



<u>Committee and Date</u>	<u>Item/Paper</u>
Strategic Licensing Committee 16 June 2010	4 Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON TUESDAY 23 MARCH 2010 AT 10.00AM IN THE SHREWSBURY ROOM, SHIREHALL, SHREWSBURY

Responsible Officer Jane Palmer
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PRESENT

Councillors:

P.Adams [Vice Chairman], W. Benyon, A. Davies, T. Durnell, S. Jones, K. Roberts, Mrs M Shingleton, J Tandy, Mrs R Taylor-Smith [Chairman] and R Tindall.

22. MINUTES – 15 DECEMBER 2009

RESOLVED:

that the Minutes of the meeting of the Strategic Licensing Committee held on 15 December 2009 be approved as a correct record and signed by the Chairman.

23. APOLOGIES FOR ABSENCE

No apologies for absence were received.

24. PUBLIC QUESTION TIME

In accordance with Council Procedure Rule 14, Mr Price, representing Shrewsbury Hackney Association, made a statement and asked two questions relating to Hackney Carriage Licensing 'Taxi Zones' in Shropshire. Similarly, Mr Stokes, on behalf of Comet Cars, made a statement relating to roof signs on private hire vehicles and asked a question regarding taxi pick up and drop off points in Shrewsbury. Mr Davies, a local taxi driver, also made a statement regarding taxi zones in Shropshire.

The Committee Chairman drew Members' attention to emailed comments from the MP for Shrewsbury, D Kawczynski, urging the Council to retain its current zoning arrangements. The comments were noted.

Finally, Mr Morris, a Church Stretton Private Hire operator made a statement regarding the Council's policy restriction on private hire vehicles being a maximum of 10 years' old.

25. DECLARATIONS OF INTEREST

The following declarations of personal interest were received:

<u>Member</u>	<u>Interest</u>	<u>Item</u>
T Durnell	Member of Drug and Alcohol advice team	10
Mrs M Shineton	Daughter works for a local riding establishment	9

26. HACKNEY CARRIAGE LICENSING 'TAXI ZONES' IN SHROPSHIRE

The Area Head of Public Protection introduced the report recommending a change in the Council's Policy to abolish taxi zones in the County; once abolished, taxi zones could not be re-introduced. She added that, should the Committee agree to retain the current policy of five zones [the operational areas of the former District/Borough Councils] the policy could be reviewed at a later date. Members noted that the retention of the 'Zones' would result in the retention of different hackney carriage licensing conditions in different parts of the county whereas 'de-zoning' would lead to a common set of conditions throughout the county.

Some Members were against the abolition of the existing zones particularly given the size of the county and the difficulties that hackney carriage drivers may experience in trying to familiarise themselves with the whole area. It was suggested that a Task and Finish Group should be established in order to draw up a scheme that would gather the views of all parties and be workable in all parts of the county and that, until such time, the existing zoning arrangements remain in force.

Other Members considered that zoning caused confusion and the current demarcation was arbitrary and should be removed. It was agreed by the majority that establishing a Task and Finish Group to work on a standard set of conditions for introduction countywide was a sensible course of action. A Member commented that the end result should be 'light touch' and that over-regulation needed to be avoided with the final scheme being clear and workable to all parties.

RECOMMENDED

- i) that from 1st April 2011, 'Taxi Zones' be abolished to create a single licensing area for hackney carriages in Shropshire by Council passing an extension resolution under paragraph 25 of Part II of Schedule 14 to the Local Government Act 1972 abolishing zones and applying taxi licensing throughout the area of the new authority; and
- ii) that a Task and Finish Working Group, comprising Councillors Adams, Benyon, Davies, Shinton and Tindall, be established to compile a set of unified standards for Hackney Carriage licensing in the county and these be reported to a future meeting of the Strategic Licensing Committee.

Reason

To form a single unified Taxi Licensing arrangement and a common set of standards and conditions for Taxis across the administrative area of Shropshire Council.

27. HACKNEY CARRIAGE VEHICLE FARES [ZONE 3] OSWESTRY

The Central Public Protection Manager introduced the report that detailed an application made by representatives of the taxi trade in Zone 3, Oswestry to vary the table of fares in that Zone because the current fare card adopted for this Zone did not take into account parts of a mile. Members noted that both operators and installers had claimed that the current fares were impossible to calibrate in the meters.

The Central Public Protection Manager explained how the proposed card would result in a fairer charge to the customer e.g. £3.50 plus 15pence for every 176 yards or part thereof [the current card charge being the cost of the first mile and any part thereof at £5].

In answer to a Member's query, he stated that the deadline for all taxis to be metered was 1 April 2010 and that all taxis in Zone 3 would have to be calibrated by that date.

RESOLVED

- i) that the table of fares for Zone 3 be varied as set out in Appendix 2 to the report; and
- ii) that the table of fares for hackney carriages in relation to Zone 3 be varied in accordance with Appendix 2 to the report and that the variation be published and notified in accordance with the legislation;
- iii) that, should objections be made to the varied table of fares within the relevant time for making objections, and the objections are not

withdrawn, then a Sub-Committee comprising three members of the Strategic Licensing Committee, consider the objections;

- iv) that the Sub-Committee referred to in (iii) above be established and its membership comprise the Chairman, Vice Chairman and one other member of the Strategic Licensing Committee [namely Councillor Mrs T Huffer] and it shall have power to confirm or modify the varied table of fares, as detailed in Appendix 2, and to take any further action concerning the implementation of a varied table of fares in relation to Zone 3.

10.47am The meeting adjourned.

11.00am The meeting reconvened.

28. PROPOSED ALTERATIONS TO TAXI AND PRIVATE HIRE LICENSING POLICIES

The Central Public Protection Manager introduced the report relating to administrative changes that would have no effect on drivers' conditions.

Referring to medical certificates, Members agreed that, as a matter of course, the General Medical Council [GMC] number of any qualified GP issuing a medical certificate should be checked by licensing staff. Members concurred that safety was paramount and a check should be made in all instances.

The Committee noted that Officers could use the Guidance in relation to the relevance of convictions in assessing whether or not a licence should be granted and it was intended that Officers make greater use of their delegated powers to issue licences. It was noted that, should an Officer have any doubts whether or not a licence should be granted, the application would be referred to the appropriate Licensing Committee. The Central Public Protection Manager commented that this should reduce the number of applications having to be determined by Committee.

RESOLVED

- i) that where reference is made to the fact that medicals can be carried out by "any qualified GP" this be amended to read, "any qualified GP who is registered with the General Medical Council". The Medical Certificate to be modified to request that the Doctor inserts his GMC registration number; and
- ii) that the Medical Certificate be modified to request that the Doctor inserts his GMC registration number and that a check be made of the GMC number and its veracity; and
- iii) that in the 'Guidelines Relating to the Relevance of Convictions' where it states, "These guidelines have been produced to assist the Regulatory Committee in decision making....." these be amended to read, "These guidelines have been produced to assist in decision making...."

29. **CONSULTATION: PROPOSAL TO EXEMPT SMALL LIVE MUSIC EVENTS FROM THE LICENSING ACT 2003**

The Central Public Protection Manager introduced the report detailing the Council's suggested response to the Government's questionnaire on its proposal to exempt small live music events from the Licensing Act 2003. Several Members commented on the format of the report and considered it to be unclear.

The suggested responses were generally supported but it was considered that any reference to 'administrative burden' should be deleted. Members agreed that the tenor of the Council's response should stress a 'light touch' approach without the need for over regulation and bureaucracy.

RESOLVED

- i) that, subject to the deletion of all references to 'administrative burden', the suggested response to the Department for Culture, Media and Sport's questionnaire on its proposal to exempt small live music events from the Licensing Act 2003, be agreed; and
- ii) that an exemption for live music performances of not more than 100 persons accommodated inside the building where the performance is taking place be not supported given the difficulties in enforcing an occupancy limit and the surrounding issues relating to the promotion of the licensing objectives;
- iii) that the Council generally welcomes the Government's attempt to explore these ideas and would urge any resultant changes to be 'light touch' and avoid the need for over regulation.

30. **RIDING ESTABLISHMENTS – ADOPTION OF STANDARD CONDITIONS**

The Central Public Protection Manager introduced the report relating to the adoption of standard conditions in respect of riding establishments as part of the Council's ongoing commitment to standardise licence conditions within the Council's area of responsibility.

In response to Members' comments, the Council's Solicitor advised that, in order to 'de-gender' the report an interpretation clause could be inserted at the beginning of documentation relating to the licence conditions for riding establishments to indicate that all references to the male gender referred also to the female.

RESOLVED

- i) that, subject to the insertion of an interpretation clause in relation to the masculine includes the feminine and the singular includes the plural, the standard licence conditions, Riding Establishments Acts 1964 and 1970, be approved and adopted; and

- ii) that riding establishments compliant with the conditions of predecessor Shropshire authorities be granted an 18 month period to comply with any changes necessary as a result of the adoption of the Shropshire Council conditions at (i) above.

31. AGE RESTRICTED ALCOHOL SALES: A NEW APPROACH

The Specialist & Enforcement Manager for County Public Protection introduced the report and outlined the new education and enforcement approach to further tackle the sale and supply of alcohol to children and, in particular, the reduction of harm caused by alcohol to young people and the reduction in alcohol-induced anti-social behaviour in Shropshire.

Members noted and commended the wealth of work that had been, and was continuing to be, undertaken in relation to age restricted alcohol sales. The Specialist and Enforcement Manager explained that, although the current test purchasing regime had positively influenced retailers to change their behaviour when dealing with the sale of alcohol to young people, a plateau had now been reached and it was unlikely that the current approach would achieve any further significant changes; in addition the method used was not a reflection of real life situations.

Referring to paragraphs 21 and 28 of the report, she explained that where revised test purchasing operations were considered appropriate they would not always be undertaken in accordance with the LACORS Practical Guide to Test Purchasing. She stressed that this was guidance only and did not necessarily have to be followed on every occasion. Some Members expressed concern on the success of any prosecution should the LACORS guidance not be followed. The Specialist and Enforcement Manager explained, in greater detail, the relevant elements of the guidance that may not be followed and the implications for enforcement. Following this, the majority of Members wished to support the content of the entire report as presented and to retain the flexibility as detailed. The majority of Members did not wish to insist that the LACORS guidance should always be followed. The Council's Solicitor advised that each case would be considered on its merits and that the burden of proof of 'due diligence' was placed on the defendant.

The Committee noted the benefits of the Community Alcohol Partnership [CAP] with its emphasis on a reciprocal partnership between enforcement agencies, retailers and the community as a whole. Members voiced concern regarding internet alcohol purchases, the policing of outdoor festivals for the availability of alcohol to young people and alcohol related litter. The Specialist and Enforcement Manager stated that the CAP would aim to target these types of issue and, in an overt manner, seek to manage these issues with partners e.g. schools, parents, neighbourhood policing, the use of Community Support Officers etc.

RESOLVED

- i) that the establishment of a pilot Community Alcohol Partnership [CAP], be supported;
- ii) that, subject to the success of the pilot CAP, a new approach to age restricted sales through CAPs and test purchasing at on licensed premises, be developed.

Councillor Tandy left the meeting at this point.

32. EXERCISE OF DELEGATED POWERS

The Central Public Protection Manager introduced the report detailing Officers' exercise of delegated powers relating to the issue or amendment of licences for the period 1 January to 12 March 2010. Members agreed that the information was both useful and informative and requested that it be reported annually to the Committee in future.

RESOLVED

- i) that the information relating to the issue or amendment of licences under Officer delegated powers between 1 January and 12 March 2010, be noted;
- ii) that information relating to Officers' exercise of delegated powers on the issue or amendment of licences be reported annually to the Strategic Licensing Committee.

CHAIRMAN.....

DATE.....