



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 FRIDAY 9 MARCH 2012**

9.30 a.m. – 5.50 p.m.

Responsible Officer Ann Almond

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PRESENT

Councillors: P Adams (Chairman Minute 505 - 516)
A Davies (Chairman Minute 517- 535)

B Baker (Minute 505- 516), T Barker (Minute 505 -516),
B Benyon (Minute 517- 535) and V Bushell (Minute 517- 535)

505. APOLOGIES FOR ABSENCE

There were no apologies for absence.

506. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

507. DECLARATIONS OF INTEREST/PREDETERMINATION

There were no declarations of interest.

508. 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 Rafaqat 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 Ali (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 ply for hire 4 days a week and advised that the applicant was currently unemployed and was undertaking a level 3 Construction Management course.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
 - He had not applied for a Hackney Carriage/Private Hire Vehicle Driver's Licence with another Licensing Authority;
- He did not know any other person who had applied for a licence from Shropshire Council;
- He would park his vehicle in Bridgnorth and Telford areas;
- He would use the vehicle for taxi work only;
- He was a family man and wanted flexibility with his working hours;
- He was attending college in Bordesley Green on Wednesdays, Thursdays and Fridays;
- He would not undertake any work within the Birmingham area;
- He had heard there was a lot of work within the Bridgnorth area; 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 9.50 a.m. and reconvened at 9.57 a.m. to announce their decision.

RESOLVED:

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

In making their decision, Members took into account that the applicant had indicated that he intended to work within the Telford area and concluded that the applicant did not appear to have knowledge of the Zone 1 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 in the area to a significant extent and while the vehicle was out of the Shropshire Council area, Officers could not inspect the vehicle or ensure that the Council's conditions were being complied with.

509. 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 Manawar Hussain 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 Hussain (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 currently unemployed and intended to ply for hire 3 days a week and that it would take him approximately 40 minutes to travel from his home address to Bridgnorth.

In response to questions raised by the Licensing Team Leader, the Solicitor 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 person who had applied for a licence from Shropshire Council;
- He would park his vehicle in bus stops, outside train stations and supermarkets in the Bridgnorth and Zone 1 areas;
- He did not know what a Hackney Carriage rank was;
- He intended to work 5 days a week, Mondays to Fridays, between the hours of approximately 8.00 a.m. and 4.00 p.m.;
- He would not undertake any work within the Birmingham area;
- He would consider some private hire work if he found there was no hackney carriage work, but was confident that he would find enough work within the Zone 1 area;
- He intended to start work immediately should his application be granted; 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 10.09 a.m. and reconvened at 10.16 a.m. to announce their decision.

RESOLVED:

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

In making their decision, Members took into account that the applicant had changed the number of days he would work within Zone 1 from 3 to 5, however they were not convinced that he intended to ply for hire, to a material extent, within Zone 1 (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 and while the vehicle was out of the Shropshire Council area, Officers could not inspect the vehicle or ensure that the Council's conditions were being complied with.

510. 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 Zain-UI-Abideen 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 Zain-UI-Abideen (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, at the time of completing the application form, the applicant had a part time delivery job hence including 3 days. However, the applicant had been made redundant and now intended to work 6 days a week and that it would take him approximately 30-35 minutes to travel from his home address to Bridgnorth.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He had visited areas in Zone 1, including Shifnal and Albrighton;
- He knew other taxi drivers who worked in Zone 1 whom he had spoken to and had said there was ample work available;
- He would park his vehicle outside pubs and restaurants, and at the bus stop in Bridgnorth, and any other safe place within the Zone 1 area;
- He intended to work 6 days a week, between the hours of approximately 5.00 p.m. and 2.00 a.m.;
- He would not undertake any pre booked work;
- He intended to start work immediately should his application be granted; 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 10.31 a.m. and reconvened at 10.39 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); 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.

511. 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 Aamir Hussain 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 Hussain (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, advising that the applicant had studied Zone 1 and had decided that it would not be viable for him to undertake Hackney Carriage work and wished to change his application to request a Private Hire Licence and intended to work for National Cars, based in Shifnal.

Members of the Sub Committee noted that, due to the request to change the application, the Hackney Carriage Licence application was withdrawn; the applicant would need to submit a Private Hire Licence application to the Licensing Team who would off set the fees to those already paid.

(The Sub Committee adjourned at 10.52 a.m. and reconvened at 11.08 a.m.)

512. 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 Raja Khan whose home address was outside the Shropshire Council area. She then advised of a discrepancy between the application form and the report, this being that the applicant wished to ply for hire within Zone 5 (Ludlow), not Zone 1 (Bridgnorth) as included within the report.

Mr Khan (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 had made an error on the application form and was intending to work within Zone 1 (Bridgnorth).

RESOLVED:

That consideration of an application for a Hackney Carriage Licence from Mr Raja Khan be deferred to the afternoon session of this meeting to enable him to amend the details on his application form, see Minute Number 523.

513. 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 Mohammad Ulhaq 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 Ulhaq (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 currently unemployed and intended to predominantly ply for hire within Zone 1 between the hours of approximately 4.00 p.m. to 2.00 a.m., and that it would take him approximately 40 minutes to travel from his home address to Bridgnorth.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He would park his vehicle outside restaurants, train stations and supermarkets in Bridgnorth and Zone 1 areas;
- He would use the vehicle for taxi work only;
- He had done some research in the area and found that Friday and Saturday nights were busy;
- He previously worked as a delivery driver;
- He did not think there were too many licensed vehicles in Zone 1;

- He intended to start work immediately should his application be granted; 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 11.23 a.m. and reconvened at 11.30 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); 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.

514. 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 Khan 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 Khan (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 ply for hire 7 days a week and had specifically purchased a vehicle for this job.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He would park his vehicle outside bars, restaurants and supermarkets in Bridgnorth and Zone 1 areas;
- It would take him approximately 35 minutes to travel, from his home address, to Bridgnorth.

- He had a satellite navigation system that would help improve his knowledge of the area;
- He intended to produce business cards;
- He intended to work approximately 10 hours a day, 7 days a week;
- He would consider some private hire work if he found there was not enough hackney carriage work and would have a radio installed in his vehicle;
- He intended to start work immediately should his application be granted; 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 11.43 a.m. and reconvened at 11.51 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); 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 adjourned at 11.53 a.m. and reconvened at 12.05 p.m.)

515. 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 the following item.

516. CONDUCT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

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

The Licensing Team Leader presented the report to the Sub Committee outlining the allegations made against the subject of the report.

The Licensing Team Leader reminded Members that the conditions of licence state that a licensed driver shall maintain a reasonable standard of appearance and will maintain a reasonable standard of behaviour in their dealings with other road users, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles. Licensed drivers should also co-operate with any reasonable request from an authorised Officer of the Council or any Police Officer. The Sub Committee needed to consider whether the subject of the report was a fit and proper person to continue to hold a licence, albeit there was no definition in legislation of a fit and proper person.

The subject of the report and his legal representative were in attendance and the applicant was agreeable to Members and Officers knowing his name.

Five witnesses were in attendance and were agreeable to Members and Officers knowing their names.

The Licensing Team Leader called upon a witness, who was not present at the time of the incident, who clarified to the Sub Committee the purpose of the taxi rank queuing system, he commented that the introduction of this system had been well received and had seen good press coverage.

In response to questions raised by the applicant's legal representative, the witness confirmed that:

- The taxi rank queuing system was operated by many other authorities;
- Marshals were in place to form an orderly queue of customers; and
- Marshals should not enter into disputes with drivers; they should inform drivers to take any matters up with the Licensing department.

The applicant's legal representative called upon the first of two witnesses that had made a statement against the subject of the report, and the first witness provided an account of the incident.

In response to questions raised by the applicant's legal representative, and the Sub Committee, the first witness confirmed that:

- He had been unable to attend the previous meeting as his vehicle had broken down and was unable to call as he had no credit on his phone;
- He felt threatened by the tone of voice, inappropriate language and general demeanour of the subject of the report;
- He had seen, on several occasions, the subject of the report call customers to his vehicle, by using hand gestures;
- No physical harm had been caused;
- His statement was made some months after the incident, but that it should be considered as a correct and accurate record; and
- He understood that Marshals were in place to keep a calm and orderly queue of customers.

The applicant's legal representative called upon the second of the two witnesses that had made a statement against the subject of the report, and the second witness provided an account of the incident.

In response to questions raised by the applicant's legal representative and the Sub Committee, the second witness confirmed that:

- He had seen the subject of the report call to customers, letting customers know he was available for hire, by using hand gestures;
- The subject of the report appeared to be an aggressive person, who used inappropriate language and finger pointing;
- He had undertaken four days training for his door supervisor badge; and
- He understood that Marshals were in place to ensure safety of customers and to encourage taxi drivers to keep an orderly queue, to stop any queue jumping.

The applicant's legal representative then presented the case to the Sub Committee, providing background information, and the circumstances surrounding the allegations as detailed in the Officer's report, he pointed out that there were discrepancies between the statements made by the two witnesses and the accounts given by the witnesses at this meeting.

In response to questions raised by the Sub Committee, the Licensing Team Leader and the Solicitor, the subject of the report confirmed that:

- He was not touting for business, if this were the case other taxi drivers would be first to let him know that he should not be pushing in the queue;
- He did not swear or have an aggressive behaviour as this would be inappropriate in front of customers;
- He did not drive at one of the witnesses, this was a very serious allegation that was simply not true, he was always mindful of pedestrians late at night;
- He had asked the Marshals not to interfere with his business and not harass him;
- He had regular customers who knew him well and liked the fares he charged;
- He had not welcomed the introduction of the taxi rank queuing scheme;
- He had requested that the Marshals should be replaced as the current staff were dangerous;
- He had chosen not to bring the passengers at witnesses;
- It was against the law to refuse a taxi fare without a reasonable excuse, as detailed in Section 53 of the Town Police Clauses Act 1847;
- In principle the taxi rank queuing system was good, however it was not introduced correctly and was not being run properly; and
- A customer was entitled to choose which taxi they wanted to get into.

The applicant's legal representative called upon a witness, who was not present at the time of the incident, who confirmed that he had never seen the subject of the report tout for business and that he saw the benefit of having a taxi rank queuing system, however he did not support the current personnel. He commented that he understood that the Marshals did not undertake any training.

(The Sub Committee adjourned at 2.05 p.m. and reconvened at 2.13 p.m.)

The applicant's legal representative called upon a further witness, who was not present at the time of the incident, who confirmed that he had been a taxi driver for many years and had never seen the subject of the report tout for business. He advised that Marshals were informing taxi drivers to park close together, which he did not do as if he was called to undertake a private hire job he would need to ensure that he could move his vehicle safely back onto the highway. He commented that he understood that the Marshals had not been shown what they needed to do.

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.

Councillors Peter Adams, Beverley Baker and Tim Barker retired to consider the matter in private at 2.31 p.m. and reconvened at 3.12 p.m. to announce their decision, see Minute Number 521.

(Councillors Andrew Davies, Vernon Bushell and Bill Benyon commenced the meeting from 2.38 p.m. in public session.)

517. 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 Yasir Ghaffar 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 Ghaffar (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 currently unemployed and intended to ply for hire 6 days a week in Shropshire.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He would park his vehicle in bus stops and outside train stations in Bridgnorth and Zone 1 areas;
- He would not undertake any work within the Birmingham area;
- He may consider moving to the area, if business was good;
- He intended to start work immediately should his application be granted; 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.

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.

518. 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 Hussain 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 Hussain (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 predominantly ply for hire within the Bridgnorth area and would be looking at bidding for contracts with the NHS and Schools. He also advised that it would take him approximately 35-40 minutes to travel from his home address to Bridgnorth.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He preferred contract work;
- He would park his vehicle outside restaurants, pubs, shops and outside train stations in Bridgnorth and Zone 1 areas;
- He intended to start work immediately should his application be granted; 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 2.48 p.m. and reconvened at 3.01 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.

519. 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 Tahir Hussain 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 2 (Wem).

Mr Hussain (the applicant) was in attendance and presented his case to the Sub Committee.

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

- He had previously driven a taxi vehicle in the Sandwell area, but had found there was not much work available;
- He wanted to work in a different place;
- He would park his vehicle outside pubs and train stations;

- He would not undertake any work within the Birmingham area;
- It would take him approximately 45-50 minutes to travel from his home address to Wem;
- He intended to work 6 days a week;
- He intended to start work immediately should his application be granted; 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.

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 2 (Wem); 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 Chairman advised the applicant of the importance of maintaining a complete and accurate record of journeys made.

520. 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 the following item.

(Councillors Andrew Davies, Vernon Bushell and Bill Benyon left the room during the announcement of the decision on the following item.)

(Councillors Peter Adams, Beverley Baker and Tim Barker joined the meeting at this point to announce their decision on the following item.)

521. CONDUCT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

See Minute Number 516 for discussion.

RESOLVED:

That generally the Sub Committee would expect a driver to comply with a reasonable request by a Marshal if passengers were directed to the front of a taxi queue, the Sub Committee do not think that any criminal offence would be committed; the cab-rank rule was used extensively throughout the country. On the specific allegations the Sub Committee did not find that there was enough evidence to show that the subject of the report tried to run down a Marshal. However, the Sub Committee found that the subject of the report's behaviour towards the Marshal on that night was inappropriate, the Sub Committee believed that the subject of the report swore at the Marshal and probably lost his temper, this was no doubt because, as subject of the report stated, the Marshal rubbed him up the wrong way. The subject of the report should act with civility towards the Marshals who the Sub Committee considered were acting as authorised officers of the Council. Therefore, the Sub Committee found that the relevant condition has been breached; the Sub Committee decided that the breach should be dealt with by way of a written warning as to the subject of the report's future conduct. This warning will remain on his file for three years and would be referred to if during that time the subject of the report comes before the Sub Committee again.

Councillors Peter Adams, Beverley Baker and Tim Barker then left the meeting at this point.

Councillors Andrew Davies, Vernon Bushell and Bill Benyon commenced the remainder of the meeting from 3.23 p.m. in public session.

522. 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 Baber Hussain 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 Hussain (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, advising that the applicant was a married man with two children, and confirmed that the applicant intended to predominantly work within Zone 1 and was confident he could make a living in this area.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;

- He would park his vehicle in bus stops, outside train stations and supermarkets in Bridgnorth and Zone 1 areas;
- He would not undertake any work within the Birmingham area;
- He would use the vehicle for taxi work only;
- It would take him approximately 40 minutes to travel from his home address to Bridgnorth;
- He intended to start work immediately should his application be granted; 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.

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.

523. 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 Raja Khan whose home address was outside the Shropshire Council area. She then advised that this application had been deferred from this morning's session, see Minute Number 512, as the applicant had made an error on his application form, this being that he wished to ply for hire within Zone 1 (Bridgnorth), as included within the report, not Zone 5 (Ludlow) as indicated on his application form. She also confirmed that, even with the amended application form, Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Khan (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 predominantly ply for hire within Zone 1 (Bridgnorth).

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

- He was currently licensed as a Private Hire driver with Sandwell Council, and that it was his intention to surrender this should he be granted a Shropshire Council licence;
- He would park his vehicle outside pubs and train stations in Bridgnorth and Zone 1 areas;
- He intended to work 5 days a week;
- He wanted the opportunity to undertake Hackney Carriage work;
- He would not undertake any work for Seven Seven, a Private Hire company in Sandwell;
- He intended to start work immediately should his application be granted; 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 3.39 p.m. and reconvened at 3.44 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.

524. 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 Khuran Nabeel 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 Nabeel (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 currently unemployed

and intended to establish a business in Zone 1, and that it would take him approximately 40 minutes to travel, from his home address, to Bridgnorth.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He had previously worked in a bakery;
- He did not know any other person who had applied for a licence from Shropshire Council;
- He would park his vehicle in bus stops and outside pubs and restaurants in Bridgnorth and Zone 1 areas;
- He intended to work 6 days a week and may consider moving to the area, if business was good;
- He intended to start work immediately should his application be granted; 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.

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.

525. 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 Aslam 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 Aslam (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 establish business, and predominantly ply for hire within Zone 1, and that it would take him approximately 40 minutes to travel from his home address to Bridgnorth.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He knew other taxi drivers who worked in Zone 1 whom he had spoken to and had visited the area and felt that there was ample work available;
- He had been to pubs in the area, had spoken with staff and found that the night life was busy;
- He would use the vehicle for taxi work only;
- He intended to work 6 days a week;
- He intended to start work immediately should his application be granted; 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.

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.

526. 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 Qasim Nadeem 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). She commented that a previous application had been refused by the Sub Committee.

Mr Nadeem (the applicant) and Mr Hussain (the applicant's friend) were in attendance. The applicant's friend presented the case to the Sub Committee, confirming that the applicant would like to work in Zone 1 (Bridgnorth) and also have the potential to work within Birmingham, however if this was not possible he would be happy to undertake work within Zone 1 (Bridgnorth) area 5 days a week.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He was currently unemployed;
- He may consider moving to the area, if business was good;
- He intended to start work immediately should his application be granted; 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 4.10 p.m. and reconvened at 4.14 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.

The Chairman advised the applicant of the importance of maintaining a complete and accurate record of journeys made.

527. 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 Usman Kayani 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). She commented that a previous application had been refused by the Sub Committee.

Mr Kayani (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 predominantly ply for hire within Zone 1, and that it would take him approximately 35-40 minutes to travel from his home address to Bridgnorth.

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

- He would use the vehicle for taxi work only;
- He intended to work 6 days a week, working between approximately 70 – 80 hours a week;
- He was currently unemployed;
- He would not undertake any work within the Birmingham area;
- He intended to produce business cards;
- He intended to start work immediately should his application be granted; 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 4.23 p.m. and reconvened at 4.26 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.

528. 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 Muhammed Khan 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). She then advised that since submission of the application, the applicant had changed the vehicle to a Toyota Avensis registration number FD55 0JR.

Mr Khan (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 currently unemployed and intended to predominantly ply for hire within Zone 1, 6 days a week.

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

- He had never worked as a Hackney Carriage or Private Hire Driver before;
- He would park his vehicle in bus stops, outside pubs and train stations in Bridgnorth and Zone 1 areas;
- He intended to work 6 days a week, between the hours of approximately 8.00 a.m. and 7.00 p.m.;
- He would not undertake any work within the Birmingham area; 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.

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
3. 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.

529. 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 Gulbhar Hussain 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 Hussain (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 predominantly ply for hire within Zone 1 and that it would take him approximately 40 minutes to travel from his home address to Bridgnorth.

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

- He had never worked as a Hackney Carriage Driver before;
- He previously worked as a Private Hire Driver for Birmingham City Council, but had his licence revoked due to too many points on his drivers licence, and confirmed that he did not reapply for his licence;
- He currently had 3 points on his licence;
- He previously worked as a club promoter;
- He intended to work 6 days a week;
- He would not undertake any pre booked work;
- He intended to start work immediately should his application be granted; 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.

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.

530. 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 Basharat 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 5 (Ludlow). Furthermore the applicant had indicated on the application form that he intended to work in the Shrewsbury area.

Mr Basharat (the applicant) was in attendance and presented his case to the Sub Committee, confirming that he had made an error on his application, this being that he had requested to work in Shrewsbury, but now understood that vehicles would need to be wheelchair accessible, he therefore only wanted to work within Zone 5.

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

- He had previously worked as a Private Hire Driver for Redditch Borough Council, however there was too much competition and had handed in his licence;
- He may consider moving to the area, if business was good;
- It would take him approximately 40 minutes to travel from his home address to Bridgnorth;
- He intended to start work immediately should his application be granted; 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 4.54 p.m. and reconvened at 4.56 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 5 (Ludlow); 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.

531. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Prior to consideration of the report, the Licensing Team Leader advised the Sub Committee that Mr Ijaz Khan, for a new application, was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting.

RESOLVED:

That consideration of an application for a Hackney Carriage Licence be deferred to a future meeting of the Licensing and Safety Sub Committee.

532. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Prior to consideration of the report, the Licensing Team Leader advised the Sub Committee that Mr Raja Shahmaun, for a new application, was not in attendance and had failed to notify the Licensing Section that he was unable to attend the meeting.

RESOLVED:

That consideration of an application for a Hackney Carriage Licence be deferred to a future meeting of the Licensing and Safety Sub Committee.

533. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Prior to consideration of the report, the Licensing Team Leader advised the Sub Committee that Mr Wajid Ali, for a new application, was not in attendance and had notified the Licensing Section that he was abroad.

RESOLVED:

That consideration of an application for a Hackney Carriage Licence be deferred to a future meeting of the Licensing and Safety Sub Committee.

534. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Prior to consideration of the report, the Licensing Team Leader advised the Sub Committee that Mr Mohammed Kabeer, for a new application, was not in attendance and had notified the Licensing Section that he was in Pakistan.

RESOLVED:

That consideration of an application for a Hackney Carriage Licence be deferred to a future meeting of the Licensing and Safety Sub Committee.

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

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

The Licensing Team Leader presented the report to the Sub-Committee, advising Members that the vehicle did not meet current policy for Zone 4, as it was not wheelchair accessible, and the Sub Committee needed to consider whether there were any exceptional circumstances to warrant licensing a vehicle outside of this policy.

Mr Storey (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, stating that the Sub Committee had the power to depart from the policy where there were exceptional circumstances.

The applicant’s legal representative explained that the applicant had been a Hackney Carriage driver for a number of years, he was 70 years of age and following his yearly medical examination his doctor had provided written confirmation that the applicant was unable to lift heavy items, including pushing a wheelchair up a ramp. Furthermore, he commented that it would be unreasonable to require the applicant to purchase a vehicle that was wheelchair accessible as he would require a loan, and was only intending to continue to work for a couple more years. He respectfully submitted that these three factors together, age, medical and financial, were exceptional circumstances that would warrant licensing his vehicle outside of policy.

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

- He did not want to undertake Private Hire work;
- A second hand wheelchair accessible vehicle would cost between approximately £5,000 and £10,000, and a new wheelchair accessible vehicle would cost between approximately £20,000 and £25,000;
- He had type 2 diabetes;
- He knew Shrewsbury town exceptionally well, having worked in and around Shrewsbury for 25 years; and
- His medical examination confirmed that he was fit to drive a taxi, handling luggage, however he could not lift or move heavy items.

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 5.31 p.m. and reconvened at 5.48 p.m. to announce their decision.

RESOLVED:

That the renewal application for a saloon Hackney Carriage in Zone Four (former Borough of Shrewsbury and Atcham) be granted.

Reasons: After hearing the representations the Sub Committee considered that the three factors together, age of the applicant, the letter from the applicant’s medical practice and the financial commitment that would be required, were exceptional reasons to warrant licensing the vehicle outside of policy. Furthermore, the applicant’s long service within the town was noted.

Chairman:

Date: