



Committee and Date  
Strategic Licensing  
Committee

16 February 2011  
10am

Item

**3**

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON  
WEDNESDAY 15 DECEMBER 2010 AT 9.30AM IN THE SHREWSBURY ROOM,  
THE SHIREHALL, SHREWSBURY**

**Responsible Officer**      Adrian Dean

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**Present**

Mr P Adams, Mr W Benyon, Mr G Butler, Mr T Durnell, Mr R Huffer, Mr K Roberts,  
Mrs D M Shingleton, Mrs R Taylor-Smith (Chairman) and Mr R Tindall.

**Also in attendance**

Mrs C Motley.

**19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Mr A Davies (substitute Mr G Butler), Mrs T Huffer and Mr J Tandy.

**20. DECLARATIONS OF INTEREST**

None Declared.

**21. MINUTES**

**RESOLVED:** that the minutes of the meeting held on 29 September 2010 be approved as a correct record and signed by the Chairman.

**22. PUBLIC QUESTION TIME**

There were no questions, statements or petitions from the public.

### **23. LICENSING COMMITTEE STRUCTURES AND OPERATIONS**

The Assistant Director Public Protection outlined the proposals to change the committee structure relating to the discharge of the licensing and safety functions. He said that the Strategic Licensing committee would be increased in membership from 11 to 15 and that there would be a 5 member Licensing and Safety Sub-committee with responsibility for Private Hire and Hackney Carriage licensing. He said that the Strategic Licensing committee would be politically balanced but that the Licensing and Safety Committee three member Licensing Act sub-committees would also be required (as previously).

**RESOLVED:** That Strategic Licensing Committee support proposals to Council that from 1<sup>st</sup> April 2011:

- (a) The Strategic Licensing Committee is increased in number, from 11 to 15, reflecting the political balance of Shropshire Council.
- (b) Council dissolves the three Area Licensing and Safety Committees.
- (c) Council amends the Constitution to transfer the existing responsibilities of the Area Licensing and Safety Committees to the Strategic Licensing Committee.
- (d) The Strategic Licensing Committee is invited to establish a standing Licensing and Safety Sub-Committee. The sub committee will consist of 5 members of the Strategic Licensing Committee, who do not have a prejudicial interest in the subject matter and who are not representing one of the parties or the electoral division affected. The sub committee will discharge the Council's licensing and safety functions not reserved to Council or within the remit of the Strategic Licensing Committee, other than those under the Licensing Act 2003 and the Gambling Act 2005.
- (e) The Strategic Licensing Committee is invited to establish Licensing Act Sub-Committees, meeting as and when required, to discharge the Council's duties under the Licensing Act 2003 and the Gambling Act 2005. The sub committees will consist of 3 Members of the Strategic Licensing Committee who do not have a prejudicial interest in the subject matter and who are not representing one of the parties or the electoral division affected. Members will be appointed in accordance with the Council's Scheme of Delegation.

### **24. PROCEDURE FOR THE CLASSIFICATION AND RECLASSIFICATION OF FILMS – LICENSING ACT 2003**

The Public Health and Safety Manager referred to the role that the Council has in the classification of films. She said that the British Board of Film Classification is the national body that effectively determines the classification of films. She added that films made by local arts groups needed to be classified locally.

**RESOLVED:**

- (a) That the policy and procedure as set out in Appendix A to the report for dealing with the classification of films be approved.
- (b) That the Guidance issued by the British Board of Film Classification to assist in the determination of classifying films be adopted.
- (c) That responsibility for the classification of films, both previously categorised by the British Board of Film Classification, and those that have not been categorised, be delegated to the Licensing Team Leader. An appeal to this decision must be lodged with the Licensing Team within 5 working days of the notification and will result in the suspension of the film until the appeal is heard at the next Licensing Sub-Committee.
- (d) That Council is recommended to set the level of fee for the classification of films at £75, plus £1 per minute of the full length of the submitted work.

**25. SAFETY OF SPORTS GROUNDS – ANNUAL REPORT DECEMBER 2009-2010**

The Public Health and Safety Manager introduced the report and spoke briefly on each sports ground referred to in the report.

**RESOLVED:** To note the activities in respect of Sports Grounds Safety at designated sports grounds in Shropshire.

**26. ESTABLISHING FAIR LICENSING FEES IN SHROPSHIRE**

Head of County Public Protection said that the Council had some discretion in relation to the charges it could make for some licences but that others were set by statute. He said that the Council was allowed to set the charges for taxi and private hire licensing (within limits) but that the income from those charges could not exceed the cost of providing the service. The Head of County Public Protection also referred to the amended appendix A that had been distributed to members and to other corrections in paragraphs 7 and 8 of the report namely:

Taxi drivers initial application for a dual licence	£80
Renewal fees lowest being Shropshire	£35
Private Hire Operators – flat fee for one year of	£80
Private Hire Operators – flat fee for three years of	£105
Equivalent to	£35 per annum

Members expressed concern that the report dealt with two issues and felt that it would have been clearer had the Private Hire and Hackney Carriage fees been considered in isolation especially as there would be a period to consider objections in relation to any change in those fees.

