



Committee and Date
Licensing and Safety Sub-Committee

Wednesday, 28th March
2012

3.30 p.m.

Item

30

Public

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

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

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1.0 Summary

- 1.1 The purpose of this report is to consider whether a saloon hackney carriage 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 At Its meeting on 29 February 2012 the Licensing and Safety Committee agreed that all saloon vehicle renewal applications for Zone Four be referred to them for determination.
- 1.4 Mr Rabin has submitted his renewal application for a Ford Mondeo (HV0046) and his representation is attached at Annex one.

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 committee consider whether there are any exceptional circumstances to warrant licensing a vehicle outside of policy.

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 Mr Rabin has had the benefit of three years' of grandfather rights. These rights are due to expire on renewal of his hackney carriage licence on 31 March 2012. Members have requested that renewal applications for the saloon vehicles that have previously been licensed in Zone Four be determined by the Licensing and Safety Committee.

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 The Licensing Team Leader does not consider that there are any exceptional circumstances that would warrant licensing the vehicle in Zone Four.

7.0 Options for Consideration

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

- To allow the vehicle to be renewed outside of the current policy
- Not to allow the vehicle 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)
 Licensing and Safety Report and Minutes (29 February 2012)

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 - Representation Received