



Committee and Date  
Licensing and Safety Sub-Committee

3<sup>rd</sup> July 2012

9.30am

Item

**3**

Public

## **Local Government (Miscellaneous Provisions) Act 1976 Application for a Hackney Carriage Vehicle Licence**

**Responsible Officer** Simon Ditton – Licensing Officer  
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### **1. Summary**

Mr M Harrison has applied to the Council for a Hackney Carriage Licence. This matter was deferred from Sub Committee on 20<sup>th</sup> June 2012.

In line with Part 8 of Shropshire Council's Constitution (scheme of delegation to officers) officers can refer an application to the Licensing and Safety Sub 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 Policy or condition requirements.

### **2. Recommendations**

**That the application be refused as to issue the licence would not be in accordance with policy.**

That the Strategic Licensing Committee consider the matter of the licensing of such pedicabs for zone 4 with a view to setting a relevant policy following consultation.

## **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 This application was first considered at Sub Committee on 20<sup>th</sup> June 2012 ( a copy of the report is attached as Appendix 1). The sub committee indicated that if a licence was granted then the following matters be dealt with by way of condition:-

- (1) The driver/rider of the vehicle being licensed as a hackney carriage driver.
- (2) Maximum number of people allowed to be carried.
- (3) Appropriate insurance.
- (4) Any driver/rider having passed an appropriate cycle proficiency test.
- (5) Arrangements for the vehicle to be inspected both before licensing and three times per annum.
- (6) For safety – best practice to keep the front and rear lights on.

5.2 Mr Harrison indicated that he intended to operate as a normal taxi ie not on set routes and would ply for hire in Shrewsbury town centre. Further that he would work on tips and would not demand any fare. He indicated that Mellors cycle shop could carry out the inspections to certify road worthiness.

5.3 Mr Harrison is in the process of obtaining a Hackney Carriage/Private Hire Drivers Licence.

5.4 There is attached at Appendix 2 a proposed set of conditions for this particular application, for consideration.

## **6. Officer Observations**

6.1 The licensing of predicabs would need to be put out to consultation and a policy adopted in relation to the same. The highways department of the council and the police might well have views on the impact of such vehicles being used as taxis in the town and on traffic flow.

6.2 Vehicles such as pedicabs are not exempt from the Disability Discrimination legislation.

6.3 There is no particular reason why this pedicab can be treated any differently to any pedicab that applied for a hackney carriage licence.

6.4 One further point that the officers wish to bring to the attention of members relates to the issue of a hackney carriage driver's licence to the applicant; at the last hearing the applicant stated that he held such a licence from the council. It transpires that, to date, no such licence has been issued by the authority (though an application has been made).

6.5 The safety of passengers carried in a hackney carriage is paramount. Proposed conditions on any licence should seek to ensure this.

6.6 Discretionary changes to conditions or policy would need to be referred to the Taxi Forum, followed by consultation and referral to Committee.

6.7 Conditions approved by Sub Committee to be attached to the licence would need to be separate from the 'usual' licensing of hackney carriage vehicles.

## **7. Options for Consideration**

7.1 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

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

## **8. Analysis of Options**

8.1 To approve the application, will be against the Council's taxi policy. The policy is clearly prepared for 'normal cars', as opposed to pedicabs.

8.2 Legislation permits pedicabs to be licensed as hackney carriages.

## **9. Standard of Decision Making**

9.1 This report 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 and Private Hire Licensing Policy.

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

Cllr Steve Charmley

### **Local Member**

### **Appendices**

Appendix 1 – Committee Report 20<sup>th</sup> June 2012

Appendix 2 – Proposed Conditions for Rickshaw Hackney Carriage Licence