**RESOLVED:**

- (a) That Committee recommend to Council that over the period of financial years 2011 to 2014 in order to promote full cost recovery (where possible) the discretionary licence fees charged by Shropshire Council, other than those relating to Hackney and Private Hire Vehicles, and Private Hire Operators are increased.
- (b) That the principle of increasing Hackney and Private Hire Vehicles and Private Hire Operators licence fees towards cost recovery (where possible) over the period of financial years 2011 to 2014 be approved.
- (c) That the proposed increase in Hackney and Private Hire Vehicles and Private Hire Operators licence fees for 2011/12 as set out in Appendix 1 of the report be approved and advertised in accordance with section 70 Local Government Act 1976 and otherwise consulted upon.

**27. COMMON LICENSE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS**

The Chairman thanked the members of the Task and Finish Group that had worked with officers over the past few months to consider revisions to the Hackney Carriage and Private Hire license conditions.

The Assistant Director Public Protection reminded members that at the committee on 25 March 2010 had recommended that the area zones be abolished. This he said meant that a new Shropshire wide policy was required and a Task and Finish Group was set up to consider the issues. He reiterated the legal requirement for there to be a clear distinction between private hire vehicles and hackney carriages. He added that the 5 former District and Borough Councils had different rules concerning their licensed vehicles.

The Solicitor added that Private Hire Vehicles should not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

Members expressed concern at the requirement for a vehicle to be put through a mid-term test and that the test would have to be carried out at test centre specified by the licensing authority. It was felt that this was unnecessary.

The Solicitor said that the overriding reason for the test was the protection of public safety.

**RESOLVED:**

- (a) That the table of fares for Hackney Carriages as set out in Appendix A of the report be approved for consultation in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and if no representation is made be adopted on 1st April 2011.
- (b) That the amended Taxi and Private Hire Licensing Policies and Associated Documents as set out in Appendix B of the report be adopted for consultation and further consideration by this Committee.

**28. QUESTIONS**

Although the Chairman had earlier in the meeting asked whether anyone wished to address the committee, a member of the public asked when he would be given the opportunity to speak. The Chairman allowed anyone who wished to speak the opportunity to do so.

Mr Mark Higgins expressed his concerns about the requirement for the vehicle tests to be undertaken at a Council nominated VOSA test centre and at the plan to increase license fees over a 3 year period.

Mr Henry Pugh expressed his concern about the 5 year age limit and suggested that the test should be based on the mileage of a vehicle rather than its age. He said that there had been no consultation on the either the introduction of door or roof signs.

**29. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 – POLICY REVIEW – WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

The Assistant Director Public Protection reminded members that there are currently different policies within each of the zones and that only zone 4 covering the former Shrewsbury and Atcham Borough Council area had a policy relating to wheelchair accessible hackney carriage vehicles. He also referred to the Equalities Act which comes into force on 1 April 2011 which has a requirement for all Hackney Carriages to be wheelchair accessible, but not until a date to be specified in regulations.

Members expressed concern that if all hackney carriages were wheelchair accessible, that such vehicles may not be suitable for people with certain disabilities and that presently some licensed hackney carriages are saloon vehicles.

The Team Leader – Licensing also reminded members that consultation had been undertaken on two occasions and referred to the number of responses received.

**RESOLVED:** that further consultation on the proposal set out below be undertaken ending on 31 January 2011 to consider responses:

- (a) That from 1<sup>st</sup> April 2011 all Hackney Carriages must be of a wheelchair accessible design, when first licensed by Shropshire Council. Any applicant will be considered against the policy. Any person may ask for an exemption to the policy but must be able to demonstrate sound and compelling reasons as to why the policy should be departed from.
- (b) That existing non wheelchair accessible vehicles will continue to be licensed until the end of their operational life or such time as the vehicle ceases to be licensed by Shropshire Council.

and that the responses be considered at a special meeting of the committee in February 2011.

**30. EXCLUSION OF THE PUBLIC**

**RESOLVED:** That, in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.2 of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following item.

**31. WHEELCHAIR ACCESSIBILITY POLICY FOR HACKNEY CARRIAGES  
COUNSEL'S ADVICE**

**RESOLVED:** That the report be noted.

**CHAIRMAN**.....

**DATE**.....