

**Committee and Date**Strategic Licensing
Committee19th December 2012**Item****4**

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
WEDNESDAY, 5TH SEPTEMBER 2012 IN THE SHREWSBURY ROOM,
THE SHIREHALL, SHREWSBURY**

10.00 a.m. – 11.14 a.m.

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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 S Charmley (Substitute for Mr R. Hughes), Mr S Davenport (Substitute for Mr T. Bebb), Mr A. Davies, Mr R. Evans, Mr R. Huffer, Mr R. Tindall and Mr K. Roberts.

14. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

14.1 The Chairman welcomed everyone to the meeting.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

15.1 Apologies for absence were received from Councillor T. Bebb (Councillor S. Davenport was in attendance as his substitute) and Councillor R. Hughes (Councillor S. Charmley was in attendance as his substitute).

16. DISCLOSABLE PECUNIARY INTERESTS

16.1 None received

17. MINUTES**17.1 RESOLVED:**That the Minutes of the meeting held on 13th June 2012 be approved as a correct record and signed by the Chairman.

18. PUBLIC QUESTION TIME

18.1 There were no public questions received.

19. COUNCIL RESPONSE TO THE LAW COMMISSION'S CONSULTATION PAPER No. 203 ON REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

19.1 Consideration was given to a report of the Safer and Stronger Communities Service Manager in respect of the Council's response to the Law Commission's Consultation on proposed changes to Hackney Carriage and Private Hire Law.

19.2 The Safer and Stronger Communities Service Manager outlined the detail in the report, and thanked the Working Group for their hard work. It was explained that on 25th July 2012, Cabinet had agreed that the response to the consultation be delegated to the Strategic Licensing Committee following consultation with the Portfolio Holder for Health and Well-being (Councillor Steve Charmley).

19.3 Councillor Tim Barker, Chairman of the Working Group thanked the officers involved for their support and stated that the response strongly recommended the removal of the current two tier system of Hackney Carriages and Private Hire Vehicles. He added that the consultation paper appeared to lean towards the retention of the current arrangement and that there had been lobbying from Metropolitan areas to retain the two tier system.

19.4 Members suggested that issues in relation to a two tier system, which particularly in rural areas was complex and confusing, be discussed with Owen Paterson MP. The Chairman agreed that this was a good idea and requested officers to contact Mr Paterson's office in regard to this issue.

19.5 In response to a question, the Safer and Stronger Communities Service Manager agreed that a single taxi regime would streamline systems within the Council which could potentially create financial savings.

19.6 The Chairman thanked all Members of the Working Group and in particular Councillor Tim Barker, who had chaired the group.

19.7 RESOLVED:

That the proposed response, on behalf of the Council, to the Law Commission's Consultation Paper No. 203 on Reforming the Law of Taxi and Private Hire Services be agreed and forwarded to the Law Commission by the 10th September 2012.

20. EXERCISE OF DELEGATED POWERS

- 20.1 Consideration was given to a report of the Specialist Operational Services Team Manager in respect of the exercise of delegated powers to issue or amend licences.
- 20.2 The Specialist Operational Services Team Manager detailed the information as listed in the appendices of the report and answered a number of general queries from Members. It was pointed out that the period included the Diamond Jubilee Bank Holiday weekend which accounted for the increase in Temporary Event Notices with alcohol.
- 20.3 Councillor Roger Evans referred to an issue that had appeared in the local press stating Shropshire Council was acting illegally by sending out 'written permission' letters to hackney carriage taxis and private hire drivers allowing them to carry on working despite having expired licences.
- 20.4 In response the Specialist Operational Services Team Manager explained that the practice, although legally sound, was no longer used by the Council. It was added that the press had been informed at the time that the practice was no longer used but a note to highlight this would be included on the Council website.
- 20.5 Following a request from a Member, it was agreed that the taxi application figures in Appendix A, would in future be split to show new applications and renewal applications.
- 20.6 In response to a request from a Member, the Portfolio Holder advised that at present it would be difficult to give an accurate figure in relation to the financial savings made following the decision to allow officers to consider vehicle and driver applications using delegated powers. It was noted that the process had reduced the number of Licensing and Safety Sub-Committee meetings and enabled applications to be determined faster.
- 20.7 Following a suggestion from a Member it was agreed that a press release would be issued to remind schools and community groups to allow adequate time when applying for Temporary Event Notices for Christmas events.
- 20.8 In response to a query from a Member, The Public Protection and Enforcement Group Manager, agreed to check whether roadside food outlets were still licensed under the Licensing Act 2003.
- 20.9 The Chairman commented on how useful it was to receive the information contained within the report and was hopeful that with the new licensing software system, notifications of Temporary Event Notices would be included on the weekly list of applications that Members currently received.

20.10 RESOLVED:

That the report of the Specialist Operational Services Team Manager be noted.

21. HACKNEY CARRIAGE VEHICLE APPEALS – REVOCATIONS AND REFUSALS

- 21.1 The Solicitor gave an update on recent appeals. It was reported that there had been two sample appeals, heard in the Magistrates' Court, concerning hackney carriage proprietors based in Birmingham; licences had been revoked because there had been no intention to use the vehicles to ply for hire in the Shropshire area. In both cases the appeals were dismissed and costs of £7000 and £8000 were awarded to the Council. As result a number of similar appeals were withdrawn.
- 21.2 In response to a question it was explained that the costs included officers' time and the costs of a barrister experienced in this area of law.
- 21.3 A number of appeals had been lodged in the Crown Court by out of area applicants who had been refused a Hackney Carriage Vehicle Licence. The Solicitor reported that the council had not lost any of these appeals; six had been dismissed and six had been withdrawn. It was added that an appeal for an application for a Hackney Carriage Vehicle Licence for a saloon vehicle in Zone Four (former Borough of Shrewsbury & Atcham) had been successful.
- 21.4 The solicitor reported that sample appeals concerning vehicles with proprietors based in the Telford area (that included vehicles owned by Diamond Cars and other Telford based operators) would be heard in the Magistrates' Court in the week beginning 15th October 2012.
- 21.5 Members suggested that a press release be issued in relation to the outcomes of the appeals.

22. SAFE GUARDING TRAINING

- 22.1 The Public Protection and Enforcement Group Manager gave an update on the safe guarding training that Members had recently received.
- 22.2 In response to comments received, the Public Protection and Enforcement Group Manager agreed to discuss the matter in relation to the content of the training with the training providers and noted that sessions would be run again after the May elections. Members requested that the training form part of the induction training for newly elected Councillors to avoid Members having to complete a number of training sessions before they could sit on Committees.
- 22.3 Councillors who missed the training were advised that they would not be stopped from sitting on Sub-Committees, but sensitive cases should be avoided.

23. STAFF RESTRUCTURE UPDATE

23.1 The Public Protection and Enforcement Group Manager gave an update on the recent staff restructure and circulated a structure chart.

24. APPOINTMENT OF AND TO LICENSING AND SAFETY SUB-COMMITTEE

24.1 The Chairman announced that Councillor Bill Benyon would be retiring from the Strategic Licensing Committee. She thanked Councillor Benyon for all his hard work as a Member of the Strategic Licensing Committee and Sub-Committees. It was added that he had been present during Sub-Committee meetings that had lasted from 9.30am – 7.00pm and his knowledge on licensing matters would be missed.

24.2 It was noted that the Group Leader had nominated Councillor Steve Davenport to fill the vacancy on Strategic Licensing and that this would be ratified at the next Council Meeting.

24.3 In relation to the Licensing and Safety Sub-Committee, it was agreed that Councillor Joyce Barrow would fill the vacancy.

24.4 RESOLVED:

That Councillor Joyce Barrow be appointed to the Licensing and Safety Sub-Committee.

25. DATE OF NEXT MEETING

25.1 The Committee noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 19th December 2012 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....