

**Committee and Date**Strategic Licensing
CommitteeTuesday 17th January 2012**Item****4**

Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON THURSDAY 1st DECEMBER 2011 IN THE WILFRED OWEN ROOM, THE SHIREHALL, SHREWSBURY

10.00am – 11.30am

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Present:

Mrs R Taylor-Smith (Chairman).

Mr P Adams (Vice-Chairman), Mr T. Barker, Mrs J Barrow, Mr W Benyon,

Mr V. Bushell, Mr A Davies, Mr K. Roberts and Mr J. Tandy.

24. WELCOME AND INTRODUCTION FROM THE CHAIRMAN

24.1 The Chairman welcomed everyone to the meeting.

24.2 The Chairman thanked the Licensing and Safety Sub-Committee and Licensing Team, stating that their hard work and dedication was appreciated.

25. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

25.1 Apologies for absence were received from Mrs B. Baker, Mr T. Bebb, Mr R. Huffer and Mr R. Tindall.

26. DECLARATIONS OF INTEREST

26.1 None were declared.

27. MINUTES**27.1 RESOLVED:**

That the Minutes of the meeting held on 7th September 2011 be approved as a correct record and signed by the Chairman.

28. PUBLIC QUESTION TIME

28.1 None received.

29. DRAFT POLICY FOR LICENSING OF HACKNEY CARRIAGES

29.1 Consideration was given to a report of the Environmental Health Service Manager regarding a draft policy for the licensing of hackney carriages.

29.2 The Environmental Health Service Manager explained that there had been an influx of hackney carriage licence applications from drivers based outside Shropshire. As a result of this increase in workload a policy to set out the Council's position on 'out of area' hackney carriage applications had been drafted and approved for consultation at the last meeting held on 7th September 2011.

29.3 The Environmental Health Service Manager reminded Members why the policy was required, explaining that Hackney Carriage drivers may not have a genuine intention to ply for hire in Shropshire but may be trying to take advantage of an exemption in legislation which allows them to take bookings across the Country.

29.4 The responses to the consultation, as in paragraph 6, were outlined by the Environmental Health Service Manager. The Chairman felt the response to the consultation was disappointing. The Environmental Health Service Manager explained that subject to this Committee's approval, this final draft of the policy would be submitted to Cabinet for its further consideration and final approval.

29.5 In response to a question from a Member, the Solicitor advised that the wording 'to a material extent' was included in the policy as this wording was used by the Judge during the Newcastle City Council v Berwick-Upon-Tweed Borough Council [2008] case. The Solicitor added that the policy also included a paragraph to state that a licence would be refused if the driver was working outside of the area to a large extent.

29.6 Discussion ensued in relation to the issue of enforcement. The Vice-Chairman explained that applicants had agreed to a condition of licence to keep a log of all fares. Members agreed that the Licensing Team Leader use her delegated powers to investigate and, if appropriate revoke Hackney Carriage Vehicle Licences where the vehicle had not been used to a material extent, to ply for hire in the relevant zone or was being used extensively outside of the zone.

29.7 The Solicitor added that a report would be brought before the next meeting of this Committee to give further details of the proposed use of the delegated powers by the Licensing Team Leader. A Councillor indicated that such a report was unnecessary as the officer already had the powers; however the majority of Members commented that they would prefer to receive a report to confirm this change.

29.8 Members expressed concern about the increased workload for the Licensing Team and Licensing and Safety Sub-Committee and questioned if the charge for the licences was adequate. In response the Environmental Health Service Manager explained that a time monitoring exercise was being undertaken and a report on fees and charges would be presented to the next meeting of Strategic Licensing Committee due to take place on 17th January 2012.

29.9 The Chairman thanked the officers for the draft policy and suggested the issue of a press release.

29.10 **RESOLVED:**

1. That the consultation responses be noted.
2. That the final draft policy for licensing of hackney carriages as it appeared in Appendix 1 of the report, be approved and referred to Cabinet for further consideration and final decision.

30. EXERCISE OF DELEGATED POWERS

30.1 Consideration was given to a report of the Public Health and Safety Manager outlining the work undertaken by the Licensing Team and Sub-Committees between 1st September and 31st October 2011.

30.2 The Chairman thanked the Public Health and Safety Manager for the information and requested that future reports include further detail in relation to Licensing Act Sub-Committee appeals.

30.3 **RESOLVED:**

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

31. DRIVERS' KNOWLEDGE TEST

31.1 Consideration was given to a report of the Public Health and Safety Manager in respect of proposed amendments to the current drivers' knowledge test.

31.2 The Public Health and Safety Manager proposed that the local knowledge section of the test be expanded to include towns, local roads and places of interest and include a test to assess the applicant's ability to write a receipt in English. It was added that as Shropshire Council issued joint driver badges, the test would be set at a standard suitable for private hire drivers.

31.3 In response to a question from a Member, the Public Health and Safety Manager confirmed that applicant's were required to bring identification when

they sat the knowledge test. It was added that the test was run like an exam and that there were 3 individual tests to ensure that an applicant was given a different test each time.

31.4 In response to a question from a Member regarding the difficulty rating of the test, the Solicitor explained that as Shropshire Council issued joint driver badges, the test would have to be set at a standard suitable for private hire drivers.

31.5 Councillor Tim Barker gave his support to the recommendation but felt that Hackney Carriage drivers should have a different test to Private Hire drivers and requested that this issue be revisited.

31.6 The Public Health and Safety Manager confirmed that a report on fees, including the fee for the Knowledge Test, would be brought before Members at the next meeting of this Committee due to take place on 17th January 2012.

31.7 **RESOLVED:**

1. That the Drivers' Knowledge test be approved to expand the local knowledge section of the test and include an additional element to assess the applicant's ability to write a receipt. Where an applicant failed the knowledge test three times, the application would be refused, subject to the Licensing Officer having authority to permit a further test or tests where s/he considered the circumstances warranted it.
2. That applicants be charged for resit tests.
3. That the suggested fee for resit tests be £30.

32. SAFETY AT SPORTS GROUNDS – ANNUAL REPORT DECEMBER 2011

32.1 Consideration was given to a report of the Public Health and Safety Manager outlining the work undertaken by the Health, Safety and Promotions team throughout the year.

32.2 The Public Health and Safety Manager explained that this was an information report in respect of Sports Grounds Safety at designated sports grounds in Shropshire. It was added that there were three locations in Shropshire where safety certificates were required.

32.3 **RESOLVED:**

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

33. DATE OF NEXT MEETING

33.1 The Committee noted that the next meeting of the Strategic Licensing Committee would be held on Tuesday 17th January 2012 at 10.00am in the Shrewsbury Room, Shirehall, Shrewsbury.

CHAIRMAN.....

DATE.....