

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday 16th January 2013 at 6.05 pm in the Wrekin Room, The Business Development Centre, Stafford Park 4, Telford**

#### **PRESENT**

Councillors: C Mason (Chair), R Picken, A Mackenzie, L Murray, R Scammell, J Seymour and J Thompson.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy & Public Protection, Jo Revell – Health, Safety & Resilience Manager, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Ian Ross – Team Leader Places, Legal Services, Tina Street – Solicitor, Taranjit Sahota – Trainee Solicitor and Wendy Buckley - Democratic Services Support Officer.

The Chair introduced two officers from Telford & Wrekin to the Licensing Committee. Jo Revell – Health, Safety & Resilience Manager who would be taking over from Ian Mercer from the end of February and Taranjit Sahota – Trainee Solicitor.

A minutes silence was held for Councillor Duce, a Member of the Licensing Committee, who had passed away on 24<sup>th</sup> December 2012.

#### **LC- 20      MINUTES**

**RESOLVED** – that the minutes of the meetings of the Licensing Committee held on the 2nd October and 20<sup>th</sup> November 2012 be confirmed and signed by the Chair.

#### **LC- 21      APOLOGIES FOR ABSENCE**

Councillors T Hope and K Tomlinson.

#### **LC- 22      DECLARATIONS OF INTEREST**

None.

#### **LC- 23      DETERMINATION OF APPLICATION FOR LAND OFF SUTTON HILL WAY, SUTTON HILL, TELFORD TO BE REGISTERED AS A VILLAGE GREEN**

Councillor Mackenzie left the meeting at this point as he declared that he had attended two public meetings regarding the application for the village green in his role as ward member for Cuckoo Oak.

The Team Leader Places, Legal Services presented a summary of the report of the Assistant Director – Law, Democracy and Public Protection advising Members that an application had been received on 30<sup>th</sup> April 2009 by Mr Hoyle to register land to

the south of Sutton Hill Way, Telford as a village green. The evidence had been submitted to Members to determine whether or not the case had been proved to register the land as a village green.

Members were referred to the process which had been followed to give publicity to the application: interested parties were notified and notices had been published in the Shropshire Star on 23<sup>rd</sup> December 2010 and put up on site from 29<sup>th</sup> November 2010.

Objections were received by Telford Golf and Country Club Hotel, Homes and Communities Agency and Telford & Wrekin Council. The area of the village green was then revised by the applicant and the landowning parties withdrew their objections. Two local residents also placed objections but these too had been withdrawn so therefore the application and the evidence in support of the application was uncontested.

It was explained to Members that the authority may register land as a village green if it is satisfied, on the balance of probabilities, that a significant number of inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they continue to do so at the time of the application. It was also explained to Members that they should only consider the relevant evidence before making their determination. It was pointed out that a considerable amount of relevant evidence had been submitted, which had not been disputed and which related to the matters which needed to be proved before the application could be granted.

**RESOLVED - that the land off Sutton Hill Way, Sutton Hill, Telford as shown on the revised plan dated 27<sup>th</sup> January 2011 attached to the report, be registered as a Village Green.**

Councillor Mackenzie returned to the meeting room for the remaining agenda items.

**LC – 24      CONSIDERATION TO LICENCE A PEUGEOT E7 AS A HACKNEY CARRIAGE VEHICLE**

The Chair advised that some Members had received a letter by e-mail, concerning consideration to licence a Peugeot E7, from the Hackney Carriage Association. The letter was addressed to Kuldip Sahota, Leader of Telford & Wrekin Council and would be responded to by the Leader.

The Public Protection Team Leader summarised the report of the Service Delivery Manager Public Protection for Members to consider whether to licence a Peugeot E7 as a hackney carriage vehicle by adding it to the list of the Council's approved hackney carriage vehicles.

Members were advised that an application had been made in November 2012 from Allied Vehicles to request the vehicle be licensed as a hackney carriage. Following the procedure agreed by this Committee at the previous meeting (Minute number LC 14) Members of the 'working panel' had examined the vehicle by way of a tick box form, a copy of which was attached to the report. Later inspection visits were

carried out by a representative from Listen Not Label and Brian McMillan, Public Protection Compliance Officer, and were tabled at the meeting.

After an initial debate about the evidence, the Chair moved, in accordance with Council Procedure Rule 13.11, that the meeting be adjourned in order to allow Members to inspect an E7 vehicle which was parked outside the building. The adjournment was approved, and the meeting was duly adjourned at 7pm.

The meeting reconvened at 7.10pm.

The debate about the application continued and there was some concern voiced by Members about the interior handles for passengers to exit the vehicle in the event of the driver not being able to open the doors, step height and the incline of the ramp for wheelchair access. Members debated the importance of having an under floor ramp to enter the vehicle as standard, swivel seat and hearing loop. (A release button for the doors was also suggested as a recommendation to feedback to the manufacturer for passengers to exit the vehicle). Members confirmed that the specific requirements of the under floor ramp, swivel seat and hearing loop to the E7 vehicle be included by the Public Protection Team Leader to the appropriate model before placing on the approved list of hackney carriage vehicles.

**RESOLVED - that the appropriate model(s) of the Peugeot E7 vehicle be added to the approved list of licensed hackney carriage vehicles.**

**LC – 25      VERBAL REPORT ON A TRAINING EVENT ATTENDED BY THE CHAIR OF THE LICENSING COMMITTEE AND THE PUBLIC PROTECTION TEAM LEADER**

The Public Protection Team Leader, the Licensing Committee Chair and the Licensing Technical Officer had attended a training event in Birmingham in November 2012. The Public Protection Team Leader advised that the training event provided a 'mix and match' programme to attend different training opportunities.

Members asked if there were any items of training from the event which the Licensing Committee Members would find useful. The Public Protection Team Leader advised that changes brought in by the Live Music and Police Reforms and Social Responsibility Acts and the response to the taxi reform from the Law Commission would be reported to Members during the Licensing Committee meeting to be held in March 2013.

**LC – 26      VERBAL REPORT ON TAXIS LICENSED BY SHROPSHIRE COUNCIL**

The Public Protection Team Leader advised Members that Shropshire Council last year refused to renew some hackney carriage proprietor's licences which were licensed as hackney carriage vehicles by Shropshire Council but which were operating as private hire vehicles in Telford & Wrekin. The proprietors appealed to Shrewsbury Magistrates Court. One proprietor took one test application to the magistrates court with the other proprietors handing in letters to abide by the one test appeal. In October 2012 the Judge concluded that Shropshire Council had

taken the correct action and the appeal was dismissed. Shropshire Council agreed to grant temporary licences to 31<sup>st</sup> March 2013 for any that were affected by the appeal so that drivers were allowed to continue working while applying to Telford & Wrekin to be licensed. The temporary licences would be hackney carriage licences In Shropshire operating as private hire in Telford & Wrekin.

**RESOLVED – that the position be noted.**

Meeting closed at 7.45 pm.

Chairman:

Date: