



Committee and Date
Licensing and Safety Sub-Committee

Wednesday 9th January 2013

10.00 a.m.

Item

5

Public

**Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847**

Application for Renewal of a Hackney Carriage Vehicle Licence for a saloon vehicle in Zone Four (former Borough of Shrewsbury & Atcham)

Responsible Officer Simon Ditton – Licensing Officer
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1. 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 expired 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 were 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 29th 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 Mrs Cathryn Lowe has submitted her renewal application for a Ford Mondeo (HV0152). Her exceptional circumstances are her medical condition.

2. Recommendations

That the application for the renewal of a Hackney Carriage Licence be refused, on the grounds that there are no exceptional circumstances to licence the vehicle outside of Policy.

3. Risk Assessment and Opportunities Appraisal

There are no risks associated with this report.

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.

REPORT

5. Background

- 5.1 Mrs Cathryn Lowe has applied to renew a Hackney Carriage Vehicle Licence (HV0152). The vehicle is a Ford Mondeo Registration Number KI TTV. The application is for Zone 4. The vehicle is not wheelchair accessible.
- 5.2 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 1st 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).
- 5.3 Mrs Lowe has had the benefit of over three years' of grandfather rights. These rights expired on renewal of her hackney carriage licence on a date after 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.

6. Taxi 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.

7. Officer Observations

- 7.1 The Licensing Officer does not believe there are any exceptional circumstances to justify licensing this vehicle in Zone 4.

7.2 Of the saloon vehicles licensed in Zone 4 as hackney's which have been considered at Committee, three applications have been approved and five refused. (One of the refusals was overturned on appeal in the Magistrates Court and one appeal is outstanding).

7.3 The written submission from Mrs Lowe indicated that the exceptional circumstances were on medical grounds. She has been advised by her Doctor to not lift heavy weights nor "load" wheelchairs (a copy of the letter supporting her application is attached as an appendix hereto). No medical evidence has been produced at the time of preparation of this report

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:

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

8.2 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.

9. Analysis of Options

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

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 Policy 1st April 2009 and 1st October 2011.

Licensing Committee Report and Minutes (30th June 2010)

Strategic Licensing Committee Report and Minutes (8th June 2011) Licensing and Safety Report and Minutes (29th February 2012)

Cabinet Member (Portfolio Holder)

Cllr Steve Charmley

Local Member

Appendices

Appendix 1 - Letter received from Mrs Lowe