



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	4
7 th September 2011	Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON WEDNESDAY 8 JUNE 2011 AT 10.00 A.M. IN THE SHREWSBURY ROOM, THE SHIREHALL, SHREWSBURY

Responsible Officer Emily Marshall
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Present:

Mr P Adams, Mrs B. Baker, Mr T. Barker, Mr T. Bebb, Mr W Benyon, Mr V. Bushell, Mr A Davies, Mr R. Huffer, Mr R. Hughes, Mr S Jones (Substitute for Mrs J. Barrow), Mr K. Roberts, Mr J Tandy, Mrs R Taylor-Smith (Chairman) and Mr R Tindall.

1. ELECTION OF CHAIRMAN

1.1 RESOLVED:

That Councillor Mrs R Taylor-Smith be elected Chairman for the ensuing year.

1.2 The Chairman thanked the Committee for re-electing her as Chairman of the Committee and took the opportunity to welcome new members and thanked previous members of the Committee for their work. Thanks were also given to Members of the Task and Finish Group, and to Councillor Mrs Shineton.

1.3 The Chairman then made the following statement;

Between October 2009 and February this year, consultation has taken place to look at removing the five zones as part of work to reduce regulatory burden on taxi businesses whilst improving consistency and maintaining public safety.

This has included the council's Strategic Licensing Committee approving, in March this year, a new set of conditions and standard fares for taxis licensed by Shropshire Council, again following detailed consultation.

Taxi zones, based on the previous borough and district council boundaries, are in place for the purpose of licensing hackney carriages. Hackney carriages are taxis that the public are able to hail on the street and at taxi ranks, rather than private hire vehicles that are licensed separately.

Hundreds of views were shared during the consultation, and through feedback from taxi forums. Taking these responses into account, local differences and needs in respect of disabled access can be addressed in the short term by retaining the zones. It has been decided to consider new guidance on disabled accessibility, which it is hoped will be published by the Government soon, before introducing one overall policy.

This will enable the council, taxi operators and partners to see how best to apply the guidance throughout Shropshire, in a way that meets all the varied requirements of different areas, and ensure the council is fulfilling its duties as outlined in the most recent guidance.

The work carried out to date to introduce a standard set of conditions and fares has reduced the burden on taxi businesses, whilst maintaining public safety.

We have looked at removing the zones to add to this work but recognise that before moving forward, a comprehensive common set of taxi and private hire licensing policies, which take into account the different requirements in the various parts of the county, is needed. The existing zones will therefore be retained for the time being

It is hoped that Government regulations or guidance will be produced concerning disabled accessibility in the near future and when this is available, the local policy will be reviewed. We are committed to ensuring that people with any disability have equal access to services and therefore, should the Government fail to produce guidance within the next 12 months, we will consider this again.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2.1 Apologies for absence were received from Mrs J Barrow (Mr S Jones was in attendance as her substitute).

3. APPOINTMENT OF VICE CHAIRMAN

3.1 RESOLVED:

That Councillor Peter Adams be appointed Vice Chairman for the ensuing year.

4. DECLARATIONS OF INTEREST

4.1 None were declared.

5. MINUTES

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5.1 RESOLVED:

That the minutes of the meeting held on 16th March 2011 be approved as a correct record and signed by the Chairman.

6. PUBLIC QUESTION TIME

6.1 None were received.

7. THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 DISTRIBUTION OF FREE PRINTED MATTER

7.1 Consideration was given to a report of the Licensing Team Leader relating to the introduction of orders to control the distribution of free literature within Shropshire Market Towns.

7.2 In response to a question, the Licensing Team Leader explained that information relating to finance and income, was detailed in the report. It was further explained that the onus was on the permit holder to pick up the litter and although to date the Council had not prosecuted a permit holder, warnings had been issued

7.3 The Committee felt that it would be useful to ascertain whether a problem existed in a certain area before considering whether an order should be in place within that area. It was thought that officers should consult the Parish Council's including Shrewsbury Town Council to obtain their views on whether they might wish to adopt these powers and, where already adopted, take on responsibility for enforcement.

7.4 It was noted that the situation would be kept under review with a report back to a future meeting of the Strategic Licensing Committee at the conclusion of the twelve week consultation period.

7.5 RESOLVED:

That a consultation take place to obtain the views of interested parties including Parish and Town Councils and they be invited to determine whether there were any areas within their district where the introduction of Orders to control the distribution of free printed matter would be beneficial and if so whether they would they be willing to adopt these powers themselves.

8. LICENSING ENFORCEMENT

8.1 Consideration was given to a report of the Licensing Team Leader informing the Committee of licensing's 12 month projected enforcement plan and providing details of inspections undertaken and complaints that had been investigated by the licensing team.

8.2 In welcoming the report, concern was expressed at the Council licensing hackney carriage/private hire vehicles from neighbouring authorities, such as Telford and Wolverhampton and members questioned how enforcement would be carried out in these areas. The Licensing Team Leader explained that joint enforcement with neighbouring authorities would

be undertaken. The Head of Trading Standards added that the Team were in the process of preparing a report to the next meeting of the Strategic Licensing Committee which would set out the Council's approach in relation to hackney carriage/private hire vehicle applications from outside the area.

8.3 A Member of the Committee raised the issue of the difficulty the public faced distinguishing between hackney carriage and private hire vehicles and the associated issues in relation to public safety. In response the Head of Trading Standards stated that licensing conditions were in place to address this difficulty and hackney carriage and private hire vehicles must meet those conditions.

8.4 RESOLVED:

That the contents of the report by the Licensing Team Leader be noted.

9. LICENSING ACT AND PLANNING APPLICATIONS

9.1 Consideration was given to a report of the Licensing Team Leader in respect of Licensing Act and Planning Applications and the steps that Licensing and Planning Officers would take to share information and improve communication.

9.2 RESOLVED:

That the steps to be taken by Licensing and Planning Officers to share information regarding applications be noted.

10. ESTABLISHMENT OF AND APPOINTMENTS TO LICENSING AND SAFETY SUB COMMITTEE

10.1 The Head of Trading Standards introduced his report on the proposed creation of a new sub-committee to discharge the Council's duties in respect of various licensing and safety matters.

10.2 The report recommended (as suggested by Council) that the sub committee consist of five members, for given the quasi judicial nature of the work of the Sub-Committee, a relatively small forum was considered to be most suitable. The actual number of Members on the Sub-Committee was however a decision for the Strategic Licensing Committee.

10.3 The Solicitor advised that the Sub Committee must be politically balanced and further explained that if the Sub-Committee were to consist of five members the political make up would be four conservative members and one Liberal member. If the Sub Committee were to consist of six members, the political make up would be four conservative members, one liberal member and one labour member.

10.4 Irrespective of the Sub-Committee being comprised of 5 or 6 members the Solicitor confirmed that the quorum would be three members with the

Chairman being appointed at the first meeting of the Sub-Committee on 15th June 2011. Training would be arranged in due course.

10.5 RESOLVED:

(a) That, a standing Licensing and Safety Sub-Committee be established comprising of 6 members of the Strategic Licensing Committee and with full delegated powers to discharge the Council's licensing and safety functions as set out in Annex A to the report by the Head of Trading Standards,

(b) That, the rules of the Licensing and Safety Sub-Committee be those that were set out in Annex B to the report, and that the procedure guidance notes set out in Annex C be used in the running of the Sub-Committee.

(c) That, Councillors P Adams, W Benyon, A Davies, T Barker, V Bushell, Mrs B Baker be appointed to serve on the Sub-Committee with Councillors T Bebb, R Taylor-Smith, K Roberts, R Tindall, J. Tandy (one liberal vacancy to be confirmed) appointed as substitute members.

**11. LICENSING ACT 2003 AND GAMBLING ACT 2005
DELEGATIONS AND ADMINISTRATIVE MATTERS**

11.1 The Head of Trading Standards presented the report on the Licensing Act 2003 and Gambling Act 2005. During the discussion the Committee was reminded that Members could not consider matters under the licensing Act 2003 unless they had received the appropriate training. It was noted that four members of the Strategic Licensing Committee had not received any training and these would be provided with in house training first.

11.2 In accordance with the Constitution, Councillor Simon Jones (as a substitute member) took no part in the debate or vote.

11.3 RESOLVED:

(a) That sub committees be established in accordance with Section 9 of the Licensing Act 2003. That each sub-committee comprise of three members of the Strategic Licensing Committee. That the composition, appointment, quorum and procedure rules as set out in Schedule 1 to the report of the Head of Trading Standards be confirmed and adopted. That the sub committees have authority to discharge all those functions exercisable by The Strategic Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005 though each sub committee will only be expected to deal with those matters set out in the relevant column of the tables contained in Schedule 2 to this report (unless a matter is referred to it by an officer).

- (b) That the Group Manager for Public Protection and Enforcement, the Environmental Health Service Manager, the Public Health and Safety Manager and the Licensing Team Leader discharge those functions as set out in the relevant column (under the heading “Officers”) of the tables contained in Schedule 2 to the report by the Head of Trading Standards.
- (c) That authority be delegated to the Group Manager for Public Protection and Enforcement and the Environmental Health Service Manager to designate Officers as “authorised persons” and “authorised officers” for the purposes of the Licensing Act 2003 and that in any event the licensing team leader be designated as such authorised person and authorised officer. That power be given to the Group Manager for Public Protection and Enforcement and the Environmental Health Service Manager to authorise Officers to exercise powers of entry, investigation and enforcement under the Gambling Act 2005 and that in any event the Licensing Team Leader be granted such powers.
- (d). That the Group Manager Public Protection and Enforcement and the Environmental Health Service Manager be delegated authority to make representations on behalf of the Licensing Authority for the purposes of the Gambling Act 2005.
- (e) That quarterly reports be submitted to the Strategic Licensing Committee detailing the exercise of delegated functions by Officers and the work of its sub committees.

12. EXCLUSION OF THE PRESS AND PUBLIC

12.1 RESOLVED:

That in accordance with the provisions of Schedule 12A Local Government Act 1972, and Paragraph 10.4 (3) of the Council’s Access to Information Rules, the public and press be excluded during consideration of the following item.

13. MINUTES

13.1 RESOLVED:

That subject to a number of typographical amendments being made to the exempt minutes of the meeting held on 16th March 2011, they be approved as a correct record and signed by the Chairman.

13.2 (Members were reminded that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 7th September 2011).

The meeting ended at 11.00 a.m.

CHAIRMAN.....

DATE.....