



Committee and Date

Strategic Licensing Committee

19th June 2019

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 6
MARCH 2019
10.00 - 10.53 AM**

Responsible Officer: Shelley Davies

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Present

Councillor Keith Roberts (Chairman)

Councillors Simon Jones (Vice Chairman), Peter Adams, Dean Carroll, Rob Gittins, Paul Milner, Pamela Moseley, Kevin Pardy, Ed Potter and David Vasmer

47 Apologies

Apologies for absence were received from Councillors Roy Aldcroft, Clare Aspinall, Robert Tindall and Dave Tremellen.

48 Minutes of Previous Meeting

RESOLVED:

That the Minutes of the meeting held on 23rd January 2019 be approved as a correct record.

49 Public Question Time

The Chairman reported that three public questions had been received.

Question 1 - received from Mark Higgins:

I object to any changes to vehicle type and ask the council to withdraw its proposals for 100% WAV taxis. Taxis (Public Hire) provide a crucial role in transporting the public.

For years Shropshire council have addressed the potential for anti-social behaviour and safe passage for the public by providing taxi rank marshals to assist with the many revellers who are a vital part of Oswestry's night time economy and are transported efficiently and safely from the taxi rank.

In Oswestry we don't have Uber or indeed any app booking taxis or private hire and the public use the town centre taxi rank in great numbers.

Operating predominantly private hire vehicles in Oswestry would have a big impact on policing and anti-social behaviour increase in drunk driving & unlicensed activities as Private hire cannot lawfully provide a here and now booking.

The cost of replacing saloon taxis to wheelchair accessible taxis would not be financially viable.

Has Shropshire council consulted with the Police informing them of Mandy Beever's suggestion that if a WAV is too costly, taxis could simply be replaced with Private Hire vehicles?

The response as follows was read out by the Chairman:

Shropshire Council sent West Mercia Police details of both consultations inviting them to respond. No response was received.

Question 2 - received from Richard Price on behalf of himself and Shrewsbury Station Taxis:

Although we find most of the policy workable, regarding appendix B 3b.33 (age Limits) of the proposed policy, we would like to raise the point that this policy does not provide a lifeline expectancy of euro 6 wheelchair accessible vehicles beyond the end of the policy in March 2024, therefore operators are going to find it impossible to invest the £20,000 to £60,000 required for one of these vehicles without knowing how long beyond 2024 we will be able to continue to use them.

Therefore, we would like to suggest that added to this policy is that post 1st September 2016 euro 6 vehicles will continue to have their licences renewed for 10 years from date of original registration, we don't consider this to be an unreasonable request considering Transport for London who operates within an ultra-low emission zone is allowing re licensing of euro 6 vehicles until 2030 or until they are 12 years old.

The response as follows was read out by the Chairman:

It is being proposed today that an additional paragraph should be added to the Policy document to provide reassurance to the trade in regard to the Councils position on emission/age restrictions namely that:

Part 3b.33, 3c.26, 3d.34, Emissions/Age Restrictions

A note to be added to the bottom of the emission/age restriction chart on each page as follows:

NB: The chart above provides information for the licensing of vehicles up to 31 March 2024 and the maximum age for a vehicle to remain licensed. The Council does not currently intend to make any changes in the future to reduce the maximum age for a vehicle to remain licensed where a vehicle had already been licensed before 31 March 2024. However, the Policy will be subject to continuous evaluation and, if necessary, can be formally reviewed at any time.

Question 3 - received from Nicholas Cox:

I wish to strongly protest against the highly discriminatory condition in the new policy that will force all hackneys to become wheelchair accessible.

An all wheelchair policy is not the best policy for the estimated 76000 disabled people of Shropshire, only of which 8 to 10% use wheelchairs. Of these estimated 7000 wheelchair users only about 20% are reliant on their wheelchairs, the remaining 80% do not use their chairs all the time. That means that of the estimated 76000 disabled people in Shropshire only about 1400 would possibly benefit from such a policy the other 74600 would be discriminated against. The vast majority of wheelchair users prefer to transfer to the front seat of a saloon car where they can sit comfortably in a supportive seat, wear a self-tensioning seat belt, and have the protection against whiplash injuries in case of an accident, all saloon cars have head rests and airbags. Very few wheelchairs have head supports, and none have self-tensioning seat belts and airbags.

I do hundreds of wheelchair transports a year, all regular customers, who check that I am in my saloon car and NOT in my minibus, before booking a ride. The simple reason being that they cannot transfer to anything higher than a normal passenger car, and that they do not want to sit in the back of a WAV strapped in view of the public "Like a monkey in a cage" as two of them have described such transport to me.

The vast majority of wheelchairs today are simply not safe to be transported in a vehicle with the passenger seated in the chair. They do not have any anchor points to secure them in a vehicle. Wheelchairs that are deemed safe to transport their users while seated in the chair have 4 special anchor points welded to the chair during manufacture, The anchor points are painted yellow or orange. If the manufacturer has not fitted these anchor points to the chair it is because the chair is not considered to be safe to transported with a passenger seated in it. I do not fancy having a heavy passenger hitting me in the back of the head like an Exocet missile because his unsuitable chair has disintegrated on impact. Highly dangerous for both passenger and driver.

