

## **Item 7                                      Hackney Carriage Licensing Policy**

Report of the Head of Administration (Portfolio: Corporate)

### **Recommended:**

**That the Committee determine the Council's future policy with regard to the issue of Hackney Carriage licences by adopting the approach set out in paragraph 5.3 of this report.**

#### **SUMMARY:**

- The Borough Council continues to be in a minority of authorities that restricts the number of hackney carriage licences it issues. The matter was last considered by way of a report to this Committee in April 2012.
- At that meeting, following a representation from the Corporate Portfolio Holder, it was agreed that preference would be given to potential operators of wheelchair accessible vehicles in the Romsey area as there was a greater identified need for such vehicles in this part of the Borough.
- Expressions of interest were invited but only six responses were received and only one of those from the Romsey area. The Committee now needs to decide if the Council should continue with interviewing potential licence holders or whether it would be more appropriate to review its hackney carriage licensing policy with a view to de-restricting numbers.

### **1            Introduction**

- 1.1    The Council currently restricts the number of hackney carriages (taxis) it licences. Such a restriction can only be imposed if the Council believes that there is no significant unmet demand for taxis within the Borough. An independent survey undertaken in 2005 and reported to this Committee in 2006 indicated that there was unmet demand but rather than remove all restrictions, licence numbers should be increased and then reviewed after a period of time; this approach is commonly known as 'managed growth'.
- 1.2    In October 2010 this Committee received a report on this subject and decided to make available as from January 2011 five additional licences for wheelchair accessible vehicles less than a year old and meeting certain other criteria. As of April 2012, none of these five licences had been issued and so officers reported to this Committee on a recommendation to relax the criteria associated with the five licences in the hope of attracting potential applicants.

The Committee agreed to this approach in respect of three licences but, following a representation from the Corporate Portfolio Holder about the difficulty in obtaining a taxi in the Romsey area, decided that two of the licences should be made available to non-wheelchair accessible vehicles. A notice inviting potential applicants was published in the Andover and Romsey Advertisers, at both Beech Hurst and Duttons Road offices, in a newsletter distributed to all hackney carriage and private hire vehicle licence holders and in addition sent to all those persons that had previously been entered on the hackney carriage licence waiting list.

- 1.3 Six weeks were allowed for the despatch and return of application questionnaires. Despite the extensive advertising, only six replies were received. Of these, five persons reside in Andover and only one in the Romsey area. The latter is not currently involved in the taxi trade and has not indicated that they wish to provide a wheelchair accessible vehicle. Ordinarily the next course of action would be to convene a panel of three members to interview potential applicants with a view to recommending which applicants should receive a licence. However, officers believe the poor response rate warrants a review by this Committee before any further action is taken.

## **2 Background**

- 2.1 Since last considering this matter, one of the three licences for wheelchair accessible vehicles has been issued to a new purpose built taxi operating in the Andover area. This leaves a further two licences for wheelchair accessible vehicles meeting the criteria set out in Annex 1 attached to this report and two licences for non-wheelchair accessible vehicles as per this Committee's decision of April 2012. It is also appropriate to mention at that meeting the Committee asked for officers to report back to the Committee on a policy of de-restricting hackney carriage licence numbers subject to undertaking any necessary consultations.
- 2.2 Prior to the April 2012 meeting of this Committee the Borough Council had received complaints about the unavailability of wheelchair accessible taxis, particularly in the Romsey area. Although no complaints have been received recently there is nothing to suggest that the situation has improved. Whilst there is a perceived greater need in the Romsey area, there can be no guarantee that once a licence is issued the vehicle would then operate in that part of the Borough.
- 2.3 At present the authority licenses 36 taxis of which 2 operate in the Romsey area; none of these are wheelchair accessible vehicles. Of the remaining 34 that operate in the Andover area 12 are wheelchair accessible vehicles. It is the view of officers that provision of a greater number of wheelchair accessible vehicles remains the priority in terms of taxi provision within the Borough and an ideal situation would be if approximately 50% of the taxi fleet comprised wheelchair accessible vehicles.

### **3 Corporate Objectives and Priorities**

- 3.1 None; the licensing of hackney carriages is a statutory function of the Borough Council. Licensing of hackney carriages provides transport for the public who may not have any safe alternative means of transport available to them. The service provided by taxis plays a key role in the provision of an integrated public transport system and decisions made by the Council should be approached in the interests of the travelling public.

### **4 Consultations/Communications**

- 4.1 At present, no consultation has taken place regarding future licensing policy.

