

Report of	Meeting	Date
Director (Planning and Development)	Licensing and Public Safety Committee	Wednesday, 6 July 2022

## Consideration of Criteria for the Allocation of a New Hackney Carriage Vehicle Licence

Is this report confidential?	No
Is this decision key?	No

### Purpose of the Report

1. For members to consider, approve and adopt the Criteria for the Allocation of a New Hackney Carriage Vehicle licence as Council Policy.

### Recommendations to Licensing and Public Safety Committee

2. That the Committee give due consideration to the report and approve the Criteria for the Allocation of a New Hackney Carriage Vehicle Licence.
3. That authority is delegated to the Director (Planning and Development) to carry out the administrative process of inviting applications of interest to be made and for applications to be brought before the next LPSC for selection by the “tombola” method, in accordance with the criteria.
4. That the criteria is adopted as the Council’s policy and appended to the Hackney Carriage and Private Hire Licensing Policy as Appendix 5, with authority being delegated to the Director (Planning and Development) to make amendments to the Criteria as and when required, in consultation with the Chair or Vice Chair of the Licensing and Public Safety Committee.

### Reasons for recommendations

5. The criteria gives all interested parties a fair and open way of being considered for a licence, clearly setting out the Council’s procedure. The criteria also ensures the travelling public are given best service by a modern vehicle which also increases the Council’s wheelchair accessible vehicle (WAV) provision.
6. The procedure has been used in previous years and has been felt to be an appropriate way of administering the process of granting a new hackney carriage vehicle licence.

### Other options considered and rejected

7. The Committee could decide not to adopt the criteria as Policy. This option is not favourable as it would slow the administrative process by requiring the criteria to be set by Committee each time a new licence is required.

## Corporate priorities

8. The report relates to the following corporate priorities: (please bold all those applicable):

Involving residents in improving their local area and equality of access for all	A strong local economy
<b>Clean, safe and healthy communities</b>	An ambitious council that does more to meet the needs of residents and the local area

## Background to the report

9. In accordance with Section 16 of the Transport Act 1985, the Council limits the number of Hackney Carriages, in respect of which licences are granted, to 36 licences.
10. Following the expiry of HCV0001, the Council currently has 35 hackney carriage vehicle licences, leaving 1 licence available to be granted. The Council has not issued a new HCV licence since 2017 where it adopted criteria in an ad-hoc way to administer the process of a single licence.
11. There is a significant, intrinsic value associated with the holding of a hackney carriage vehicle licence in a controlled district where hackney numbers are limited and so it is appropriate that the Council employs a fair and open method of determining who should be allocated the licence, provided they meet the criteria which is set.

## Criteria for the Allocation of a New Hackney Carriage Licence

12. The proposed Criteria for the Allocation of a New Hackney Carriage Licence is appended at Appendix 1. This criteria is largely the same as has been applied in 2017, 2010 and 2008.
13. It is proposed to adopt this criteria as Council policy so that, when any hackney carriage vehicle licences become available, there is a set and defined criteria to be applied. Having this defined criteria means the administrative process is smoother and applications can simply be invited in accordance with the criteria, rather than approval needing to be sought on each occasion from the LPSC.
14. The criteria sets out that, in order to be considered, the vehicle must be a wheelchair accessible vehicle (WAV). This will increase the provision of WAVs in the hackney carriage fleet as the vehicle licence which has expired was not a WAV. It also sets out the nature of the person who is being invited to submit an expression of interest, the length of time they would expected to have been licensed for etc.

## Climate change and air quality

15. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

## Equality and diversity

16. This criteria will see that any new hackney carriage vehicle licence granted is for a wheelchair accessible vehicle, increasing the supply of WAVs in the Borough.

## Risk

17. There is a reputational risk to the Council of not having a defined criteria for the allocation of licences. This also would slow the administration of the process and therefore subject the public to reduced availability of hackney carriages for an extended period.

## Comments of the Monitoring Officer

18. Section 37 of the Town Police Clauses Act 1847 as amended by section 16 of the Transport Act 1985 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
19. In the event of any challenge to the Council's policy of restricting the number of hackney carriages, reliance can be placed on the findings of the most recent survey in respect of unmet demand.
20. As hackney carriage vehicle licences are highly sought after, there is always the possibility of a legal challenge to the allocation process, or an appeal by an unsuccessful applicant. In order to mitigate the risk, it is important that Members should be seen to act fairly and openly. The Council's established tombola method would also assist in mitigating the risk.
21. Any person who is refused the grant of a hackney carriage vehicle licence would have the right of appeal to the Crown Court within 21 days of receiving notice of the decision.

## Comments of the Statutory Finance Officer

22. No comments.

**There are no background papers to this report.**

## Appendices

Appendix	Description
Appendix 1	Criteria for Consideration

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