



Committee and Date  
Licensing and Safety Sub-Committee

20<sup>th</sup> June 2012

9.30am

Item

7

Public

**Local Government  
(Miscellaneous Provisions)  
Act 1976**

## **Application for a Hackney Carriage Licence**

**Responsible Officer** Angela Smith – Licensing Officer  
e-mail: Angela.smith@shropshire.gov.uk Tel: 01584 838281

### **1. Summary**

Mr M Harrison has applied to the Council for a Hackney Carriage Licence.

In line with Part 8 of Shropshire Council's Constitution (scheme of delegation to officers) officers can refer an application to the Licensing Committee if it is appropriate in the circumstances of any particular case. It is considered that this matter be determined by Members as the application is for a Hackney Carriage Licence for a vehicle that does not meet the current Hackney Carriage conditions.

### **2. Recommendations**

That the Committee consider whether to approve the application for a Hackney Carriage Licence.

## **REPORT**

### **3. Human Rights Act Appraisal**

The Committee is required to consider the consequences of any action it proposes on the applicant's human rights.

### **4. Financial Implications**

There are no financial implications associated with this report, although there is a right of appeal on the refusal to grant a hackney carriage licence.

### **5. Background**

5.1 Mr Harrison has made an application for a Hackney Carriage licence. The vehicle is a Cycles Maximus PEDI Cab. Mr Harrison has applied for a licence for zone 4 (Shrewsbury) and has stated that he only intends to use the vehicle in the town centre.

5.2 Members will need to be satisfied that the vehicle applied for is fit and proper to be licensed as a hackney carriage.

### **6. Legal Requirements**

## 6.1 Hackney Carriage and Private Hire Licensing Policy

Hackney Carriage Vehicles must:

- a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- b) Provide sufficient means by which any person in the carriage may communicate with the driver;
- c) Have a watertight roof or covering;
- d) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- e) Have seats that are properly cushioned and covered;
- f) Have a floor provided with a proper carpet, mat, or other suitable covering.
- g) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- h) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- i) Where tilting passenger seats are fitted the seat must :-
  - Be forward facing
  - Designed for use by an adult
  - Have a three point seatbelt

As specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)

- j) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.

In zone 4 all hackney carriage vehicles to be wheelchair accessible.

## 6.2 Town and Police Clauses Act 1847

Section 37 A ... council may from time to time license to ply for hire....  
hackney carriages of any kind or description adapted to the carriage of  
persons

Section 38 Every wheeled carriage, whatever may be its form or construction,  
used in standing or plying for hire ..... having thereon any numbered plate  
required by this Act to be fixed upon a hackney carriage...., shall be deemed  
to be a hackney carriage within the meaning of this Act.

## 7. **Officer Observations**

Mr Harrison has contacted Mellor cycles in Frankwell, Shrewsbury who are happy to service/check the vehicle every 6 months or more should the council require it. Photos of the vehicle will be available at the Committee meeting.

## 8. **Options for Consideration**

8.1 The options available to the Committee, under the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 when considering such information, are as follows:

- not to grant the licence
- grant the licence, with or without conditions

8.2 Should the Committee not grant the licence then the applicant has the right of appeal to the Crown Court.

## 9. Analysis of Options

9.1 To approve the application, will be against the Council's taxi policy. The policy is clearly prepared for 'normal cars', as opposed to pedicabs. The Council has licensed normal saloon cars for zone 4 i.e. non wheelchair accessible.

9.2 Legislation permits pedicabs to be licensed as hackney carriages, subject to them being fit and proper and safe.

## 10. Standard of Decision Making

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

10.2 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.

10.3 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 and Private Hire Licensing Policy.

#### **Cabinet Member (Portfolio Holder)**

Cllr Steve Charmley

#### **Local Member**

#### **Appendices**

Appendix – Papers submitted showing Cycles Maximus applied for