### **5 Options**

- 5.1 Option 1 – Proceed with interviews and then consult on de-restriction. As mentioned, six persons have completed and returned questionnaires expressing a willingness to apply for a hackney carriage vehicle licence. Of the six, only one resides in the Romsey area and that person has not indicated that they wish to license a wheelchair accessible vehicle. The remaining five persons all reside in the Andover area and would be looking to operate a vehicle in that part of the Borough. On the basis that there is already a level of wheelchair accessible taxi provision in the Andover area the Committee may feel it would be better to adopt the approach recommended in paragraph 5.2 below.
- 5.2 Option 2 – Issue licence for Romsey and then consult on de-restriction. When the Committee met in April 2012 it supported the view of the Corporate Portfolio Holder that the primary issue was a perceived lack of taxis, particularly wheelchair accessible vehicles, in the Romsey area. One person from that part of the Borough has expressed a wish to apply for a licence but not indicated they wish to license a wheelchair accessible vehicle. Therefore, the Committee may consider that it would be more appropriate to revisit the overall policy as discussed in paragraph 5.3 below.
- 5.3 Option 3 – Do not issue any licences and consult on de-restriction. Previously this Committee has agreed that the provision of wheelchair accessible taxis and taxis in Romsey are the primary issues. Taking account of the limited response from potential licence applicants the Committee may consider that it would be more appropriate to review its current policy with a view to adopting de-restriction of licence numbers subject to certain quality controls.

### **6 Option Appraisal**

- 6.1 Interviewing all six persons may identify that one or more of them are suitable to be issued with a licence. However, of the six one is an existing proprietor, one has previously been a proprietor and one is a joint proprietor who wishes to hold his own licence. Two others are currently drivers that rent a vehicle from a proprietor. Taking account of the already mentioned desire to increase provision of wheelchair accessible vehicles in the Romsey area,

the Committee may feel there is little or no merit in interviewing some or all of the potential applicants. By way of an example, it may interview an applicant and recommend that person be issued a licence but there can be no guarantee that the licence will be used on a vehicle operating in the Romsey area.

- 6.2 Irrespective of the decision reached by the Committee, the Council continues to retain an overall numerical limit on taxi licence numbers. Whenever this policy has previously been reviewed the Committee has decided to retain a limit. In the view of officers this position is becoming increasingly untenable to maintain. In the past any consultation on the subject of de-restriction has produced a response that there is insufficient work to justify the issue of more licences. However, the fact that a licence (for a wheelchair accessible vehicle) has been granted within the past year combined with an expression of interest from six potential applicants suggests that there are those who believe there is sufficient work to justify obtaining a licence.
- 6.3 In light of this, officers feel it would be appropriate for this Committee to receive a further report recommending that the Council adopt a policy of de-restriction. Failure to address this matter will create the potential for a legal challenge as explained in paragraph 8.1 below. To address concerns it is suggested that de-restriction be accompanied by quality controls which will state that all newly licensed vehicles must comply with the conditions contained in Annex 1 attached to this report. Adopting this approach will provide an opportunity to those wanting to enter the trade without potentially flooding the trade with new vehicles (thus allaying the fears of existing proprietors). Importantly it has the potential to increase provision for wheelchair users requiring a wheelchair accessible taxi.

## **7 Resource Implications**

- 7.1 There are no direct resource implications as a result of the proposed recommendation.

## **8 Legal Implications**

- 8.1 As stated elsewhere in this report, the Council maintains its current policy of restricting numbers of hackney carriage licences on the basis of an increasingly outdated unmet demand survey. As time goes on it will become increasingly difficult to justify a policy of restriction. In theory, an application for a hackney carriage licence could be received at any time which would need to be accepted until all the currently available licences have been issued. After then, the Council would revert to its policy of restriction and any future application would be refused. Should a disappointed applicant seek to mount a legal challenge to such a refusal, then it will be difficult for the Council to defend its policy.

- 8.2 A policy of de-restriction accompanied by quality controls has been challenged but upheld in the cases of *R v The City of Newcastle ex parte Blake* and also *R v The City and County of Swansea ex parte Jones*. Therefore pursuing a policy of de-restriction of numbers is considered lawful.

## **9 Equality Issues**

- 9.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendation does not represent a significant policy change thus the EQIA initial screening undertaken when this matter was considered on October 2010 still applies. A policy of deregulating taxi numbers, yet containing quality controls which meant any newly licensed vehicles would need to be wheelchair accessible, would benefit wheelchair users.

## **10 Other Issues**

- 10.1 Community Safety – none specific although licensing of hackney carriages reduces the potential for illegal plying for hire by unlicensed vehicles and also licensed private hire vehicles.
- 10.2 Environmental Health/Sustainability Issues – the provision of hackney carriages may lead to significantly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 10.3 Property Issues – none.
- 10.4 Wards/Communities Affected – none directly but indirectly the whole Borough.

## **11 Conclusion**

- 11.1 To address the concerns over availability of taxis particularly wheelchair accessible vehicles in the Romsey area notices were placed inviting expressions of interest from potential applicants for one of four currently available licences. The poor response rate is of concern to officers and the Committee now needs to consider if it should proceed with interviews for potential applicants. In any event, it will be necessary to review the current policy of restricting numbers and it is proposed a further report recommending a policy of de-restriction be brought back to this Committee shortly.

Background Papers (Local Government Act 1972 Section 100D)

Reports to Licensing Committee 17 October 2006, 15 July 2009, 19 October 2010 and 12 April 2012

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	One		
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