

Report of	Meeting	Date
Director (Planning and Development)	Licensing and Public Safety Committee	Tuesday, 4 October 2022

## Allocation of a Hackney Carriage Proprietor (Vehicle) Licence

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

### Purpose of the Report

- To inform the Committee that, following invitation, members of the trade have submitted expressions of interest in being allocated a hackney carriage vehicle licence.
- For the Committee to carry out a tombola in order to select those to be invited to make an application for a hackney carriage vehicle licence.

### Recommendations

- That the Committee note the information contained within the report and, if satisfied the correct process has been followed, undertake the tombola.
- That all expressions of interest are drawn from the tombola to provide an audit trail showing all valid expressions were entered into the draw.
- That the Committee note and confirm that being drawn from the tombola does not give a guaranteed right to a licence and that the usual criteria for the grant of a licence shall apply.

### Reasons for recommendations

- The Committee determined the process to be followed at the meeting on 6<sup>th</sup> July 2022 and decided that the tombola method is a fair and equitable way of allocating the licence.

### Other options considered and rejected

- No other options considered. The recommendations are the result of a previous Committee decision.

### Corporate priorities

- The report relates to the following corporate priorities:

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. On 6<sup>th</sup> July 2022, members resolved to adopt the Criteria for the Allocation of a New Hackney Carriage Vehicle Licence as Council policy. A copy is appended at [Appendix 1](#). This criteria set out the standards and also the process to be carried out when a new hackney carriage vehicle licence became available.
10. A hackney carriage vehicle licence became available in May 2022.

## Inviting expressions of interest

11. In accordance with the criteria, the Enforcement Team leader (Licensing) wrote to all current holders of a Private Hire and Hackney Carriage Driver licence and Private Hire Operator licence on 25<sup>th</sup> July 2022, providing them with a copy of the criteria and inviting them to submit an expression of interest. The criteria and form were also advertised on the Council's website.
12. The period of time during which expressions of interest were invited opened on 25<sup>th</sup> July 2022 and closed on 21<sup>st</sup> August 2022. In total, seventeen expressions of interest were received. In order to assess compliance with the criteria, Council records have been searched and the Companies House Disqualified Directors and the gov.uk Bankruptcy and Insolvency Register has also been searched
13. Two of the expressions of interest were received after the closing date and were considered to be unsuitable. Eight other expressions were considered to be unsuitable for the following reasons:

Criteria	Number of Applications Unsuitable
Resides with person who already holds a Hackney Carriage	1
Has not held a licence with Chorley Council for at least 3 consecutive years	3
Been proprietor of a hackney carriage vehicle licence in the preceding 5 years	1
Not resident in or liable to pay business rates in Chorley	1
Failure to report convictions/ penalty points at time expressions of interest are invited	2

14. In accordance with the criteria, these applicants were not notified that their expression was unsuitable and shall not be entered into the draw.
15. This leaves seven expressions of interest which are suitable to be entered into the draw. Each of these licence holders have been notified and invited to attend the Committee if they so wish. A copy of the letter is appended at [Appendix 2](#).

## Action following the draw

16. If the Committee approve the recommendations and undertake the tombola, officers shall note the order in which the expressions of interest are drawn. The first drawn will be invited to make an application for a hackney carriage vehicle licence, in accordance with the Criteria. If, on the expiry of 2 months a suitable application has not been submitted, the next

application draw shall be invited to make an application. This shall continue for the third drawn.

### **Climate change and air quality**

17. The work noted in this report does not have an impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

### **Equality and diversity**

18. The criteria for the allocation of the licence requires the vehicle presented to be a wheelchair accessible vehicle. The licence which expired in May 2022 was not a wheelchair accessible vehicle and so this will increase the provision of WAVs in the Borough by one.

### **Risk**

19. There is possibility of litigation by those applicants who are not selected via the tombola method. It is important that the process is therefore conducted fairly and openly in order to mitigate against this risk.

### **Comments of the Statutory Finance Officer**

20. There are no direct financial implications of this report.

### **Comments of the Monitoring Officer**

21. 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.
22. 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.
23. 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.
24. Case law has established that the premium attached to a hackney carriage proprietor's licence in a district where numbers are limited is not property protected by the Human Rights Act 1998.
25. Any person who is refused the grant of a hackney carriage proprietor licence would have the right of appeal to the Crown Court within 21 days of receiving notice of the decision.

### **Appendices**

<b>Appendix</b>	<b>Description</b>
Appendix 1	Criteria for the Allocation of a new Hackney Carriage Vehicle Licence
Appendix 2	Confirmation of suitable application and invitation to attend Committee

<b>Report Author:</b>	<b>Email:</b>	<b>Telephone:</b>	<b>Date:</b>
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