration of this item.

490. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Officer in respect of an application for a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The Licensing Team Leader presented the report, in respect of Case 7, to the Sub-Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB). The Licensing Team Leader drew Members attention to the guidelines relating to the relevance of convictions which stated that an applicant would normally be expected to be free of convictions for between 3 and 5 years prior to the date of application.

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case, and was agreeable to Members and Officers knowing his name. He presented his case to the Sub-Committee, providing background information, and the circumstances surrounding the offence as detailed in the Officer's report.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that:

- The offences were committed during a difficult time in the applicant's life and he deeply regretted his actions;
- He had not declared the offences on the application form as he did not realise a caution was classed as a conviction; and
- If his application were successful he would work with a local taxi operator.

The Licensing Team Leader summed up the application and the Chairman invited the applicant 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 10.38 a.m. and reconvened at 10.42 a.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Vehicle Driver's Licence be refused.

Reason: The Sub-Committee considered the application to be premature in relation to the theft convictions and would be looking for a period of at least 3 years free of conviction before an application would be considered further.

In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions, and their over-riding duty in relation to the safety of the public, and the nature of the offences and information disclosed by the applicant. After hearing the representations they did not consider there to be any reason why they should depart from the guidance given in the guidelines. The Sub-Committee could therefore not be satisfied, at present, that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's Licence.

Councillors T. Barker and A. Bannerman rejoined the meeting at this point.

491. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Officer in respect of a Hackney Carriage/Private Hire Vehicle Driver's Licence renewal.

The Licensing Officer presented the report, in respect of Case 8, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB).

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case, but had with him a friend to assist with translation. The applicant confirmed that he was agreeable to Members and Officers knowing his name. He presented his case to the Sub-Committee, providing background information, and the circumstances surrounding the offence as detailed in the Officer's report.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that:

- He lived in Bilston;
- He had not declared the offence on the application form as the offence had been committed more than five years ago;
- If his application were successful he would work for an operator based in the Albrighton area;
- He currently held a badge with Wolverhampton City Council and had held that badge for approximately 6 or 7 years;
- He currently worked for a taxi firm in Wolverhampton but planned to leave this job up if he were granted a Shropshire Licence; and
- He had never had a licence suspended or revoked.

The Licensing Team Leader summed up the application and the Chairman invited the applicant 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 10.54 a.m. and reconvened at 10.57 a.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted.

Reasons: In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman advised the applicant of the importance of reading and understanding the conditions of licence, and reporting all convictions and cautions to the Licensing Authority within 7 days, in accordance with the conditions of licence.

492. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Officer in respect of an application for a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The Licensing Team Leader presented the report, in respect of Case 11, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB). In response to a question of the Licensing Team Leader, the applicant confirmed that he had passed the knowledge test.

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case, but had with him his brother as an observer. The applicant was agreeable to Members and Officers knowing his name. He presented his case to the Sub-Committee, providing background information, and the circumstances surrounding the offence as detailed in the Officer's report.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that:

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He had made an application to another licensing authority but had failed the knowledge test twice;
- He wanted to work in Shropshire as he felt that there were better opportunities;
- He had never had a licence refused by any other licensing authority; and
- Was currently employed at an airport but would give this job up if his application were successful.

The Licensing Officer summed up the application and the Chairman invited the applicant 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 11.26 a.m. and reconvened at 11.30 a.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted.

Reasons: In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman advised the applicant of the importance of reading and understanding the conditions of licence, and reporting all convictions and

cautions to the Licensing Authority within 7 days, in accordance with the conditions of licence.

493. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 9 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. She presented the report in respect of Case 9 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

494. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Team Leader in respect of an application for a Hackney Carriage/Private Hire Driver's Licence.

The Licensing Team Leader referred to the report and advised Members that Case 10 was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting. She presented the report in respect of Case 10 to the Sub-Committee, advising Members that the application had been deferred from a previous meeting because of non-attendance by the applicant.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be refused.

Reason: Members took into account the Council's guidelines relating to the relevance of convictions. They also took into account the history of non-attendance of the applicant and that as a consequence the Sub-Committee had been unable to seek further information from the applicant and the applicant had failed to abide by the directions issued by the Licensing Team Leader. Members considered the offences disclosed to be of a serious nature. The Sub-Committee could therefore not be satisfied that the applicant was a fit and proper person.

(The Sub-Committee went into public session at this point to consider the following item.)

495. 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 Shah 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).

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Shah (the applicant) and Mr 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 for Shifnal based operator, National Cars if his application were granted.

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

- He intended to work in the Bridgnorth area 5 days a week; 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 and the Chairman invited the applicant 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 11.44 a.m. and reconvened at 11.48 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 (5 days a week), within Zone 1 (Bridgnorth); and
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 went into private session at this point to consider the following item.)

496. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Consideration was given to an exempt report of the Licensing Officer in respect of an application for a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The Licensing Team Leader presented the report, in respect of Case 12, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB)

The applicant was in attendance and confirmed that he did not require a legal representative to be present during consideration of his case, but had with him a friend to help with translation. The applicant was agreeable to Members and Officers knowing his name. He presented his case to the Sub-Committee, providing background information, and the circumstances surrounding the offence as detailed in the Officer's report.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that:

- The offences had been committed during a difficult time in his personal life when he had no family with him for support;
- He had stopped drinking 6 years ago;
- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He had never applied to any other licensing authority for a licence;
- He wanted to work in Shropshire as it had been recommended to him by friends;
- He had previously worked in a bakery but was now unemployed; and
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand; and

The Licensing Officer summed up the application and the Chairman invited the applicant 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 12.07 p.m. and reconvened at 12.18 p.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted, subject to there being a written warning on the licence against future conduct. Any further convictions and the licence would be reviewed by the Sub-Committee.

Reasons: In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions, and had regard to the offences detailed in the Officer's report, and were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Chairman advised the applicant of the importance of reading and understanding the conditions of licence, and reporting all convictions and cautions to the Licensing Authority within 7 days, in accordance with the conditions of licence.

(The Sub Committee adjourned at 12.46 p.m. and reconvened at 1.30 p.m.)

(The Sub-Committee went into public session at this point to consider the following items.)

497. 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 Idris 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).

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Idris (the applicant) and Mr 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 make a business plying for hire in Zone 1. Mr Nolan confirmed that the applicant lived in the Sandwell area of Birmingham and it took him approximately 35 minutes to travel into the area.

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

- He had never worked as a Hackney Carriage or Private Hire driver before;
- He did not know any other applicants;
- He intended to ply for hire in Bridgnorth;
- He would not take pre-booked work in Birmingham;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand; and
- The applicant intended to start work immediately should his application be successful.

The Licensing Team Leader summed up the application and the Chairman invited the applicant 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 1.42 p.m. and reconvened at 1.51 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); and
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.

498. 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 Tariq Mahmood 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).

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Mahmood (the applicant) and Mr 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 part time, and as such he requested that the consideration of

the application be deferred as the Council's Policy would be frustrated. In response the Licensing Team Leader explained that the applicant could work part time but it would be important for the Committee to understand what the vehicle would be doing when not being used as a Hackney Carriage in the area.

Mr Nolan sought instruction from the applicant. Mr Nolan confirmed that the applicant wished consideration of his application to be deferred to a future meeting of the Licensing and Safety Sub-Committee.

RESOLVED:

That consideration of the application be deferred for future consideration.

499. 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 Abraham Ahmadi 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).

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Ahmadi (the applicant) and Mr Nolan (the applicant's legal representative) were in attendance. The applicant's son was also present for support. The applicant's legal representative presented the case to the Sub-Committee, confirming that the applicant intended to work for 5 – 6 days a week, plying for hire predominantly in Zone 1.

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

- A previous application had been refused by the Sub-Committee in November 2011 as the applicant had indicated that he intended to work in Wolverhampton and Bridgnorth;
- He had never had a licence suspended or revoked by any other Licensing Authority and the first refusal of an application was by Shropshire Council in November 2011;
- Since his last application a friend had informed him that there was plenty of work in Shifnal; 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 and the Chairman invited the applicant 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 14.14 and reconvened at 14.23 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 (5 – 6 days a week), 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 Chairman issued a warning to the applicant that if upon presentation of the required records he was found not to be plying for hire in Zone 1 (Bridgnorth) his licence may be revoked and this would make it very difficult to apply for licences in the future.

500. 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 Saleem Kimati 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).

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Kimati (the applicant) and Mr 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 fully aware of the Council's Policy and he intended to move his family to the area.

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

- He had never worked as a Hackney Carriage/Private Hire Driver before;
- He did not know any other individuals who has applied to work within Shropshire;
- He intended to park his vehicle in bus stops, at the train station and in supermarket car parks
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He intended to start work immediately should his application be successful;
- He would not take prebooked work in Birmingham

The Licensing Team Leader summed up the application and the Chairman invited the applicant 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 2.37 p.m. and reconvened at 2.43 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).
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.

501. 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 Sub-Committee were advised that Mr Yashir Ishfaq (the applicant), was not in attendance.

RESOLVED:

That the application be deferred for future consideration.

502. 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 Arslan Farooq whose home address was outside the Shropshire Council area the applicant had not indicated which Zone he intended to work within and had stated on his application form that he intended to work full time in Birmingham.

The Licensing Team Leader reminded the Sub-Committee that the Council's Cabinet, at the meeting on 8th February 2012, approved the Intended Use Policy for the Licensing of Hackney Carriages. This Policy was adopted to enable the Council to seek to ensure that decisions with regard to Hackney Carriage Licence applications were lawful and in line with recent case law.

Mr Farooq (the applicant) was in attendance. The applicant presented his case to the Sub-Committee, confirming that he was presently unemployed and needed taxi work to be able to support his family.

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

- He wanted to predominantly ply for hire in Birmingham
- His cousin was already a taxi driver in Birmingham;
- He had never worked as a Hackney Carriage or Private Hire Driver before; and
- He intended to use his Shropshire licensed vehicle to work with his cousin's base in Birmingham

The Licensing Team Leader summed up the application and the Chairman invited the applicant 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 3.04 p.m. and reconvened at 3.08 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 the applicant did not intend to ply for hire to a material extent in Zone 1 and that he 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 that he intended to use his Hackney Carriage solely in the Birmingham area. The Sub-Committee also took into account the answers given to their questions at the meeting and concluded that the vehicle would not be used in the Council's area and while the vehicle was out of the Council's area Officers could not inspect the vehicle or ensure that the Council's conditions were being complied with.

503. THE LICENSING OF HACKNEY CARRIAGE SALOON VEHICLES IN ZONE FOUR (FORMER BOROUGH OF SHREWSBURY AND ATCHAM)

Consideration was given to a report of the Licensing Team Leader in respect of the Licensing of Hackney Carriage Saloon Vehicles in Zone 4 (former Borough of Shrewsbury and Atcham).

The Council's Solicitor explained that the purpose of the report was to inform the Sub-Committee of the responses received from eight proprietors who had the benefit of three years' of grandfather rights and had been notified that their vehicles would not be permitted to be licensed within Zone Four upon renewal. The purpose of the report was not to make decisions on the eight licensed hackney carriages, these would be presented to the Sub-Committee on a case by case basis, as each licence came up for renewal.

The Licensing Team Leader presented the report to the Sub-Committee, which detailed eight proprietors and their vehicles that were currently licensed within Zone 4 and due for renewal during 2012 and the representations received from those proprietors who had been invited to consider whether there were exceptional circumstances that would justify licensing their vehicle outside of the Policy.

The Licensing Team Leader stated that Mr Storey's licence was due to expire on 7th March 2012 and that he had submitted a renewal application. Mr Storey was in attendance along with his representative Mr Nolan.

Mr P. Nolan (on behalf of Mr Storey), Mr R. Bruce, Mr B. Rabin, Mr M. Croll, Mr P. Jones and Mrs C. Lowe addressed the Sub-Committee reiterating the points made in their letters of representation.

The Licensing Team Leader in summing up, explaining that extensive consultation had been undertaken during the formation of the Policy and those present were given the opportunity to respond at that time.

The Sub-Committee debated whether or not it would be appropriate to refer the matter to the Strategic Licensing Committee, asking them to review the Policy on wheelchair accessible vehicles in Zone 4.

It was agreed that as the applications for renewal of Hackney Carriage Licence's from those with existing grandfather rights were submitted, they should be considered by the Licensing and Safety Sub-Committee, as exceptions to the Policy. Each application would be considered on a case by case basis to see if there were exceptional circumstances that would warrant granting an exception to the Policy.

In the case of Mr Storey whose licence and grandfather rights were due to expire on 7th March, his application would be considered by the Licensing and Safety Sub-Committee on 9th March 2012.

RESOLVED:

That the Licensing and Safety Sub-Committee instructs officers in the case of the application from Mr Storey and also any other applications for exceptions to the Policy for Saloon Vehicles in Zone 4, that these be presented to the Sub-Committee for consideration and not be determined by Officers. Each application to be considered on its own merits and on a case by case basis.

(The Sub-Committee went into private session at this point to consider the following item.)

504. CONDUCT OF A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER

Councillor Benyon having declared a prejudicial interest withdrew from the meeting whilst consideration of this item took place.

Consideration was given to an exempt report of the Licensing Officer in respect of the Conduct of a Hackney Carriage Vehicle Driver.

The subject of the report and his Solicitor were in attendance. The applicant's brother was also in attendance as an observer.

The Licensing Team Leader confirmed that the three witnesses were not in attendance. In response the subject of the report's solicitor requested that the case be dismissed as without the two main complainants the subject of the report could not be given a fair hearing as no cross examination could take place.

In response, the Council's Solicitor explained that the Committee had a quasi judicial role and so it should have the opportunity to cross examine any witnesses. Shropshire Council's Solicitor went on to explain that although the Sub-Committee could not insist the witnesses attend, they would have to consider how much weight could be given to the statements they had given as a result of their non-attendance. The Council's Solicitor suggested it may be appropriate to adjourn the matter to a future date when the witnesses were able to attend.

At 4.18 p.m. the meeting was adjourned to allow the Licensing Team Leader to contact the witnesses. The meeting was reconvened at 4.30 p.m. The Licensing Team Leader stated that she had spoken to two of the witnesses who confirmed that they would be able to attend the hearing on 9th March 2012.

RESOLVED:

That consideration of the Case in relation to the conduct of a Hackney Carriage/Private Hire Driver be adjourned until 9th March 2012, to allow the witnesses the opportunity to attend.

The Chairman stated that on this date consideration of the case would take place whether the witnesses were present or not.

CHAIRMAN:

DATE: