



Committee and Date
Strategic Licensing Committee
Wednesday 5 th June 2013

Item
4
Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON TUESDAY, 12TH MARCH 2013 IN THE SHREWSBURY ROOM, THE SHIREHALL, SHREWSBURY

10.00 a.m. – 11.48 a.m.

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 S. Davenport, Mr A. Davies, Mr R. Evans, Mr R. Huffer, Mr R. Hughes, Mr K. Roberts, Mr J. Tandy and Mr R. Tindall.

38. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

38.1 The Chairman welcomed everyone to the meeting.

39. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

39.1 An apology for absence was received from Councillor Mr V. Bushell.

40. DISCLOSABLE PECUNIARY INTERESTS

40.1 Members were reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

41. MINUTES

41.1 RESOLVED:

That the Minutes of the meeting held on 19th December 2012 be approved as a correct record and signed by the Chairman.

42. PUBLIC QUESTION TIME

- 42.1 The Chairman stated that a statement had been received from Mr Mark Higgins, Chairman of the Oswestry Taxi Drivers Association, in relation to Agenda item 6 – Hackney Carriage Fares.
- 42.2 The Chairman explained that the Specialist Operational Services Team Manager had sent a response to Mr Higgins informing him that the comments would be dealt with as part of the consultation process regarding Hackney Carriage Fares adding that the comments would be published on the Council's Website along with any other comments received during the consultation period.
- 42.3 On being asked if he would like to respond to the answer, Mr Higgins stated that the Oswestry Taxi Drivers Association had requested that the fare card for Zone 3 be amended to take into account the distance vehicles had to travel in rural areas. He also referred to agenda item 7 suggesting that as the Licensing staffing levels had been reduced there could be a reduction in the Fees and Charges.
- 42.4 It was noted that the emails from Mr Price and Mr Cox in relation to Agenda item 6 would be dealt with in the same way as the comments from Mr Higgins and published on the Council's Website along with any other comments received during the consultation period.

43. HACKNEY CARRIAGE FARES

- 43.1 Consideration was given to a report of the Specialist Operational Services Team Manager which proposed an increase to Tariff 1 and Tariff 2 on the current tables of Hackney Carriage fares for the five zones.
- 43.2 The Specialist Operational Services Team Manager outlined the detail in the report explaining that following a request to change the tariffs consultation was undertaken regarding the proposed increases at the taxi forums which were held across the county in November/December 2012. Following the forums no comments had been received but since the report had been published a number had been received as discussed previously (see minute 42).
- 43.3 Discussion ensued in relation to a common tariff for all five zones and it was suggested that the various zones should have different tariffs due to the varied economies in different parts of the county. The Vice-Chairman noted that during extensive consultation with the taxi trade last year it was indicated a common tariff across the zones would be welcomed.
- 43.4 In response to a question, the Solicitor explained the consultation process pointing out that if the Committee approved the recommendation and no objections were received the proposed table of fares would be adopted. The Solicitor added that as objections had been received (and it had been indicated that they would not be withdrawn) a final decision was required to be taken by Members and the item would need to come back to a future meeting of Strategic Licensing Committee or delegated to the Licensing and Safety Sub Committee.

43.5 Members agreed that if objections were made and not withdrawn the item should be considered by the Strategic Licensing Committee and that an additional meeting be arranged in April.

43.6 RESOLVED:

- a) That the tables of fares for hackney carriages as set out in Appendix A of the report for each of its five zones are to come into effect on the 8 April 2013 and that notice of the proposals be advertised in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and
- b) If no objection is made to the proposed variations within the period specified in the notice the revised fare cards be adopted for each of the five zones on the stated date (8 April 2013);
- c) If an objection is made in relation to any zone then such objection(s) be considered by the Strategic Licensing Committee at a further meeting to be arranged for a date in April 2013 when a further date shall be set on which the tables of fares shall come into force (with or without modification).

44. FEES AND CHARGES

- 44.1 Consideration was given to a report of the Safer and Stronger Communities Service Manager which outlined proposals to establish a more accurate and more reliable financial tool to determine the annual fees and charges in the county from 1 April 2014 and in light of the detailed work proposed whether it was appropriate to increase the discretionary licensing charges for the period from 1 April 2013 to 31 March 2014.
- 44.2 The Safer and Stronger Communities Service Manager outlined the detail in the report explaining that since the report had been published it had been brought to her attention that the fees for 2012/13 as stated in Appendix 1 of the report were different from the amount displayed on the Council website.
- 44.3 In response to a question, the Safer and Stronger Communities Service Manager stated that at the present time she did not know the reason why there was a discrepancy between the figures that had been produced for council when it set the fees and the figures that appeared on the relevant council web page.
- 44.4 Members raised a number of concerns regarding this issue and it was suggested that the matter be reviewed by the Head of Public Protection in conjunction with the Operations Director and if they considered it appropriate the matter be referred to Scrutiny to look into the issue and ensure, as far as possible, that the situation did not occur in the future.

- 44.5 In the circumstances members considered it was inappropriate to increase the fees and charges to the amount proposed for 2013/14. All agreed that a full review should take place before the fees and charges were amended.
- 44.6 The Safer and Stronger Communities Service Manager gave further information on the proposed work to provide more accurate and reliable financial information on which to determine licensing fees and charges in future. It was added that a report would be presented to the Committee in September 2013 to ensure that proposed fees and charges for 2014/15 were incorporated into the 'income review – Fees and Charges 2014/15' report likely to be presented to Council in December 2013.
- 44.7 In response to a number of queries, the Head of Public Protection explained that work had been carried out to assess the administration of all licences issued to ensure that the processes used were the most efficient. He added that it was important to develop a robust financial tool to enable Members to approve with confidence the annual fees and charges.

44.8 RESOLVED:

- a) That the course of action laid out in the report at paragraphs 6.1 to 6.3, with any amendments officers considered necessary, with respect to establishing a more accurate and more reliable financial tool that will be used to determine the annual fees and charges required to deliver the overall licensing regime on behalf of Shropshire Council with effect from the 1 April 2014 be noted.
- b) That the initial results of the exercise be submitted to the Committee by September 2013.
- c) That the Committee:
 - (i) Notes the information that increases in certain discretionary fees agreed by Council on 3 May 2012 have apparently not been implemented and requires that a full and open investigation into the causes behind this be undertaken by the Head of Public Protection in conjunction with the Operations Director and the findings of the investigation be reported back to the next meeting with the right being reserved by the Committee to refer the findings to the appropriate Scrutiny Committee for its consideration.
 - (ii) Has decided, notwithstanding Council's decision on 3 May 2012 and taking into account the reality of the situation, not to correct any failure to implement the increases recommended by the Council decision; officers are to continue to operate the fees shown on the Council's website until such a time as a full review is undertaken – with a further report being made to council if this is necessary.

- (ii) Decides not to implement the proposed increases to licensing fees until such a time as more detailed costings are available and examined by the Committee.

45. LICENSING REVIEW TOPIC FOR SCRUTINY

45.1 Consideration was given to a report of the Safer and Stronger Communities Service Manager which outlined a proposed review topic for Scrutiny to consider in relation to licensing as recommended at the last meeting held on 19th December 2012.

45.2 In response to a query, the Solicitor confirmed that the Late Night Levy was a matter for the committee to decide on and was not a subject upon which the Town Council had any decision making power over.

45.3 RESOLVED:

That the matter set out in Appendix 1 be sent to Scrutiny Committee for its consideration.

46. EXERCISE OF DELEGATED POWERS

46.1 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.

46.2 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 and gave an update on a recent joint enforcement programme carried out with Telford and Wrekin Borough Council, West Mercia Police and The Vehicle and Operator Services Agency (VOSA).

46.3 The Chairman noted the good news in relation to the enforcement programme and requested that any future enforcement information be included, in writing at future meetings.

46.4 The Head of Public Protection reported that two out of hours officers had been recruited to undertake enforcement work outside of normal office hours. The two officers would be starting their duties shortly supported by special enforcement officers.

46.5 The Solicitor informed the committee that the Council had received an application for a sexual entertainment venue and requested that the Committee confirm the delegated authority to the Licensing and Safety Sub-Committee to consider such applications and if agreed, the particular application mentioned be considered at the meeting of the Licensing and Safety Sub Committee scheduled for April. Alternatively another, for instance three member, sub committee could consider the matter.

46.6 RESOLVED:

- a) That the Licensing and Safety Sub-Committee have full delegated authority to consider applications concerning sexual entertainment venues.
- b) That otherwise the matters contained in the report of the Specialist Operational Services Team Manager be noted.

47. LICENSING COMPUTER SYSTEM UPDATE

47.1 The Safer and Stronger Communities Service Manager provided an update on the new licensing computer system. It was noted that the main unresolved issue was that the public register was still not available on the website. The supplier had agreed for this work to be completed by the end of February but this had now slipped to end of March.

47.2 The Head of Public Protection stated that he had formally written to the company in relation to this issue and he would continue to put pressure on the company for the public register to be available by end of March.

47.3 RESOLVED:

That the information be noted.

48. DATE OF NEXT MEETING

48.1 The Committee noted that the next meeting of the Strategic Licensing Committee would probably be the extraordinary meeting required to be held in April to consider objections received on Hackney fares. The next ordinary meeting to be held is due on Wednesday 5th June 2013 commencing at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....