



Walsall Council

REPORT OF THE HEAD OF PUBLIC PROTECTION

TO A MEETING OF THE TAXI LIAISON GROUP

WEDNESDAY 4TH FEBRUARY 2009 @ 6.00PM

AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS OF LICENCE IN EXCEPTIONAL CIRCUMSTANCES

1.0 PURPOSE OF REPORT

- 1.1 For members of the group to consider an amendment to the standard conditions attached to hackney carriage and private hire licensing.

2.0 RECOMMENDATION

- 2.1 The group is asked to consider the report, and if deemed appropriate, recommend approval of the following amendment to the private hire and hackney carriage conditions of licence to the Licensing and Safety Committee.
- 2.2 **“Exceptional circumstances (set aside or amend standard conditions in particular cases without full amendment of conditions).**

On a case by case basis and only in exceptional circumstances the Committee may resolve to set aside or amend the private hire and hackney carriage standard conditions where it is appropriate to do so. In any given case, it will be appropriate to set aside or amend the standard conditions only in exceptional circumstances where to impose the standard conditions will lead to a result which the Committee considers wholly unjust and wholly unfair in the circumstances of the particular case falling for consideration.

The setting aside or amendment of the condition will be specific to that case alone. The standard conditions will otherwise remain in place subject to the Committees discretion to amend them in the usual manner.”

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 POLICY IMPLICATIONS

4.1 Any changes made to the private hire and hackney carriage conditions of licence will need to be amended accordingly.

5.0 LEGAL IMPLICATIONS

5.1 Legal Services Consulted: Yes

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 None.

7.0 ENVIRONMENTAL IMPACT

7.1 None.

8.0 WARD(S) AFFECTED

8.1 None.

9.0 CONSULTEES

9.1 Legal Services, Walsall MBC.

10.0 BACKGROUND

10.1 On the 3rd December 2008 the Licensing and Safety Committee were advised of a potential ‘exceptional circumstances scenario’ in relation to a licensed hackney carriage proprietor who had allowed his proprietors licence to lapse. Therefore, given the age of the vehicle the proprietor licence could not be granted under current conditions of licence.

10.2 The proprietor of the licence had been accused of a serious offence however, when the case came to court it was dismissed as the alleged offence was not actually witnessed by the complainant.

- 10.3 It would appear that given the serious nature of the allegation, and the impending court hearing, the proprietor of the vehicle was under considerable stress and the suspension of his licence led to extreme financial hardship. As a consequence of this he failed to renew his proprietor licence.
- 10.4 The current vehicle owner has requested that these particular circumstances be considered as exceptional, and that he be allowed to apply for the grant of a hackney carriage proprietor's licence for this vehicle even though currently, the age of the vehicle is outside prescribed age limits.
- 10.5 Should an application be accepted, the vehicle must pass all required vehicle testing criteria.

11.0 CONTACT OFFICER

- 11.1. Steven Knapper– Principal Licensing Officer. Ext. 2221