



<u>Committee and Date</u>	<u>Item</u>
Strategic Licensing Committee	4
Thursday 1 st December 2011	Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON WEDNESDAY 7TH SEPTEMBER 2011 IN THE SHREWSBURY ROOM, THE SHIREHALL, SHREWSBURY

10.00am – 11.13am

Responsible Officer Shelley Davies
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Present:

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

14. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

The Chairman welcomed everyone to the meeting and introduced the Public Protection and Enforcement Group Manager, Mr Paul McCreary who had recently taken up his position with Shropshire Council.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

15.1 Apologies for absence were received from Mr T. Bebb, Mr R. Huffer, Mr J Tandy and Mr R Tindall (Mr S Jones was in attendance as his substitute).

16. DECLARATIONS OF INTEREST

16.1 None were declared.

17. MINUTES

17.1 RESOLVED:

That the Minutes of the meeting held on 8th June 2011 be approved as a correct record and signed by the Chairman.

18. MINUTES – AREA LICENSING COMMITTEE

- 18.1 That the following Minutes of the Area Licensing Committees be approved as a correct record and signed by the Chairman:

27th April and 9th May 2011 (Central);
31st March and 8th April 2011 (South); and
22nd February 2011 (North).

19. PUBLIC QUESTION TIME

- 19.1 In accordance with Council Procedure Rule 14, Mr David Wilson, representing Central Taxis Ltd, County Cars Ltd, Diamond Cars Ltd and Ultimate Taxis Ltd made a statement regarding the new Hackney Carriage and Private Hire policy effective from 1st October 2011, in relation to the use of roof signs on private hire vehicles, the Drivers Knowledge Test and the Draft Policy for Hackney Carriages. The Chairman read out a statement on behalf Mr Richard Price in relation to the Drivers Knowledge Test.
- 19.2 The Chairman responded to the issues raised.

20. DRIVERS' KNOWLEDGE TEST

- 20.1 Consideration was given to a report of the Public Health and Safety Manager in respect of proposed amendments to the current drivers' knowledge test.
- 20.2 The Public Health and Safety Manager proposed that the local knowledge section of the test be expanded to include towns, local roads and places of interest. Information was also provided in the report on the introduction of an English test for all new applicants to ensure they had the ability to converse in English with passengers.
- 20.3 The Public Health and Safety Manager outlined the conditions that Shropshire Council took into account when deciding if a drivers' licence should be issued, and explained that, as Shropshire Council issued joint driver badges, the test would be set at a standard suitable for private hire drivers.
- 20.4 In response to a question from a Member, the Solicitor confirmed that the knowledge test would be Shropshire wide.
- 20.5 During the ensuing discussion reference was made to the introduction of the English test and although some Members agreed with the proposal of the test they also indicated they could not justify the extra cost to the applicant. The Solicitor advised that if the proposal was accepted, an objective test was necessary and it would not be appropriate for the Sub-Committee to assess if an applicants' knowledge of English required him or her to take a further test. If a test was introduced it would have to be universally applied.

- 20.6 The Chairman proposed that the item be deferred to the next meeting for further information; it was also suggested that Members be sent samples of the current and proposed knowledge test in advance of the meeting.

RESOLVED:

That the item be deferred to the next meeting to enable officers to provide further information on the proposed drivers' knowledge test.

21. EXERCISE OF DELEGATED POWERS

- 21.1 Consideration was given to a report of the Public Health and Safety Manager outlining the work undertaken by the Licensing Team and Sub-Committees between 1st January and 31st July 2011.

- 21.2 The following amendments to the report were noted:

- Appendix A – Total in brackets should read 1812 not 424.
- Appendix C – Should read Stable Tavern, Cleobury Mortimer not Ludlow.

- 21.3 The Chairman thanked the Public Health and Safety Manager for the information and requested that future reports include further detail on Licensing Act Sub-Committee meetings. It was also requested that information on enforcement be reported to each Strategic Licensing meeting.

21.4 **RESOLVED:**

That the report of the Public Health and Safety Manager be noted.

22. DRAFT POLICY FOR LICENSING OF HACKNEY CARRIAGES

- 22.1 Consideration was given to a report of the Environmental Health Service Manager regarding a draft policy for the licensing of hackney carriages.

- 22.2 The Environmental Health Service Manager explained that there had been an influx of hackney carriage licence applications from drivers based outside Shropshire, and that as a result, the draft policy set out the Council's position on 'out of area' hackney carriage applications. Subject to Committee's approval this draft policy would then be consulted on, and a further report on the outcome would be submitted to Committee in November prior to it being forwarded to Cabinet for further consideration and final approval.

- 22.3 The Environmental Health Service Manager also detailed the need for the policy and outlined the High Court guidance in relation to the issue. She emphasised that Shropshire Council would not grant a licence if the applicant did not have a genuine intention to ply for hire to a material extent in a zone of Shropshire. The Environmental Health Service Manager added that in the interim period prior to final approval, applications would be dealt

with on a case by case basis following the High Court Guidance as set out in the briefing note at Appendix 2 to the report.

22.4 In response to a question, the Environmental Health Service Manager confirmed that the draft policy would deem Telford and Wrekin to be 'out of the area'.

22.5 Members noted the case law and legal guidance on this issue. Members also noted the workload issue for the Licensing Team/Committee and they indicated that the subjects at paragraphs 3 and 4 of the report required further information.

22.6 **RESOLVED:**

1. That the draft policy for licensing of hackney carriages as appears in Appendix 1 of the report, be approved for public consultation prior to reporting back to Committee in November 2011.
2. That in the interim the guidance set out in Appendix 2 of the report be noted and approved.

23. DATE OF NEXT MEETING

23.1 The Committee noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday 30th November 2011 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....