

**Committee and Date**Licensing and Safety
Sub Committee15th August 2012**Item****2**

Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD
ON WEDNESDAY, 3RD JULY 2012**

9.30 a.m. – 10.48 a.m.

Responsible Officers Shelley DaviesEmail: shelley.davies@shropshire.gov.uk

Telephone: 01743 252719

PresentCouncillors: P. Adams (Chairman)
B. Baker, T. Barker, B. Benyon, V. Bushell and. A. Davies.**12. APOLOGIES FOR ABSENCE**

None received.

13. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

14. 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 and the matter had been deferred by the Sub-Committee at the meeting held on 20th June 2012 to allow further information to be gathered. Photographs of the vehicle were shown to the Sub-Committee.

The Licensing Officer reported that following legal advice the recommendation in the report had been amended. It was explained that approval of the application would constitute a change to the Council's Hackney Carriage Policy and therefore would require consultation with the trade and approval from Strategic Licensing Committee and Cabinet.

In response to questions from the Sub-Committee, the Licensing Officer and Council's Solicitor confirmed that:

- The Sub-Committee had power to grant an exception to policy in exceptional circumstances;
- There had been no response from the Licensing Authorities contacted in relation to a request for information regarding the licensing of Pedi Cabs;
- The legal issue of a Pedi Cab using a cycle lane was unclear; and
- The applicant was in the process of obtaining a Driver's Licence.

The meeting was adjourned at 9.38am for the Council's Solicitor to give the Sub-Committee legal advice, the meeting reconvened at 10.02am.

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 it was his intention to operate on a tips only basis during the day and evenings.

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

- He did not currently hold a Hackney Carriage Driver's Licence;
- He did not hold a cycle proficiency certificate but had looked into courses;
- He would rely on revenue generated through advertising on the Pedi Cab for income;
- He had read the Hackney Carriage policy in relation to advertising;
- He would stay within the guidelines of the policy in relation to adverts on the Pedi Cab;
- He was in agreement for the Hackney Carriage Licence to be in his name only and non transferrable;
- He was in agreement for the Police and Highways Team to be consulted on the matter;
- He intended to operate solely within Shrewsbury Town Centre;
- He intended to travel on roads as he believed the vehicle was too wide for most cycle lanes;
- He was willing to accept the conditions as detailed in Appendix 2 of the Licensing officer's report; and
- He intended to store the vehicle in a garage.

The applicant agreed that the relevant matters, set out above and where applicable, should be made conditions of licence.

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.

At 10.15am Members left the room to inspect the vehicle.

Members of the Sub-Committee retired to consider the matter, in private, at 10.23 a.m. and reconvened at 10.43 a.m. to announce their decision.

RESOLVED:

That the Sub-Committee were minded to approve the application pending consultation with the Police and Highways Team that, subject to such consultation, the Licensing Officer, in consultation with the Chairman, be granted delegated powers to grant the licence, for a 6 month trial period, subject to the licence being personal to the applicant and the conditions as listed in Appendix 2 of the report, in particular that:

- The vehicle remained manually propelled;
- The driver must not demand any fare from the passenger in connection with any journey;
- The driver must have passed an appropriate cycle proficiency test at a certain level as set by the Licensing officer; and
- The driver held a hackney carriage driver's licence.

The Chairman explained that as approval of the application had been made as an exception to the current policy the matter of the licensing of such vehicles in zone 4 generally would be reviewed, following consultation, at a future meeting of Strategic Licensing Committee. It was stressed to the applicant that any decision of the Strategic Licensing Committee would have a direct effect on the Hackney Carriage Licence for the Pedi Cab and it could well mean that the licence would not be renewed.

Chairman:.....

Date:.....