



Committee and Date
Licensing and Safety Sub-Committee

Wednesday 29th February
2012

3.00 p.m.

Item

24

Public

**TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**THE LICENSING OF HACKNEY CARRIAGE SALOON VEHICLES IN ZONE FOUR
(FORMER BOROUGH OF SHREWSBURY AND ATCHAM)**

Responsible Officer Carol Foster - Licensing Team Leader
Email: carol.foster@shropshire.gov.uk Telephone 01743 251874

1.0 Summary

- 1.1 The purpose of this report is to consider whether nine saloon hackney carriages should be permitted to be licensed for Zone Four (former Borough of Shrewsbury and Atcham).
- 1.2 Shropshire Council policy for licensed hackney carriages in Zone Four is that all vehicles shall be wheelchair accessible. Eight proprietors of saloon vehicles have had the benefit of three years' of grandfather rights. These rights are due to expire on renewal of their hackney carriage licence in 2012. One proprietor was given approval to licence a new saloon vehicle up until 31 March 2012, due to exceptional personal circumstances. All proprietors have been notified that their vehicles would not be licensed for Zone Four upon renewal and inviting representations to be made if proprietors consider that exceptional circumstances would justify licensing their vehicle outside of policy.
- 1.3 Prior to the issue of a licence, a Licensing Authority has to be satisfied that the vehicle is fit for purpose (Section 48 of the Local Government (Miscellaneous Provisions) Act 1976).

2. Risk Assessment and Opportunities Appraisal

- 2.1 There are no risks associated with this report.

3. Financial Implications

- 3.1 There are no financial implications associated with this report, although there is a right of appeal on the refusal to grant a renewal application.

Recommendations

- A. That the nine vehicles as detailed in this report would not be permitted to be licensed for Zone Four upon receipt of a renewal application.

Report

4. Background:

- 4.2 Hackney carriage policy since the formation of Shropshire Council in April 2009 has been that hackney carriages in Zone Four would be wheelchair accessible. Following consultation with the trade, revised hackney carriage/private hire policies came into effect on 01 October 2011. The requirement for vehicles to be wheelchair accessible remained to be policy for Zone Four. Saloon vehicles can be licensed as hackney carriages in Zone One (former District of Bridgnorth), Zone Two (Former District of North Shropshire), Zone Three (former Borough of Oswestry and Zone Five (former District of South Shropshire).
- 4.3 Eight proprietors have had the benefit of three years' of grandfather rights. These rights are due to expire on renewal of their hackney carriage licence in 2012. All proprietors have been notified that their vehicles would not be permitted to be licensed within Zone Four upon renewal and inviting representations to be made if proprietors considered that there were exceptional circumstances that would justify licensing their vehicle outside of the policy. Representations received are attached at Annex A.
- 4.4 This relates to the following proprietors and vehicles:

Proprietor:	Model:	Plate No:	Expiry Date:	Representations received:
Derek Storey	Skoda Octavia	HV0024	07 March 2012	Yes
Cathryn Lowe	Ford Mondeo	HV0152	16 November 2012	Yes
Boaz Rabin	Ford Mondeo	HV0046	31 March 2012	Yes
Robert Bruce	Skoda Octavia	HV0043	31 March 2012	Yes
Patrick Jones	Ford Mondeo	HV0053	31 March 2012	Yes
John Milward	Hyundai Elantra	HV0078	12 May 2012	Yes
Mark Williams	Skoda Octavia	HV0045	31 March 2012	Yes
Mark Williamson	Skoda Octavia	HV0101	21 July 2012	Yes
Martin Croll*	VW Passatt	HV0119	23 August 2012	Yes

* Due to exception circumstances Mr Croll was given permission to license a saloon vehicle by the Licensing Committee on 30 June 2010 (minute number 16 refers), on the proviso that any licence issued shall not extend beyond 31 March 2012.

5.0 Extract from Policy

Zones

A hackney carriage vehicle would be restricted to working in one zone only. 'Zone' relates to the areas of Shropshire district boundaries prior to the formation of a Unitary Council, Zone One (former District of Bridgnorth), Zone Two (Former District of North Shropshire), Zone Three (former Borough of Oswestry, Zone Four (former Borough of Shrewsbury and Atcham) and Zone Five (former District of South Shropshire).

All vehicles licensed for Zone Four would be wheelchair accessible.

6. Officer Observations

6.1 On receipt of representations from all proprietors, the Licensing Team Leader does not consider that there are any exceptional circumstances that would warrant licensing the nine saloon vehicles in Zone Four if a renewal application is made.

7.0 Options for Consideration

7.1 The options available to the Committee when considering such information are as follows:

- To allow the vehicles to be renewed outside of the current policy
- Not to allow the vehicles to be renewed outside the current policy

7.2 Should the Committee refuse a renewal application the applicant may appeal to a Magistrates' Court within 21 days from the date on which he was notified of the decision. Should the Magistrates uphold the decision of the council, the applicant has further recourse to the Crown Court.

8.0 Analysis of Options

8.1 The legislation allows the Licensing Authority to attach additional conditions to hackney carriage licences.

9.0 Standard of Decision Making

9.1 Reports will be updated at the meeting if necessary to take account of any additional relevant information received after publication.

9.2 Members should not allow themselves to pre-determine or to be prejudiced in favour of or opposed to the application until they have had an opportunity to consider all the pertinent facts.

9.3 Members should be aware that as they are acting in a quasi-judicial role as regards this licensing matter, they should remain in the room so that they hear all the evidence on which the decision will be based.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Hackney Carriage Policy 01 April 2009 and 01 October 2011.

Licensing Committee Report and Minutes (30 June 2010)

Strategic Licensing Committee Report and Minutes (08 June 2011)

Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

Environmental Appraisal

Not applicable.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable.

Cabinet Member

Cllr S Charmley

Local Member

Appendices

Annex A - Representations Received