Wheelchair users invariably arrange transport before making a journey. It is just a fact of life for them. When they phone to book a journey from home to town they specify they need a WAV. The only WAV available, if this new policy is voted in, will be a Hackney, and there is no law in the land that can accuse a hackney driver of discrimination because he refuses to drive 5 unpaid miles to pick up a wheelchair. He will be perfectly within his rights to suggest the wheelchair user gets himself to the nearest taxi rank, which are all in the town centre which is where he wants to go in the first place. Hackneys are either met at taxi ranks or flagged down in the street. Mandy Beever says that Hackneys should look at how they run their business model, and not to operate as private higher. How is a wheelchair user meant to get a WAV other than phoning for want, in other words a private hire job. Mandy Beever does not want hackneys to do the job because it is private hire. That is a bit of a conundrum I will struggle to get my head around.

In a meeting I had yesterday with Mandy Beever she was trying to explain to me why she must make all hackneys WAV. She says that the 2010 equality act means that any changes to a policy must raise the standards of protection given to the disabled, not reduce it. Her new policy of a WAV only hackney fleet is doing the exact opposite of what is required by law. Shrewsbury zone policy of WAV only hackney was always most discriminatory against the vast majority of the 5 zones, by getting rid of the mixed fleet policy of the other 4 zones she is bringing them all down the lower

standards of equality that Shrewsbury has at the moment. It is nothing more than discrimination against most of Shropshire's disabled. Illegal.

I asked Mandy Beever to confirm that she does not believe a WAV only policy is discriminatory and she wouldn't, which can only lead me to believe that she is slowly realising that it is.

Governments best practice guidelines, that new task and finish groups recommendations, the LGO, and many more eminent people ALL say that a WAV only Hackney policy discriminates against the vast majority of disabled people. Why does Mandy Beever think she knows better than them?

The response as follows was read out by the Chairman:

Shropshire Council licence Hackney Carriages and Private Hire Vehicles together they form the Council's fleet of licenced vehicles.

The Governments Integrated Transport Strategy stated 'a desire to see a much greater proportion of Wheelchair Accessible vehicles, particularly in non-urban areas, over the next ten years'. This has been further recommended in the Governments Response published in February 2019 (Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, Moving Britain Ahead).

Officers of the Council give consideration to all relevant publications when revising policy documents e.g. best practice guidance, the Task and Finish Groups recommendations, documents published by the Local Government Association and The Department for Transport.

50 Disclosable Pecuniary Interests

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

51 Proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes). The report set out the proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 and highlights those matters that had led to the most significant changes.

The Transactional and Licensing Team Manager detailed the consultation process and went through the proposed amendments to the Policy as at Appendix B and explained that the recommendation took account of these changes:

Part 1 – Paragraph 1.2 bullet point 7 (top of Page 108)

Existing:

that the hallmark of the regulatory licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full

control over all vehicles and drivers being operated within its area. The Council believes that the increasing prevalence of cross-border hiring is fundamentally undermining local licensing control. Public safety is being threatened and environmental aspirations diluted in cases where drivers/vehicle proprietors 'shop around' to be licensed by local authorities that demand the lowest standards and then exclusively or predominantly work in an area or areas where standards are higher and licences more difficult to obtain. As a result, the Council will give serious consideration to applying restrictions within licence conditions to restrict any perceived erosion of localism in the governance of private hire licensing.

Revised:

that the hallmark of the regulatory licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area. The Council believes that the increasing prevalence of cross-border hiring can undermine local licensing control. Public safety is being threatened and environmental aspirations diluted in cases where drivers/vehicle proprietors 'shop around' to be licensed by local authorities that demand the lowest standards and then exclusively or predominantly work in an area or areas where standards are higher and licences more difficult to obtain.

Part 2 - Cross-border hiring (Page 115)

Existing:

- 2.XX Cross-border hiring is a term used to describe a situation where private hire vehicles or hackney carriages, that are licensed by one licensing authority work wholly or predominantly in another licensing authority area.
- 2.17 The issue of cross-border hiring is the most acute hackney carriage and private hire licensing problem currently facing the Council.
- 2.18 This situation poses a significant risk to public safety, as well as the reputation of local government as a whole. Consequently, the Council recognises the responsibility it has to use all appropriate mechanisms and opportunities, including working with and supporting other local authorities, to protect communities outside of its immediate responsibility.

Revised:

- 2.XX Cross-border hiring is a term used to describe a situation where private hire vehicles or hackney carriages, that are licensed by one licensing authority work in another licensing authority area.
- 2.17 (Removal of this paragraph in its entirety)
- 2.18 This situation poses a potential risk to public safety, as well as the reputation of local government as a whole. Consequently, the Council recognises the responsibility it has to use all appropriate mechanisms and opportunities, including working with and supporting other local authorities, to protect communities outside of its immediate responsibility.

Part 3f - Cross-border hiring (Page 233)

Existing

- 3f.XX Where an operator who is licensed by Shropshire Council knowingly makes arrangements for drivers of their fleet (who are licensed by the Council and drive vehicles that are also licensed by the Council) to exclusively or

predominantly go to areas outside the administrative area of Shropshire Council, the Council will consider refusing or revoking the operator's licence on the ground that the operator is undermining local licensing control, which threatens public safety and, where relevant, undermines other Council aspirations.

Revised:
(Removal of this section in its entirety)

Appendix G - Taking bookings and retaining records (Page 295)

1.XX An operator must not knowingly make arrangements for drivers of their fleet (who are licensed by the Council and drive vehicles that are also licensed by the Council) to exclusively or predominantly go to areas outside the administrative area of Shropshire Council.

Revised:
(Removal of this condition in its entirety)

Part 3b.33, 3c.26 & 3d.34 - Emissions/Age Restrictions (Pages 142, 164 & 187)

Note to be added to the bottom of the emission/age restriction chart on each page as follows:

NB: The chart above provides information for the licensing of vehicles up to 31 March 2024 and the maximum age for a vehicle to remain licensed. The Council does not currently intend to make any changes in the future to reduce the maximum age for a vehicle to remain licensed where a vehicle had already been licensed before 31 March 2024. However, the Policy will be subject to continuous evaluation and, if necessary, can be formally reviewed at any time.

Appendix B - Condition 1.17 (Page 253)

Existing:
1.17 The driver MUST NOT, at any time when working as a private hire driver:

- Make a booking on behalf of a prospective passenger (who they are not already carrying as part of a pre-booked journey), e.g. via their radio or mobile telephone.

Revised:
1.17 The driver MUST NOT, at any time when working as a private hire driver:

- Make a booking on behalf of a prospective passenger, e.g. via their radio or mobile telephone.

In response to questions from Members, the Transactional and Licensing Team Manager explained that there were a number of factors why applications for Hackney Carriage and Private Hire licences had reduced including the introduction of policies to improve vehicles in terms of emissions and safety and the 2015 De-regulation Act.

The Chairman read out a letter from Christopher Woodrow on behalf of Shrewsbury Cars and Shrewsbury Taxis which thanked all concerned for listening to the concerns raised and those of the wider trade and, even though not every provision of the draft policy was agreed with it was recognised that that the policy was broadly fair.

The Chairman read out a letter from David Wilson on behalf of Central Taxis Limited (trading as GoCarz) and Diamond Cars which thanked the Officers for their willingness to genuinely consider other viewpoints and to make a great many changes to the various incarnations of the draft policy with the clear intention of producing a policy that was right for the trade, the public and the Council.

RESOLVED:

1. The Committee considered all the responses submitted during the consultation period and noted the Officer's summary as set out in Appendix A.
2. The Committee agreed that the proposed 'Hackney Carriage and Private Hire Policy 2019 – 2023' as set out in Appendix B, with any necessary modifications be reported to Cabinet for further consideration and a final decision with respect to adoption and implementation.

52 Hackney Carriage and Private Hire Licensing Fees 2019 to 2020

Consideration was given to the report of the Transactional and Licensing Team Manager (copy attached to the signed minutes). The report set out the objection in respect of the variations proposed to the fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences.

RESOLVED:

The Committee, in accordance with the provisions of Section 70 (5) of the Local Government (Miscellaneous Provisions) Act 1976, considered the objection received, together with associated officer comments, as set out in Appendix A, following the legally prescribed objection process that was undertaken in respect of the variations proposed to the fees in relation to driver, hackney carriage (zones 1, 2, 3, 4 & 5), private hire vehicle and operator licences and agreed, with any further modifications if necessary, to implement the variations proposed to the fees as set out in Appendix B with effect from 1 April 2019, this being a date not later than 2 months after the 4 February 2019.

53 Exercise of Delegated Powers

Consideration was given to the report of the Transactional and Licensing Team Manager in relation to delegated powers to issue and amend licences. (Copy attached to the signed minutes).

The Transactional and Licensing Team Manager referred to Appendix A of the report and noted that under the information for the Licensing Act 2003 the number of Temporary Event Notices with Alcohol should read 87 and Temporary Event Notices no Alcohol should read 0.

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

54 Records of Proceedings - Licensing Act Sub-Committee

The records of proceedings of the Licensing Act Sub-Committee meetings from May 2018 to December 2018 were received by Members. (Copy attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from May 2018 to December 2018 be noted.

55 Appointment to Licensing and Safety Sub-Committee

RESOLVED:

The appointment of Councillor Pam Moseley to the Licensing and Safety Sub-Committee was confirmed.

56 Future Agenda Items

Members were given the opportunity to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

RESOLVED:

No future agenda items were identified.

57 Date of Next Meeting

RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 19th June 2019.

Signed (Chairman)

Date: