



Strategic Licensing
Committee

15 July 2020

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 17
JUNE 2020
10.00 - 11.00 AM**

Responsible Officer: Tim Ward

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Present

Councillor Keith Roberts (Chairman)

Councillors Simon Jones (Vice Chairman), Peter Adams, Roy Aldcroft, Rob Gittins, Nigel Hartin, Pamela Moseley, Kevin Pardy, Vivienne Parry, Robert Tindall, Dave Tremellen and Leslie Winwood

30 Apologies

30.1 Apologies for absence were received from Councillors Nick Hignett and Paul Milner

30.2 There were no substitutions

31 Minutes of Previous Meeting

31.1 The minutes of the meeting held on 4th December 2019 had been circulated

31.2 RESOLVED:

That the minutes of the meeting of the Strategic Licensing Committee held on 4 December 2019 be approved as a true record and signed by the Chairman

32 Public Question Time

32.1 The Chair reported that the following question had been received from Mr Phil Taylor

In January 2019, I wrote to SCC Licensing Services regarding the potential creation of a PHV monopoly with Go-Cars acquisition of both Vincent and Comet taxi companies.

Living in Westbury which as with other rural communities have a restricted bus service and therefore have to rely on PHV operators to travel to hospital appointments etc when access to own transport is not an option or unable to drive.

As my wife and myself are senior citizens, the lack of PHV competition is a grave concern as once a monopoly created, and no Authority control over PHV charges

there will be price increases which cannot be controlled by either competition or regulation

After several attempts to expedite a response, I finally received one in May which outlined the current Government licencing regulation / policy for PHV and constraints local licensing authorities are under.

In January this year, the inevitable happened, when G0-Cars acquired ABC Taxis, effectively only leaving two other sizeable PHV operators within Shrewsbury. I would hope the committee would agree this is far from an ideal situation for both Shrewsbury and surrounding villages, residents and taxi drivers.

Understand from speaking with other taxi drivers there is now a good chance that Shrewsbury Taxis will also become part of the Go-Cars "empire"

I have contacted the Shropshire Star as I think this situation is a news worthy article. The local Shrewsbury Office told me they may consider publishing an article but appear to require backing of local councillors and MP's as they do want to appear to be biased against Go-Cars. I understand their reluctance but as I suggested there is no need to name specific companies as it's a case of "if the cap fits ". Licensing Services suggested I could also contact Strategic Licensing Committee and writing to local MP's. I have written to Daniel Kawczynski and last week and will write to Owen Patterson and Council Leader, Clive Wright to canvass support in campaigning /lobbying the relevant Government Departments. I think the general consensus is the 2015 Deregulation which allowed for cross border working is in main, responsible for the "mess" of PHV licensing and led to creation of a monopoly within Shrewsbury.

Understand there is a committee meeting scheduled for 11th March and would ask for this issue to be added to the Agenda

I have attached other communications relating to both my 2019 and this year's attempt to raise awareness and gain support from both the media, local government and MPs.

The response as follows was read out by the Chairman

The communications provided by Mr Phil Taylor relating to his attempts in 2019 and 2020 to raise awareness and gain support from the media, local government and MPs have been reviewed. The information within these communications has been considered, together with relevant Council licensing data and information available from the Competition and Markets Authority (CMA). This has collectively informed the following response.

Go Carz is the largest Private Hire Operator operating in Shropshire followed by Diamond Cars and Shrewsbury Cars. Based on the number of vehicles that each Operator is licensed to operate by Shropshire Council, there is an indication that the market share held by each Operator is likely to be in the region of 36%, 17% and 10% respectively. There are a further 149 small and medium sized Private Hire Operators licensed by Shropshire Council that share the remaining 37% of the market. It is not possible to take into account, with any degree of accuracy, the

impact on market share created by those vehicles that operate within Shropshire and are licensed by other local authorities, although it can be concluded that it will have an impact and it is likely that the Go Carz market share will be more than 36% and the others less. This does not create a monopoly situation in Shropshire.

Shropshire Council is unable to comment on the specific commercial details of any taxi or private hire business, including any business acquisitions, as this falls outside the Council's statutory responsibilities.

However, simply acquiring businesses or having the largest market share or indeed having a dominant market position (more than 40% and/or not affected by normal competitive restraints), does not necessarily mean that a business is breaching competition law. In fact, even a monopoly is not, in itself illegal. For this to be the case, a business must act unfairly towards its customers and other businesses. The Council has no evidence that Go Carz is acting in this way.

The current Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 focusses on protecting public safety and the environment. The Council is aware that the robust requirements of this Policy, together with the impact of the Deregulation Act 2015, which has facilitated an increase in cross-border hiring, has had an effect on those choosing to remain in the taxi/private hire trade across Shropshire. However, it is also ensuring that standards are driven upwards, and it is those operators that are commercially focused and able to meet the demands of the Council's robust Policy that remain in business. To change the principles of the Policy to make it easier for new entrants to the taxi/private hire market or for less commercially focussed traders to remain, would mean the provisions to protect the public and the environment would be weakened and standards across the trade would fall. This is not a position that the Council considers acceptable, particularly given the Council's safeguarding responsibilities.

If Mr Taylor considers that Go Carz is breaching competition law, the Council's current position is that he ought to report this to the CMA. He can do so on the GOV.UK website at <https://www.gov.uk/guidance/tell-the-cma-about-a-competition-or-market-problem>.

33 Disclosable Pecuniary Interests

- 33.1 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

34 Safety of Sports Grounds - Annual Report of Activity

- 34.1 Members considered the report of the Health Protection Team Manager – Regulatory Services (copy attached to the signed minutes), detailing the exercise of delegated functions in respect of the safety of sports grounds, undertaken by the Public Protection service over the past year.
- 34.2 The Health Protection Team Manager reminded Members that there were three venues within Shropshire that held safety certificates – Shrewsbury Town Football Club, TNS Football Club Oswestry and Ludlow Racecourse and outlined the work undertaken under delegated powers in the past 12 months

34.3 RESOLVED:

That the Strategic Licensing Committee note the activities in respect of safety of sports grounds at designated sports grounds and regulated stands in Shropshire.

35 Exercise of Delegated Powers

35.1 Members considered 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).

35.2 The Transactional and Licensing Team Manager advised the meeting that due to the cancellation of the last scheduled meeting the information in the report covered a longer period than usual

35.3 In response to a query regarding the number of Temporary Event Notices issued the Transactional and Licensing Team Manager advised that this was around the normal number issued. She commented that often notices were applied for well in advance of the date of the event.

35.4 RESOLVED:

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

36 Exclusion of Press and Public

36.1 RESOLVED:

That under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act

37 Personal Licence - Consideration to revoke or suspend

37.1 Members considered the exempt report of the Public Protection Officer (Specialist)

(The full version of minute 37 constitutes exempt information under Category 1 of paragraph 10.2 of the Council's Access to Information Procedure Rules and has accordingly been withheld from publication.)

Signed (Chairman)

Date: