

**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 WEDNESDAY, 20<sup>TH</sup> JUNE 2012**

9.30 a.m. – 11.56 a.m.

**Responsible Officers** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Telephone: 01743 25272

---

**Present**

Councillors: P. Adams (Chairman)  
A. Davies, T. Barker, V. Bushell, R. Evans (Substitute for Councillor B.  
Baker) and R. Taylor-Smith (Substitute for Councillor B. Benyon).

**1. ELECTION OF CHAIRMAN****RESOLVED:**

That Councillor Peter Adams be elected Chairman of the Sub-Committee for the ensuing year.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B. Baker (Councillor R. Evans was in attendance as her substitute) and Councillor B. Benyon (Councillor R. Taylor Smith was in attendance as his substitute).

**3. APPOINTMENT OF VICE-CHAIRMAN****RESOLVED:**

That Councillor Andrew Davies be appointed Vice-Chairman for the ensuing year.

**4. MINUTES****RESOLVED:**

That the Minutes of the meetings of the Licensing and Safety Sub-Committee held on 1<sup>st</sup> February, 29<sup>th</sup> February, 9<sup>th</sup> March and 13<sup>th</sup> March 2012 be approved as a correct record and signed by the Chairman.

The Sub-Committee noted that approval of the Minutes of the meeting held 28<sup>th</sup> March 2012 was deferred until the next meeting of the Sub-Committee.

**6. PUBLIC QUESTION TIME**

There were no public questions, statements or petitions received.

**7. DECLARATIONS OF INTEREST**

None received.

**8. 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 within Zone 4 (Shrewsbury). The vehicle was a Cycles Maximus Pedi Cab. Photographs of the vehicle were shown to the Sub-Committee. The Licensing Officer explained that Shropshire Council had never licensed this type of vehicle before and so if the Committee were minded to approve the application, they would have to consider the conditions that would be attached to the licence. The Licensing Officer felt that it might be appropriate to request that the applicant submit an operating schedule detailing proposed routes and a table of fares.

Mr Harrison (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 as far as he was aware the closest town to Shrewsbury with similar vehicles in operation was Hereford. The applicant also confirmed that it was his intention to operate on a tips only basis and generate revenue through advertising on the Pedi Cab.

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

- He currently held a Hackney Carriage Driver's Licence;
- He did not hold a cycle proficiency certificate;
- He had made enquiries with a local cycle shop who had agreed to undertake regular safety checks on the Pedi Cab;
- He intended to operate during the day and evenings;
- He intended to only operate within Shrewsbury Town Centre; and
- He believed he could keep passengers safe as the speed limit in the town centre was 20 mph and he would be happy to keep his headlights on at all times as buses did.

The Licensing Officer summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making it's decision.

Members of the Sub-Committee retired to consider the matter, in private, at 10.09 a.m. and reconvened at 10.28 a.m. to announce their decision.

**RESOLVED:**

That determination of the application be deferred for two weeks to allow further information to be gathered.

The Chairman advised the applicant that if the Sub-Committee were to grant the application, there would be certain terms and conditions that would be imposed to ensure the safety of the public. These might include;

- The setting of a maximum number of passengers;
- Relevant Insurance to be in place;
- The applicant to undertake a cycling proficiency test, with a copy of the certificate gained, to be passed to the Licensing Officer;
- That the pedi cab is safety tested three times per year by an appropriate cycle firm; and
- That the headlights remain on at all times

**9. 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 the following items.

*The Licensing Officer requested that Case 2 be considered as the next item of business.*

**10. 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 Criminal Records Bureau (CRB) and the Driver and Vehicle Licensing Agency (DVLA).

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 confirmed that:

- He got his DVLA licence back in June 2009;

- He had previously held a Private Hire Licence with an other authority, but that this licence had been revoked; and
- He currently held a 6 month Private Hire Licence with another Licensing authority.

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 11.16 a.m. and reconvened at 11.30 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. The Sub-Committee also felt concerned that the applicant had disregard to the requirements of previous licences held.

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.

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

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

The Licensing Officer presented the report, in respect of Case 1.

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 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:

- There was no violence committed;
- He had no previous convictions of any kind; and

- The incident that had lead to the conviction occurred before the applicant was working as a taxi driver.

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 11.48 a.m. and reconvened at 11.54 a.m. to announce their decision.

**RESOLVED:**

The Sub-Committee were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Licence and decided that no further action be taken as the conviction did not involve violence, however if there were any further convictions of a similar nature in the future this may be considered as part of a pattern.

Reasons: The Sub-Committee took into account that the applicant had adhered to the terms and conditions of his licence and had informed the Licensing Officer of the conviction. In making their decision, Members of the Sub-Committee also took into account the guidelines and had regard to the information detailed in the Officer's report.

Chairman:.....

Date:.....