

**Committee and Date**

Licensing and Safety
Sub Committee

10th April 2013

Item

2

Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD
ON TUESDAY, 9TH JANUARY 2013**

10.00 a.m. – 11.10 a.m.

Responsible Officers Emily Marshall

Email: emily.marshall@shropshire.gov.uk

Telephone: 01743 252726

Present

Councillors: P. Adams (Chairman)
B. Baker, T. Barker, J. Barrow, V. Bushell and A. Davies.

36. APOLOGIES FOR ABSENCE

None received.

37. MINUTES**RESOLVED:**

That the Minutes of the meeting of the Licensing and Safety Sub-Committee held on 5th December 2012 be approved as a correct record and signed by the Chairman.

38. PUBLIC QUESTION TIME

There were no public questions, statements or petitions received.

39. DISCLOSABLE PECUNIARY INTERESTS

Members were reminded that they must not participate in the discussion or voting on any matter in which they have a disclosable pecuniary interest and should leave the room prior to the commencement of the debate.

**40. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE VEHICLE
LICENCE FOR A SALOON VEHICLE IN ZONE FOUR (FORMER
BOROUGH OF SHREWSBURY AND ATCHAM)**

Consideration was given to a report of the Licensing Officer in respect of an application for the renewal of a Hackney Carriage Vehicle Licence for a saloon vehicle in Zone Four (former Borough of Shrewsbury & Atcham).

The Licensing Officer presented the report to the Sub-Committee, advising Members that the vehicle did not meet current policy for Zone 4, as it was not wheelchair accessible. The applicant had been given grandfather rights until 2012 permitting her to use a non-wheelchair accessible vehicle during that time. The Sub Committee needed to consider whether there were any exceptional circumstances to warrant licensing the vehicle outside of the Wheelchair Accessible Policy. In response to a question, the Licensing Officer confirmed that the applicant's current licence expired on 16th November 2012.

Mrs Lowe (the applicant) and her representative were in attendance. The applicant's representative presented the case to the Sub-Committee, providing background information on the applicant's personal circumstances. The applicant's representative explained that due to the applicant's age it would not be financially viable to purchase a new wheelchair accessible vehicle, however she wanted to continue to work as she enjoyed her work and needed to work to be able to continue to support her family. The applicant's representative provided further details of the applicant's medical condition and circulated a letter from the applicant's general practitioner, (that confirmed she had problems pushing a wheelchair) to members of the Sub-Committee as well as a letter from Shropshire Council's Licensing Office which confirmed that she was excused from assisting wheelchair users, for medical reasons.

In response to questions raised by the Solicitor, Licensing Officer and Members of the Sub-Committee, the applicant confirmed that:

- She parked at the Shrewsbury Rail Station Taxi Rank and also took occasional bookings via the telephone, preferring to work in the evenings and during the night;
- She had established her own female only private hire business; "Kitty's Cars" some time ago, but now only operated one vehicle and took both male and female passengers.
- She had not considered returning to Private Hire work as she needed the flexibility that Hackney Carriage Work provided, preferring to work during the evening and night time and did not consider it to be financially viable once various rents had been paid to an operator;
- She suffered from Type 2 Diabetes and the medication that she had to take had lead to muscle weakness;
- Because of her medical condition she would be unable to load and unload wheelchairs into a vehicle; and
- She did not have the funds to submit an application for an Operator's Licence.

The Licensing Officer summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making its decision.

Members of the Sub-Committee retired to consider the matter, in private, at 10.23 a.m. and reconvened at 10.42 a.m. to announce their decision.

RESOLVED:

That the renewal application for a Hackney Carriage Vehicle for a saloon vehicle in Zone Four (former Borough of Shrewsbury and Atcham) be refused, in line with policy.

Reasons: Members took into account all of the evidence provided by the applicant, including the applicant's financial situation and medical condition, however, the financial situation did not warrant an exception to policy being made; Members did not see how the financial situation could be relevant and in any event the applicant's situation was similar to that of other proprietors. Members did not consider the medical reasons given constituted an exceptional reason for granting the application, even if taken in conjunction with other factors. The evidence indicated that the applicant remained capable of owning and driving a wheelchair accessible vehicle.

The applicant was informed of her right to appeal to the magistrate's court.

41. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE FOR A SALOON VEHICLE IN ZONE FOUR (FORMER BOROUGH OF SHREWSBURY AND ATCHAM)

Consideration was given to a report of the Licensing Officer in respect of an application for the grant of a new Hackney Carriage Vehicle Licence for a saloon vehicle in Zone Four (former Borough of Shrewsbury & Atcham).

The Licensing Officer presented the report to the Sub-Committee, advising Members that that the vehicle did not meet current policy for Zone 4, as it was not wheelchair accessible, and the Sub-Committee needed to consider whether there were any exceptional circumstances to warrant licensing a vehicle outside of this policy.

The Licensing Officer explained that the applicant currently had another vehicle that was a Zone 4 Hackney Carriage Vehicle which was wheelchair accessible; the licence for this last mentioned vehicle was due to expire on 9th July 2013.

Mr Weston (the applicant) was in attendance. The applicant presented his case to the Sub-Committee, providing an overview of his medical condition, explaining that his condition worsened when driving a manual vehicle and therefore he had put in the application to drive a saloon vehicle with automatic transmission.

In response to questions raised by the Solicitor, Licensing Officer and Members of the Sub-Committee, the applicant confirmed that:

- He currently held a Council exemption from taking wheelchairs in his wheelchair accessible vehicle due to his medical condition;
- He would not consider Private Hire Work as he did not want to work nights and most private hire operators wanted their drivers to work a minimum of twelve hours per day, which he could not do due to his medical condition;
- Most passengers lifted their own luggage into the vehicle and he did not consider this to be an issue as there were always other drivers at the Station Rank who could help out; and
- He had purchased his saloon automatic vehicle and had found that it suited his needs and medical condition well.

The Licensing Officer summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making its decision.

Members of the Sub-Committee retired to consider the matter, in private, at 10.58 a.m. and reconvened at 11.05 a.m. to announce their decision.

RESOLVED:

That the application for a Hackney Carriage Vehicle Licence for a Saloon Vehicle in Zone Four (former Borough of Shrewsbury and Atcham) be refused, in line with policy.

Reasons: Members took account of the applicant's medical condition; however, Members did not consider the medical reasons given constituted an exceptional reason for granting the application. The applicant's medical condition did not preclude him from owning and driving a wheelchair accessible vehicle.

The applicant was informed of his right to appeal to the magistrate's court.

Chairman:.....

Date:.....