



Committee and Date

Strategic Licensing
Committee

Wednesday 13th June 2012

Item

6

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
WEDNESDAY, 21ST MARCH 2012 IN THE SHREWSBURY ROOM,
THE SHIREHALL, SHREWSBURY**

10.00 am – 11.45 am

Responsible Officer Shelley Davies

Email: Shelley.davies@shropshire.gov.uk

Telephone: 01743 252719

Present:

Mrs R. Taylor-Smith (Chairman).

Mr P. Adams (Vice-Chairman), Mrs B. Baker, Mr T. Barker, Mr W. Benyon, Mrs J. Barrow, Mr. M. Bennett (Substitute for Mr R. Hughes), Mr V. Bushell, Mr. S. Charmley (Portfolio Holder), Mr S. Davenport (Substitute for Mr T. Bebb), Mr A. Davies, Mr M. Kenny and Mr K. Roberts.

43. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

43.1 The Chairman welcomed everyone to the meeting.

43.2 Members of the Committee and Officers introduced themselves.

43.3 Mr P. Adams, Chairman of the Licensing and Safety Sub-Committee, thanked officers that had been involved with the recent additional meetings of the Licensing and Safety Sub-Committee. He added that the extra income generated by the increase in licensing applications had eliminated a £60,000 deficit. It was suggested that a press release be prepared in relation to the good news.

43.4 The Chairman along with other Members of the Committee added their thanks to all officers involved.

44. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

44.1 Apologies for absence were received from Mr T. Bebb (Mr S. Davenport was in attendance as his substitute), Mr. R. Hughes (Mr M. Bennett was in attendance as his substitute), Mr R. Huffer, Mr J. Tandy and Mr R Tindall.

45. DECLARATIONS OF INTEREST

- 45.1 Mr M. Kenny declared a Personal interest in relation to agenda items 5 & 8 as he knew Mr Randall, who had requested to address the Committee.

46. MINUTES

- 46.1 **RESOLVED:**
That the Minutes of the meeting held on 17th January 2012 be approved as a correct record and signed by the Chairman.

47. PUBLIC QUESTION TIME

- 47.1 In accordance with Council Procedure Rule 14, Mr Bowyer addressed the Committee in relation to agenda item 8 - Private Hire Vehicle Policy in respect of Executive Style Vehicles. Mr Bowyer explained that he and Mr Randall were in the process of setting up a new Executive Hire Business. He gave details on the new business venture and the type of vehicle they intended to purchase.
- 47.2 The Chairman invited any further comments or questions from those present in the public gallery. There were none.

48. FEES FOR SAFETY CERTIFICATES

- 48.1 Consideration was given to a report of the Public Health and Safety Manager in respect of the introduction of a fee for the provision of general and special safety certificates at sports grounds.
- 48.2 The recommendation for the proposed fee as detailed at paragraph 2.1 of the report was outlined by the Public Health and Safety Manager.
- 48.3 In response to a question from the Chairman, the Public Health and Safety Manager explained that the charge would come into effect on 1st April 2012.
- 48.4 A Member questioned the cost of raising an invoice and whether this was less than the charge for special safety certificates as detailed at paragraph 3.12 of the report. The Public Health and Safety Manager was unaware of the cost of raising an invoice and would look into this issue.
- 48.5 Members agreed that the hourly figure be rounded up to £60 per hour instead of £59.90 as recommended at paragraph 2.1 of the report.
- 48.6 In response to questions from Members, the Public Health and Safety Manager clarified that a Safety Certificate took approximately 2 hours to complete including any inspection that would be required. The Public Health and Safety Manager agreed to investigate whether VAT was included in the charge.

48.7 RESOLVED:

That a fee of £60.00 per hour, to cover officer time in the preparation of general and special safety certificates be approved subject to the condition that a charge is only made if the fee is higher than the cost to raise an invoice.

49. EVENT SAFETY ADVISORY GROUPS 2011

- 49.1 Consideration was given to a report of the Public Health and Safety Manager in respect of Event Safety Advisory Groups 2011.
- 49.2 The Public Health and Safety Manager outlined that the report was for Members' information in relation to the work of the Event Safety Advisory Group. She added that the group gave a one stop shop advice service to event organisers and consisted of a number of partner organisations including the Police and the Fire and Rescue Service.
- 49.3 Members noted that this was a good example of partnership working but stated that although a charge for some groups would be inappropriate they felt a charge should be introduced to certain organisations for the valuable service provided.
- 49.4 In response to a question, the Public Health and Safety Manager explained that the Council would approach organisations due to issues such as the size of event but added that there was also an on-line form which event organisers complete if they require advice. It was clarified that the group gave Health and Safety advice but if the event required a licence this was a separate process and a charge would apply.
- 49.5 The wording of paragraph 4 was queried by a Member. It was agreed that it should read 'zero charge service' instead of 'zero cost service'.
- 49.6 The Environmental Health Service Manager outlined the difference between this service and the service provided in relation to safety certificates, which are required by law. She added that there was no legal requirement on event organisers in relation to this service and the Council wants to encourage event organisers to liaise with them, something they might not do if a charge was made for the service.
- 49.7 The Group Manager for Public Protection and Enforcement stated that the service provided by the Event Safety Advisory Group was part of the preventative work undertaken by the Council in relation to Health and Safety. In response to a query he added that there will always be groups that do not follow advice and it is this type of event where enforcement work is required.

49.8 The Public Health and Safety Manager reminded Members that the group was an advisory group and it was the responsibility of the organiser to follow up on this advice.

49.9 **RESOLVED:**

That the report of the Public Health and Safety Manager be noted subject to the following amendment to paragraph 4.1 of the report:

- 'Zero cost service' to read 'zero charge service'

50. PRIVATE HIRE VEHICLE POLICY IN RESPECT OF EXECUTIVE STYLE VEHICLES

50.1 Consideration was given to a report of the Licensing Team Leader regarding Shropshire Council's Private Hire Vehicle Policy in respect of Executive Style vehicles.

50.2 The Public Health and Safety Manager reminded Members that a number of changes to the Private Hire Vehicle Policy came into effect on 1st October 2011. As a result of these changes there had been some confusion for the trade surrounding the wording of the policy as it does not define the type of vehicle that would be classed as 'executive style'. The Public Health and Safety Manager read out an amendment to paragraphs 2.1 & 6.5 of the report in relation to the definition of 'Executive Service'.

50.3 Members welcomed the changes to the policy and agreed that it was the service that was the main issue not the vehicle.

50.4 A Member suggested a number of changes to the amendment circulated; these changes were accepted by Members.

50.5 The Chairman invited comments from those present in the public gallery in respect of the proposed changes to the policy. Mr Rhodes and Mr Geoff Wells addressed the Committee and were in agreement with the suggested changes.

50.6 In response to a query from a Member it was indicated that following the two weeks consultation period the policy would be reported to Cabinet for final determination.

50.7 **RESOLVED:**

1. That the policy in respect of signage for private hire vehicles be amended to read as follows:

Appearance

The plate identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section

48(6) of the Local Government (Miscellaneous Provisions) Act 1976 (unless exempted by the Council) shall be securely fixed to the outside rear of the vehicle in a conspicuous position kept clean and displayed at all times and in such a manner as to be easily removable by an authorised Officer of the Council or a Constable.

Signs and Notices

No vehicle shall display a roof sign.

All private hire vehicles are required to display an identifying plate and will have Council issued signage on the side of the vehicle. This will carry the Council logo, PHV licence number and the words 'Pre-booked only'.

Vehicles that offer an executive service (defined as provision for business to business contracts and/or other special journeys that are requested by companies or private clients where they specifically request a vehicle of prestige specification at the time of booking) and are not used for traditional local private hire work, would be permitted to display an executive hire plate and be exempt from displaying council issued signage. In order to qualify for an executive plate, operators would be expected to produce six months of booking records to show that the work undertaken fulfils the criteria. New businesses, that can reasonably show through their service objectives and marketing activities that they intend to operate solely as an executive hire service will be given an executive plate for 6 months but will then be required to provide the required proof through submission of booking information.

2. That the proposed changes go out to consultation for two weeks.
3. That the recommendation and replies to consultation be considered by Cabinet for final determination.

51. EXERCISE OF DELEGATED POWERS

51.1 Consideration was given to a report of the Public Health and Safety Manager in respect of the issue of licences between 1st November 2011 and 31st January 2012.

51.2 The Public Health and Safety Manager detailed the information as listed in the appendices of the report and answered a number of general queries from Members.

51.3 RESOLVED:

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

52. USE OF DELEGATED POWERS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE VEHICLE AND DRIVER APPLICATIONS

- 52.1 Consideration was given to a report of the Public Health and Safety Manager in respect of the use of delegated powers for Hackney Carriage and Private Hire Licence Vehicle and Driver applications.
- 52.2 The Public Health and Safety Manager explained that it was usual for matters against policy to be referred to the Licensing and Safety Sub-Committee and this report outlined changes to this practice. It was added that the changes would cut down on meetings of the Licensing and Safety Sub-Committee.
- 52.3 In response to a query from a Member, the Solicitor explained that appeals are made against decisions of the Sub-Committee but it was rare for costs to be awarded. It was agreed that figures would be provided in relation to this issue.
- 52.4 The Environmental Health Service Manager explained that it was best practice to have, where appropriate, the relevant decision making officer make the decision in consultation with two other officer. This would bring objectivity to the process and ensure the process was more robust if challenged. It was noted that straightforward cases would not require this procedure to be followed.
- 52.5 A Member wanted to ensure that the officer had delegated power to impose a condition, where appropriate, for the proprietor of a vehicle to keep records of journeys.
- 52.6 The Public Health and Safety Manager assured Members that information in relation to applications determined by officers would be reported back to this Committee.
- 52.7 **RESOLVED:**
1. That the Licensing Team Leader (and those above her with line management responsibility) use delegated powers to investigate and take any such action as the officer considers appropriate (including refusal, revocation and suspension) in relation to any matter concerning a private hire or hackney carriage driver or vehicle licence, such action to include refusal of any new application.
 2. That where the officer uses the delegated power referred to above then the procedure set out below be followed:

Matters of procedure

1. The officer deciding a matter will be making a quasi-judicial decision. There is a right of appeal to a court. The officer making the decision will carry out the delegated power in consultation with a legal advisor and any other officer where he/she considers it appropriate.

2. The officer must of course act fairly. Before any decision is reached the licence holder must be informed of the case against him or her and be given an opportunity of making representations.
3. It is open to a local authority to allow only written representations and this is how the officer dealing with the matter will deal with each case (unless the officer considers the matter warrants an oral hearing). The officer will write to the relevant licence holder stating the case. The letter will set out all the relevant information and give to the licence holder a reasonable time (usually two weeks) to reply in writing with his or her representations.
4. Following receipt of the licence holder's representations, or upon the expiration of the time limit for replies, the officer (unless she seeks further information as a result of the representation) shall make a decision taking all relevant matters into account. Before making the decision on any application that is adverse to the applicant/licence holder the decision making officer shall consult with a legal officer and a more senior Licensing line manager. Such consultation shall take place at specially convened meetings comprising all three officers.
5. Where the officer considers it necessary or appropriate, a case will be referred to the Licensing and Safety Sub Committee for consideration and decision.

53. FEES AND CHARGES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

- 53.1 Consideration was given to a report of the Public Health and Safety Manager in respect of the representations made by the trade on the proposed fees and charges for Hackney Carriage and Private Hire licences and to determine a fee for 2012/13.
- 53.2 The Public Health and Safety Manager detailed the representations made during the consultation period as at paragraph 6.3 of the report.
- 53.3 In response to the comment in relation to paragraph 3, the Group Manager for Public Protection and Enforcement accepted that this appeared alarming and should have been amended.
- 53.4 Members noted that suggestions had been made by the trade for the 2013/14 initial application fee to be weighted highly to ensure that applications received were from serious applicants.
- 53.5 An amendment to paragraph 7.2 was noted.

53.6 RESOLVED:

That the fees set out in Appendix 1 of the report to come into effect at midnight on 31 March 2012, and in relation to Hackney Carriages, that the fees apply across zones 1, 2, 3, 4 and 5.

54. DATE OF NEXT MEETING

54.1 The Committee noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday 13th June 2012 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....