



Committee and Date  
Strategic Licensing  
Committee

8<sup>th</sup> June 2011  
10.00 a.m.

Item

**5**

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON  
WEDNESDAY 16 MARCH 2011 AT 10.00 A.M. IN THE WILFRED OWEN ROOM,  
THE SHIREHALL, SHREWSBURY**

**Responsible Officer** Fiona Howe

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**Present:**

Mr P Adams, Mr W Benyon, Mr A Davies, Mr R Evans, Mrs D M Shingleton, Mr J Tandy, Mrs R Taylor-Smith (Chairman) and Mr R Tindall.

**Also in attendance:**

Mrs C Motley

**39. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Mr T Durnell, Mr R Huffer (Mr R Evans was in attendance as his substitute), Mrs T Huffer and Mr K Roberts.

**40. DECLARATIONS OF INTEREST**

None Declared.

**41. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 16<sup>th</sup> February 2011 be approved as a correct record and signed by the Chairman.

#### **42. PUBLIC QUESTION TIME**

In accordance with Council Procedure Rule 14, Mr Patrick Nolan, representing Shrewsbury Drivers Action Group, made a statement. Mr Tim Higgins, representing Higgins Taxis Oswestry, made a statement and asked a question relating to timescales for the implementation of the proposed amendments, as indicated with the Officer's reports. A statement was read out on behalf of Mr Nicholas Cox. He also raised questions, within his written submission, requesting clarification on the number of wheelchair users within Shropshire detailed within the Officer's report. Mr David Wilson, representing Central Taxis Ltd, County Cars Ltd, Diamond Cars Ltd, Ultimate Taxis Ltd and Telford Private Hire Drivers' Association, made a statement, and asked a question in respect of the setting up of a disabled only Hackney Carriage rank at Shrewsbury Railway Station. It was noted that at least one of his clients had a presence in the area. Ms Sheena Parry was in attendance, and read out a statement on behalf of Mr Nigel Stokes, of Comet Cars.

The Assistant Director Public Protection responded to the questions raised.

#### **43. TABLE OF FARES FOR HACKNEY CARRIAGES**

Consideration was given to a report of the Licensing Team Leader relating to the introduction of a new table of fares for Hackney Carriages licensed by Shropshire Council.

Members were advised that objections had been received during the statutory consultation period, and these had been summarised within the Officer's report. The Officer set out the representations as they related to the each zone. It was noted that Officers had received notification from Mark Higgins, Oswestry Taxis, stating that they wished for their details to be removed from a representation made by Shrewsbury Drivers' Action Group, as they were not in support of the statement laid out within the report. Consideration of the fares in relation to each zone was given by members.

A discussion ensued, and it was stated that unless the tables of fares were the same for each zone, members of the public may be charged different rates for similar journeys within each zone, which was undesirable.

#### **RESOLVED:**

- (a) That the revised tables of fares, as set out in Appendix A of the Officer's report, for Hackney Carriage zones 1, 2, 3, 4 and 5, be approved.
- (b) That the revised tables of fares for each zone come into effect from 1<sup>st</sup> April 2011.

#### **44. COMMON LICENCE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS**

The Head of Trading Standards introduced the report, advising that a Task and Finish Group had been established to develop a common set of conditions for Private Hire vehicle operators, drivers and Private Hire and Hackney Carriage vehicles (in relation to each of the five zones), conditions and guidance notes and policies.

Consultations had been undertaken over an extended period of time, and the representations made by all parties had been taken into consideration when setting out the Group's final recommendations. Members had been referred to the replies of the consultations.

When considering the Licensing conditions members were reminded that there were 3 principal areas for consideration; a unified table of fares, colour of vehicles and livery, and wheelchair accessibility. It was noted that the table of fares and wheelchair accessibility policies would be dealt with under separate reports.

A number of proposals were debated, and a Member raised concern that at a recent Central Licensing Committee, it had become apparent that Licensing Officers had completed application forms in the presence of the applicant, and requested that consideration be given to amending the conditions of licence to include the proposal 'Applicants must, normally, complete and sign an application form in person'. The Council Solicitor indicated that it was, perhaps, more appropriate to require that Officers do not complete forms for applicants, rather than condition the proposal, as an applicant could not be discriminated against, and must be allowed assistance, if required, to complete the form.

A discussion ensued on the content of the knowledge test required to be taken by all new applicants. Members concluded that the current provisions were not rigorous enough, and that the matter needed further consideration.

A Member picked up on a comment made during public questions, which suggested that vulnerable members of the public may be at risk from bogus drivers if the Council approved the recommendations to remove roof signage and remove the restrictions on colours of vehicles and livery.

A discussion ensued on the changes to roof signage and livery and vehicle colour, and concern was raised over public safety and possible confusion for members of the public. The Head of Trading Standards reassured Members that the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice 2010 argued that any roof-mounted signage, however ambiguous the wording, was liable to cause confusion with a taxi, so roof-mounted signage on Private Hire Vehicles were not seen as best practice.

Members were reminded that the Task and Finish Group had ensured that the proposed amendments had been drawn up using a light touch so as not to burden businesses, but also to ensure that public safety was maintained.

**RESOLVED:**

- (a) That the revised Taxi and Private Hire Licensing Policies and Associated documents, as set out in Appendix A, be approved, subject to the following amendments, and that they come into effect from 1<sup>st</sup> October 2011:

**Section 1 - Hackney Carriage Vehicle Licence**

- 2. Applicants
  - 2.1 To replace the wording 'Regulation 12 of the Road Vehicles (Registration and Licensing) Regulations 1971' with 'Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002.'
  
- 5.5 Roof Signage
  - To include the wording 'All lighting to comply with current road vehicle legislation'.
  
- 7. Documentation
  - 7.1 To replace the wording 'Road Traffic Act 1972' with 'Road Traffic Act 1988'

**Section 2 - Private Hire Vehicle Licence**

- 3. Signs and Notices
  - 3.5 To amend the wording to read 'From 1<sup>st</sup> October 2011 no Private Hire vehicle shall display a roof sign'

To include the following additional condition:

- 10. Advertisements
  - No Private Hire vehicle proprietor shall cause or permit any advertisement in respect of their business on their private hire vehicle used for that purpose the words "taxi" or "cab" in the singular or plural or hire unless the word "hire" forms part of the company name, or any word or similar word meaning or appearance to any of these words, whether alone or as part of another word.

**Section 4 - Drivers' Licence and Conditions of Licence**

- 2. To include the wording 'or any driving licence deemed to be acceptable under the provisions of the Road Traffic Act 1978' after the words 'DVLA driving licence'.

**Section 5 – Private Hire and Hackney Carriage Licence Guidance Notes**

- 7. CRB / Certificate of Good Conduct
  - Amend the first paragraph to read 'The Council will administer Criminal Records Bureau (CRB) checks for drivers. CRB Checks will be undertaken at every application'.

- (b) That a report on the content of the Hackney Carriage/Private Hire driver's licence knowledge test be considered a future meeting of the Strategic Licensing Committee.

#### **45. HACKNEY CARRIAGE RANKS**

Consideration was given to a report of the Head of Trading Standards in respect of the provision of ranks for Hackney Carriage vehicles.

Shropshire Council held Taxi Forums on a regular basis to engage with the Hackney Carriage and Private Hire sectors, and as a result of those meetings Officers had identified a need for further, appropriately sited, Hackney Carriage ranks across the county. Table 1 of the Officer's report provided information on the current provision of ranks, however, it was noted that a rank on Claremont Bank, Shrewsbury had been omitted from the information supplied by Highways.

At present, investigative works were focused around Abbey Foregate, Shrewsbury and Willow Street, Oswestry, but representations had been received from drivers in Ludlow to extend the existing provisions. It was noted that further work was needed to be undertaken before the matter was progressed and it was the intention of Officers to identify other full time, part time and share bays within the market towns.

In response to a question raised by a member of the Committee, the Head of Trading Standards indicated that Town Councils were statutory consultees in all such matters, and would ensure that this information was included on future reports.

#### **RESOLVED:**

That the position in respect of additional provision of Hackney Carriage ranks be noted.

#### **46. CCTV IN LICENCED VEHICLES**

Consideration was given to a report of the Licensing Team Leader, in respect of the Council's policy in relation to CCTV in licensed vehicles and to inform the Committee of the procedure to be followed for the installation of CCTV cameras in licensed vehicles.

The Licensing Team Leader addressed the meeting advising Members that if the amendments to the Council's CCTV policy were approved, the following sections of the Hackney Carriage and Private Hire Licensing Policies and Associated Documents would need to be amended:

- Section 1 – Hackney Carriage Vehicle Licence and Conditions of Licence: paragraph 8.2.
- Section 2 – Private Hire Vehicle Licence and Conditions of Licence: paragraph 6.2

Members were advised that an advice note had been prepared in order to help ensure that the correct procedures were followed by the driver or operator of a licensed vehicle.

**RESOLVED:**

- (a) That the Council's policy in relation to CCTV in licensed vehicles be amended as follows, and the appropriate sections of the Hackney Carriage and Private Hire Licensing Policies and Associated Documents be amended:

'Individuals or operators are permitted to install a CCTV camera in a licensed vehicle, in accordance with the appropriate legal framework, but they should first notify the Council of their intention to do so'.

- (b) That the guidance note, detailed at Appendix A of the Officer's report, be accepted.

**47. POLICY REVIEW – WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

The Assistant Director Public Protection introduced the report to consider the Council's policy on wheelchair accessible taxis.

Members were advised that the Disability Discrimination Act was due to be replaced by the Equality Act 2010 on 1<sup>st</sup> April 2011, which would allow regulations to be made requiring all new public transport vehicles to be accessible to disabled people, including those who need to remain in a wheelchair. However, whilst government had set the end date for accessibility for all trains, buses and coaches, the requirements in respect of Hackney Carriages had yet to be agreed.

Members were referred to the responses of the consultation exercise. Advice from the Department for Transport suggested that should regulations be made, it would require Council's to move to a position where between 30% and 35% of the fleet should be wheelchair accessible. Currently Shropshire Council licences 38 vehicles considered to be wheelchair accessible, which equates to 26% of the fleet, with the majority being licensed within Zone 4.

It was noted that, if the Council's policy was amended to require all vehicles to be wheelchair accessible, there would be significant purchase and running cost implications to Hackney Carriage proprietors, and Members must ensure that any policy was reasonable. However, there were duties that the Committee had to take into account, especially under section 49A of the Disability Discrimination Act 1995. Government Guidance should also be taken into account.

At this juncture, Members considered it would be appropriate to consider Council's opinion on wheelchair accessibility for Hackney Carriages, and take legal advice.

**48. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That in accordance with the provisions of Schedule 12A Local Government Act 1972, and Paragraph 10.4 (3) of the Council's Access to Information Rules, the public and press be excluded during consideration of the following item.

**49. WHEELCHAIR ACCESSIBILITY POLICY FOR HACKNEY CARRIAGES  
COUNSEL'S ADVICE**

Consideration was given to an exempt report of the Head of Public Law.

Legal advice was taken, and Members considered the impact of the proposed changes to the Council's Wheelchair Accessibility Policy on the Hackney Carriage trade and the travelling public.

**RESOLVED:**

To note the content of the report.

(The full version of Minute 49 constitutes exempt information under Category 3 of Paragraph 10.4 of the Council's Access to Information Rules and has accordingly been withheld from publication.)

At this juncture, the Committee moved back into open session.

**50. POLICY REVIEW – WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

Further consideration was given to the report of the Assistant Director, Public Protection.

In making their decision, the Committee were reminded to have due regard to the Council's statutory duty and the Department for Transport Best Practise Guidance Notes and the consultation responses.

**RESOLVED:**

That it be recommended to Cabinet that:

Should Council decide to remove the hackney carriage zones, the Council's policy, in relation to wheelchair access, would be 'a mixed fleet' (of which wheelchair accessible vehicles form a part).

Reason: This is required to meet the needs of the various types of disabilities, and as a mixed fleet currently exists within the Council's area, there would be no requirement for vehicles to be wheelchair accessible, but the situation would be kept under review.

**CHAIRMAN**.....

**DATE**.....