

**Committee and Date**Licensing and Safety  
Sub Committee18<sup>th</sup> July 2012**Item****2**

Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD  
ON TUESDAY, 28<sup>th</sup> MARCH 2012**

9.30 a.m. – 6.18 p.m.

**Responsible Officers** Emily Marshall (Minutes 562 - 579) and Shelley Davies  
(Minutes 580 – 593)  
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**Present**

Councillors: P. Adams (Chairman Minute 562 – 579 and 587 - 593)  
Mrs B. Baker (Chairman Minute 580 – 586), T. Barker,  
W. Benyon (Minute 580 – 593), V. Bushell and K. Roberts (Minute 569 –  
588).

**562. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor A. Davies (Councillor K. Roberts was in attendance as his substitute).

**563. MINUTES****RESOLVED:**

That the Minutes of the meeting of the Licensing and Safety Sub-Committee held on 20<sup>th</sup> January 2012 be approved as a correct record and signed by the Chairman.

**564. PUBLIC QUESTION TIME**

There were no public questions, statements or petitions received.

**565. DECLARATIONS OF INTEREST**

None received.

**567. EXCLUSION OF PUBLIC AND PRESS****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 agenda items 6 to 19.

**568. 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 Officer presented the report, in respect of Case 1, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA). The Licensing Officer confirmed that the applicant had only declared convictions for motoring offences on the application form. The applicant had not declared any criminal convictions.

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. The applicant confirmed that he was agreeable to Members and Officers knowing his name. The applicant presented his 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:

- He had previously held a licence with another Licensing Authority, but he had not renewed this licence and it had now expired;
- He had held this licence for five years and during that time had received no complaints;
- He had not declared the convictions on his application form due to an oversight; and
- He had decided not to renew his licence that he previously held because the company he wished to work for now operated mainly within Shropshire

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.

**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.

*Councillor K. Roberts joined the meeting at this point.*

**569. 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 Officer presented the report, in respect of Case 2, to the Sub-Committee providing information on the offence disclosed by the Driver and Vehicle Licensing Agency (DVLA).

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. 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 currently held a valid licence with another licensing authority; and
- He would surrender this licence if his application were successful;
- He wished to work within Shropshire as he believed it was a safer area than the area that he worked in at present; and
- He was in his taxi when the offence was committed, but he was stationary.

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.

**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.

***At this point the Licensing and Safety Sub-Committee requested that Mr Patrick Nolan who represented several applicants for Hackney Carriage Licences, contact his clients to advise them that where possible, today and in the future, he will conduct them in writing and they will be dealt with in accordance with the new scheme of delegation.***

#### **570. 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 Officer presented the report, in respect of Case 6, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA). The Licensing Officer confirmed that the applicant had only partially declared the convictions on his application form.

The applicant and his legal representative were in attendance. The applicant confirmed that he was agreeable to Members and Officers knowing his name. The applicant's legal representative presented the 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 stated that:

- He had not declared the criminal convictions on his application form in error and it was not a deliberate attempt to mislead the Sub-Committee;
- The offences were committed when the vehicle was not in his ownership;
- He had sold his vehicle and had failed to notify the DVLA of the change of ownership;
- It was the purchaser of his vehicle who had committed the offences;
- This was his first application for a Hackney Carriage/Private Hire Licence;
- He would relocate his family to the Shropshire area if his licence was granted;

The Council's Solicitor advised the Sub-Committee that they could not look behind the convictions and the applicant must be treated as if he was guilty.

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 10.27 a.m. and reconvened at 10.32 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 saw no reason to make an exception to the Policy. In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions, and their overriding 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.

**571. 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 Officer presented the report, in respect of Case 4, to the Sub Committee providing information on the offences disclosed by the Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA).

The applicant was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. 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. The applicant explained that he was a father and was now a strict practicing Muslim.

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 currently worked as a delivery driver;

- He was a family man and planned to relocate his family to live in Telford should his licence be granted;
- He was a dedicated and practicing Muslim and planned to travel to the holy city of Mecca;
- As a practising Muslim drinking alcohol was forbidden; and
- He was able to provide the Licensing Officer with a reference;

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 10.52 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 answers given to their questions and the applicant's assurances as evidence that the applicant had changed his way of life. Members of the Sub-Committee also 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 warned the applicant that any further convictions would result in the applicant coming back before the Sub-Committee.

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.

**572. 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 Officer presented the report, in respect of Case 7, to the Sub Committee providing information on the offence disclosed by the Criminal Records Bureau (CRB).

The applicant and his legal representative were in attendance. The applicant confirmed that he was agreeable to Members and Officers knowing his name. The applicant's legal representative presented the 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 stated that:

- He did not currently hold a licence with any other licensing authority;
- He had misunderstood the questions on the application form and this was the reason he had not declared the criminal conviction at the time of application;
- He had with him a reference from the Pastor at his Church;
- He knew that he was committing an offence at the time, but believed he was doing the best for his family;
- If his application were successful he would work with an operator based in Birmingham; and
- His family's circumstances had not changed.

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 11.29 a.m. and reconvened at 11.35 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 saw no reason to make an exception to the Policy.

In making their decision, Members of the Sub-Committee took into account the fact that the applicant did not declare the conviction on the application form; the guidelines relating to the relevance of convictions, their over-riding duty in relation to the safety of the public, and the nature and seriousness of the offence 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 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.

**573. 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 Officer presented the report, in respect of Case 10, to the Sub Committee explaining that the application was for a renewal of a Hackney Carriage/Private Hire Vehicle Driver's Licence and providing information on the offences disclosed by the Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA). The Licensing Team Leader

confirmed that the applicant had only partially declared the offences on the application form.

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 uncle for support and 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 offences as detailed in the Officer's report.

The applicant explained to the Sub-Committee that he had not declared the two most recent offences on the application form as he was unaware that they existed until he had read the report on the day of the meeting. He believed them to have been committed by another individual who had used his name. The applicant stated that he had never been to Germany. The applicant confirmed that he was working for Central Taxis in Shrewsbury at the time the offences were committed. The applicant stated that Central Taxis could fax through his time sheet for the period, which would prove that he was at work at the time the offences were committed.

*The meeting was adjourned at 11.48 a.m. to allow the Licensing Officer time to receive the fax from Central Taxis. The Sub-Committee reconvened at 11.57 a.m.*

The Licensing Officer confirmed that he had received a fax from Central Taxis which detailed the applicant's work log for the period January and December 2011 and confirmed that the applicant's unique PIN number had been entered onto the system at the time the offences took place. The Licensing Officer had also spoken to the Manager at Central Taxis.

In response to questions raised by the Licensing Officer and the Sub-Committee, the applicant confirmed that he held a Pakistani Passport. The applicant stated that he was willing to provide his passport to the Licensing Officer for checking as proof that he had not visited Germany.

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.

**RESOLVED:**

That the licence be renewed without prejudice until 30<sup>th</sup> June 2012, and that the Licensing Team Leader be given delegated authority to renew the licence subject to her making further enquiries. By that time the applicant was expected to have received his passport and made it available for the Licensing Officer to check. If the Licensing Team Leader were to satisfy herself that the applicant was not in Germany at the time of the offences the licence be renewed.



**574. 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 Sub-Committee were advised that Case 3 was not in attendance.

**RESOLVED:**

That the application be deferred to a future meeting of the Licensing and Safety Sub-Committee.

**575. 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 Sub-Committee were advised that Case 5 was not in attendance.

**RESOLVED:**

That the application be deferred to a future meeting of the Licensing and Safety Sub-Committee.

**576. 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 Sub-Committee were advised that Case 8 was not in attendance.

**RESOLVED:**

That the application be dealt with under delegated powers.

**577. 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 Sub-Committee were advised that Case 9 was not in attendance.

**RESOLVED:**

That the application be dealt with under delegated powers.

**578. CONDUCT OF A HACKNEY CARRIAGE/PRIVATE HIRE 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 Officer presented the report to the Sub Committee outlining the allegations made against the subject of the report.

The Licensing Officer informed the Sub-Committee that the subject of the report was not in attendance and the Licensing Officer had been unable to contact him.

**RESOLVED:**

That the suspension of the Hackney Carriage/Private Hire Driver's Licence continues pending the outcome of the matter.

**579. 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 Sub-Committee were advised that Case 12 was not in attendance.

**RESOLVED:**

That the application be deferred to a future meeting of the Licensing and Safety Sub-Committee.

*(The meeting was adjourned at 12.45 p.m. and reconvened at 1.15 p.m.*

*Councillor Bill Benyon joined the meeting at this point and Councillor Peter Adams left the meeting at this point.*

*Mrs Beverley Baker was elected Chairman for the following items.)*

**580. CONDUCT OF A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER**

Consideration was given to an exempt report of the Licensing Assistant in respect of the conduct of a licensed Hackney Carriage/Private Hire Driver (Agenda Item 18).

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

A witness was in attendance and was agreeable to Members and Officers knowing her name.

The Licensing Officer called upon the witness, who was present at the time of the incident, who confirmed that the statement circulated was an accurate account of what occurred and that she had nothing further to add.

In response to questions raised by the subject of the report, Council Solicitor and Members of the Sub-Committee, the witness confirmed that:

- The driver may not have been running but approached her quickly;
- The driver said he had been in the coffee shop for 5 minutes;
- She had noticed the vehicle while walking down Pride Hill and detailed standard procedure for issuing a Penalty Charge Notice (PCN);
- The driver came out of the coffee shop in an aggressive manner;
- The driver threw the PCN on the floor at her feet;
- The driver used the word 'jobsworth' as stated in her statement;
- She was in full uniform at the time of the incident;
- The driver was aggressive towards the driver of another vehicle;
- She informed the other driver that she could not park in the bus stop;
- Her colleague went to investigate a vehicle in the shoplatch area; and
- The driver drove off in an erratic manner.

The subject of the report presented his case to the Sub Committee, providing background information, and the circumstances surrounding the allegations as detailed in the Officer's report.

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

- He had held a Hackney Carriage/Private Hire Drivers' Licence for 9 years;
- He had previously received a PCN, whilst working as a delivery driver;
- He threw the PCN on the floor not at the Enforcement Officer;
- If he did swear it would have been under his breath
- His behaviour was not aggressive;
- He had not received any complaints from customers and was well liked;
- He was only in the coffee shop for a few minutes to use the toilet;
- He had only parked in the bus stop as it was a Sunday and buses were not running; and
- He had appealed the PCN but the appeal was refused.

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 2.01 p.m. and reconvened at 2.13 p.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 that remain on file for 2 years. Members considered that although the evidence was contradictory, the driver had acted inappropriately.

Reasons: In making their decision, Members of the Sub Committee took into account the licence conditions and especially the level of behaviour expected of a hackney carriage/private hire driver.

**581. CONDUCT OF A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVER**

Consideration was given to an exempt report of the Licensing Assistant in respect of the conduct of a licensed Hackney Carriage/Private Hire Driver (Agenda Item 19).

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

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

A witness was in attendance and was agreeable to Members and Officers knowing his name.

The Licensing Officer called upon the witness, who was present at the time of the incident, who confirmed that the statement circulated was an accurate account of what occurred and that he had nothing further to add.

In response to questions raised by the subject of the report, Council Solicitor and Members of the Sub-Committee, the witness confirmed that:

- He went to the Taxi Office to check if there was a customer waiting before he spoke to the driver; and
- The vehicle was causing an obstruction in the road.

The subject of the report presented his case to the Sub Committee, providing background information, and the circumstances surrounding the allegations as detailed in the Officer's report.

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

- He had held a Hackney Carriage/Private Hire Drivers' Licence for 15 years;
- He was parked alongside the parking bays, as these were occupied;
- He was not causing an obstruction as the traffic was running freely;
- He was parked for 1 – 1 ½ minutes;
- He called the Enforcement Officer a 'Jobsworth Muppet';
- He did not lose his temper but may have raised his voice; and
- He did not raise his voice while the customer was present.

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 2.41 p.m. and reconvened at 2.51 p.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 that remain on file for 12 months. Members considered that although the evidence was contradictory, the driver had acted inappropriately.

Reasons: In making their decision, Members of the Sub Committee took into account the licence conditions and especially the level of behaviour expected of a hackney carriage/private hire driver.

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

#### **582. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Abdulhadi Zori 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 4 (Shrewsbury). The Licensing Officer confirmed that the applicant's vehicle was wheelchair accessible.

Mr Zori (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 during the

night in the Zone 4 area and would consider moving to Shropshire if his application was successful.

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

- He had previously worked as a Hackney Carriage Driver in the Sandwell area;
- He would like to move to the Shropshire area;
- He would ply for hire outside nightclubs such C21;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He would start work immediately should his application be granted; and
- If his application was successful he would surrender his Sandwell plate;

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.

**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 4 (Shrewsbury) and not keep or work with the vehicle for a substantial amount of time out of the Zone.
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.

**583. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Wahid Aktar whose home address was outside the Shropshire Council area, in the Aston area of Birmingham and Officers were not satisfied that the applicant intended, to a material extent, to ply for hire within Zone 1 (Bridgnorth).

Mr Aktar (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 worked as a Private Hire Vehicle Driver in Walsall and intended to ply for hire in Zone 1.

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 Driver but held a Private Hire Driver Licence;
- He had never had a Licence suspended or revoked;
- He intended to park his car at bus stops and outside supermarkets when plying for hire;
- He would work for a Private Hire operator if he found there to be no Hackney Carriage work;
- He would start work immediately should his application be granted;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He had worked in Walsall for 3 years and would surrender his vehicle plate if his Shropshire application was successful, but would renew his Drivers badge; and
- He knew of other applicants that had their licences granted for Zone 1.

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 3.15 p.m. and reconvened at 3.20 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 not keep or work with the vehicle for a substantial amount of time out of the Zone.
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.

**584. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Khawaja Ansar 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). In response to a question from a Member, the Licensing Officer confirmed that

Mr Ansar was issued a Hackney Carriage/Private Hire Vehicle Licence last Summer.

Mr Ansar (the applicant) was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. The applicant presented his case to the Sub-Committee confirming that he wanted to work in the Bridgnorth 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 knew friends who worked as Hackney Carriage Drivers in Zone 1;
- He would consider working for a Private Hire Operator in Shropshire;
- He intended to ply for hire from the airport, train station, pubs and shopping areas;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- If successful he intended to start work in 2 weeks time, once his vehicle was insured;
- He intended to work only in Bridgnorth and was not aware of other towns in Zone 1;
- He intended to move to the Shropshire area if his application was successful;
- He intended to work 5 days a week 8 – 10 hours a day during the daytime in Zone 1; and
- He had previously worked as a delivery driver and a tailor.

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 3.36 p.m. and reconvened at 3.42 p.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 the answers given to their questions at the meeting and concluded that the applicant did not appear to have knowledge of the Zone 1 area. They considered that the applicant did not have a true intention to ply for hire, to a material extent in Zone 1. They considered that there was every possibility that the applicant would work with his vehicle, to a substantial degree, out of the Council's area.

**585. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Majid 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 5 (Ludlow).

Mr Hussain (the applicant), Mr Nolan (the applicant's legal representative), and the applicant's wife were in attendance. The applicant's legal representative presented the case to the Sub-Committee, confirming that the application was a joint venture for Mr Hussain and his wife and stated that they had researched the Zone 5 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 was currently unemployed;
- He would consider changing to a Private Hire Driver if he found there was no Hackney Carriage work;
- He would ply for hire in the ranks at the train station and in Bullring Street;
- He had not approached a Private Hire operator for work;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He would start work immediately should his application be granted;
- He intended to work Monday – Friday during the daytime in Zone 5; and
- He would consider changing the days he worked if he found that demand was higher at weekends.

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 4.05 p.m. and reconvened at 4.09 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 (5 days a week), within Zone 5 (Ludlow).
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.

## **586. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Qamar Shabaz 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). In response to a question the Licensing Officer confirmed that the applicant's vehicle was 13 years old.

Mr Shabaz (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 wanted to work as a Hackney Carriage Driver in Shropshire and had previously worked as a SIA door supervisor.

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 would ply for hire in bus stops and outside pubs in the area;
- He would consider taking a pre-booked job for his family;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He would start work immediately should his application be granted;
- He intended to work 2 - 3 days a week in the evening Thursday – Saturday (building up to 6 days a week) in Zone 1;
- He did not want to work in Birmingham as it was not financially viable; and
- He would consider changing to a Private Hire Driver if he found there was no Hackney Carriage work.

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 6.25 p.m. and reconvened at 4.29 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 not keep or work with the vehicle for a substantial amount of time out of the Zone.

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.

*Councillor Adams (Chairman) joined the meeting at this point and chaired the remainder of the meeting.*

## **587. 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 Officer presented the report to the Sub-Committee, advising Members that an application had been received for a Hackney Carriage Licence from Mr Basil Mohammed 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 Mohammed (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 a driver in Sandwell.

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

- He currently held a Sandwell Hackney Carriage Licence;
- He had friends that held a Shropshire Council Licence;
- He was due to change his vehicle in the near future
- He would ply for hire outside pubs;
- He would work 6 days a week during the usually during the daytime and Friday – Saturday night in Zone 1;
- He was prepared to keep full and complete records of customers and mileage to be presented to the Licensing Team on demand;
- He would start work immediately should his application be granted;
- His new vehicle would be wheelchair accessible;
- He would let his Sandwell licence lapse if his application was successful; and
- He had visited Bridgnorth and Shifnal to research the area.

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 4.46 p.m. and reconvened at 4.51 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 (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.

**588. 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 Four (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 Rabin (the applicant) was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. The applicant presented his case to the Sub-Committee, stating that he had a medical certificate to state that he was not able to push a wheelchair onto a vehicle. He added that he would suffer financial hardship if his Hackney Carriage Licence was not renewed. The medical certificate and letters received from Shropshire Council were circulated to Members.

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

- He had not purchased a wheelchair accessible vehicle as he was unable to push a wheelchair due to medical reasons;
- He read an article about proposed changes to the taxi policy and assumed that the policy in relation to Wheelchair accessible vehicles had been amended;
- He did not want to undertake Private Hire work;
- He was informed by a Licensing Officer prior to the purchase of his current vehicle that consultation was ongoing but it was suggested that the requirement for wheelchair accessibility would be removed;
- Wheelchair accessible vehicles were expensive; and

- It was better for the public to have a mixed fleet of vehicles.

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 5.34 p.m. and reconvened at 5.54 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, to run no later than March 2012.

That the licence be personal to the applicant so that no transfer of the vehicle licence is permitted.

Reasons: After hearing the representations the Sub Committee considered that the particular circumstances of the applicant including his particular medical reasons made him an exceptional case to warrant licensing the vehicle outside of policy until March 2014 when the vehicle hire agreement ends.

*(Councillor Keith Roberts left the meeting at this point.)*

#### **589. 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 Four (former Borough of Shrewsbury and Atcham).

The Licensing Officer 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. The current grandfather rights on his saloon vehicle expired on the 31<sup>st</sup> March 2012.

Mr Williams (the applicant) was in attendance and confirmed he did not require a legal representative to be present during consideration of his case. The applicant presented his case to the Sub-Committee, stating that he had previously worked as a Private Hire Vehicle Driver but had transferred to a Hackney Carriage Driver following a dip in Private Hire trade. He asked for an exemption to the Policy due to the financial hardship he would suffer if his Hackney Carriage Licence was not renewed.

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

- He did not want to return to Private Hire work as he felt it was not economically viable;
- When he purchased the vehicle 18 months ago he did not realise that the vehicle would not be licensed as a Hackney Carriage in zone 4 after 31<sup>st</sup> March 2012;
- He would have purchased a wheelchair accessible vehicle if he had been aware of the policy;
- He had driven private hire vehicles from 1986 until the purchase of his Hackney Carriage in 2010;
- There was no outstanding finance on the vehicle;
- He purchased the vehicle from a Driver who had retired from the business;
- He preferred to work on the ranks in Shrewsbury and would not consider becoming Private Hire Operator;
- He did not want to work in another zone as he had been a Driver in Shrewsbury for 26 years; and
- He had not read the Shropshire Council Hackney Carriage Licensing Policy when he purchased his Hackney Carriage.

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 6.08 p.m. and reconvened at 6.15 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 refused, in line with policy.

Reasons: Members understood the applicant's position but having taken account of his submissions they decided that there were no exceptional reasons why the applicant's vehicle should be made an exception to the Council's clear policy.

**590. 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 Waheed Raja (the applicant), was not in attendance.

**RESOLVED:**

That the application be deferred for future determination.

**591. APPLICATION FOR A HACKNEY CARRIAGE LICENCE**

The Licensing Officer advised the Sub Committee that the application regarding Mr Shakim Dad (the applicant), had been withdrawn.

**592. 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 Ali Hayat (the applicant), was not in attendance.

**RESOLVED:**

That the application be dealt with under delegated powers.

**593. 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 Saeed Mohammed (the applicant), was not in attendance.

**RESOLVED:**

That the application be dealt with under delegated powers.

Chairman:.....

Date:.....