

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

19 MARCH 2012

| | |
|--------------------------------------|---|
| SUBJECT: | HACKNEY CARRIAGE VEHICLE LICENCES |
| WARD/S AFFECTED: | ALL |
| REPORT OF: | DIRECTOR OF LAW HR AND ASSET MANAGEMENT |
| RESPONSIBLE PORTFOLIO HOLDER: | COUNCILLOR BILL DAVIES – COMMITTEE CHAIR |
| KEY DECISION? | NO |

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to consider the allocation of available Hackney Carriage Vehicle Licences resulting from the decision of the Committee on 23 January 2012 to impose a limit on the number of Hackney Carriage Vehicle Licences issued.

2.0 BACKGROUND AND KEY ISSUES

2.1 At a meeting of this Committee on 23 January 2012 Members resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences issued. Members also requested that options for the allocation of available licences be reported to this meeting and that no further licences be issued pending further consideration of an allocation policy.

2.2 At that time a total of 286 Hackney Carriage Vehicles were licensed and that number remains the same at the date of writing this report.

2.3 Members requested that Officers report back to this meeting regarding the options for allocating available Hackney Carriage Vehicle Licences.

2.4 A number of applications have been received for new Hackney Carriage Vehicle Licences. Members are being asked to consider and determine each application.

3.0 APPLICATIONS

3.1 Prior to the meeting on 23 January 2012 a number of proprietors had placed orders for new Hackney Carriage Vehicles, as follows:

Mr Abiru ordered a new hackney carriage vehicle on 10 January 2012

Mr Skeete ordered three new hackney carriage vehicles on 12 January 2012

Mr Marnell ordered two new hackney carriage vehicles on 4 November 2011

The proprietors of these vehicles subsequently applied to license them. In accordance with the decision of this Committee on 23 January 2012 no licences have been issued to these applicants. Details of the applications are shown below.

- 3.2 Mr Abiru submitted an application to license a new Mercedes M8 on 18 January 2012, however as he had not taken delivery of the vehicle and therefore it had not undertaken the vehicle compliance test, he was advised that his application could not proceed at that stage. Mr Abiru took delivery of the vehicle on 16 February 2012. A copy of Mr Abiru's application form and order confirmation are attached as exempt documents at Appendix 1.
- 3.3 Mr Skeete placed an order for three new Peugeot E7s on 12 January 2012. He subsequently submitted applications to license the vehicles on 26 January 2012. In accordance with Members decision on 23 January 2012 the licences have not been granted. Having been advised of the Committee decision to impose a limit on the number of Hackney Carriage Vehicle Licences issued, Mr Skeete was able to cancel the order for one of the vehicles. He is, however, contracted to purchase the other two vehicles, for which he has taken out a mortgage on his property. The estimated delivery date for the vehicles is February/March 2012. Copies of Mr Skeete's application forms and order confirmations are attached as exempt documents at Appendix 2.
- 3.4 Mr Marnell placed an order for two new Mercedes M8s on 4 November 2011. He subsequently submitted applications to license the vehicles on 30 January 2012. In accordance with Members decision on 23 January 2012 the licences have not been granted. The estimated delivery date for the vehicles is March 2012. Copies of Mr Marnell's application forms and order confirmations are attached as exempt documents at Appendix 3.
- 3.5 All of the above applicants have been invited to attend the meeting in support of their applications.

4.0 APPLICATION TO RE-LICENSE A HACKNEY CARRIAGE VEHICLE FOLLOWING FAILURE TO RENEW ON TIME

- 4.1 Mr Abadi is the proprietor of a licensed Hackney Carriage Vehicle, registration number T524 JLD. The vehicle was licensed as a Hackney Carriage Vehicle, until 28 December 2011 when it was not renewed.
- 4.2 A renewal notice was sent to Mr Abadi on 2 December 2011.
- 4.3 On 10 January 2012 Mr Abadi submitted an application form for a new Hackney Carriage Vehicle Licence on the vehicle. This licence could not be granted as the vehicle did not comply with criteria for new Hackney Carriage Vehicle Licences in that the vehicle is more than three years old. A copy of Mr Abadi's application form is attached as an exempt document at Appendix 4.
- 4.4 Mr Abadi has been invited to attend this meeting in support of his application.

5.0 OPTIONS FOR ISSUING HACKNEY CARRIAGE VEHICLE LICENCES

5.1 Research with other local authorities has identified a variety of mechanisms which are employed when allocating new Hackney Carriage Vehicle Licences. Each of the methods would require a detailed procedure and policy changes. An outline of the methods encountered are set out below:

5.2 First come first served

Any applicant who had purchased a vehicle and who had obtained a compliance pass certificate for the vehicle would be granted a licence if one was available. This could result in a number of applicants being involved in a “race” to complete the application requirements and the unsuccessful applicants being unable to license vehicles which they had purchased.

5.3 Waiting/expressions of interest list

Prospective applicants notify the local authority of their interest in obtaining a Hackney Carriage Vehicle Licence and names are added to the list in chronological date order. Once a licence becomes available the individual next on the list is contacted and requested to submit an application within a specified period. They are then requested to produce a suitable vehicle within a further specified period.

Where that individual fails to submit an application or produce a vehicle within the required period they would forfeit their right to a new Hackney Carriage Vehicle Licence and the next person on the list is contacted.

5.4 Points system

Potential applicants are allocated points for satisfying certain criteria, for example:

- The length of time they have held a Hackney Carriage Driver Licence
- The hours they intend to work
- Not already holding or previously holding a Hackney Carriage Vehicle Licence.

This option is complex and is open to legal challenge.

5.5 Random selection process

All parties expressing an interest in obtaining a Hackney Carriage Vehicle Licence are allocated a number which is included in a “draw”. The first “out of the hat” is then expected to submit an application and produce a vehicle within a specified period, as in paragraph 3.3.

Consideration has to be given as to when the allocation process should take place ie. immediately the licence becomes available or on a specified date (or dates) in the year.

Consideration also has to be given as to how to invite expressions of interest for licences, eg. by advertising and/or by writing to all licence holders (hackney carriage and possibly private hire)

- 5.6 The current criteria that a hackney carriage vehicle must comply with before being granted a licence is as follows:
- (i) that every vehicle must comply with the Council's Hackney Carriage Vehicle Licence conditions;
 - (ii) that every vehicle must be purpose built and built to accommodate wheelchair disabled passengers;
 - (iii) that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier).

Members may wish to review the criteria in respect of the issue of future Hackney Carriage Vehicle Licences which could include an amendment to the age requirement for new licences.

- 5.7 In considering the options for the future allocation of licences the Head of Legal and Democratic Services has advised that a policy for the allocation of taxi vehicle licences must be subject to public consultation.

6.0 RELEVANT RISKS

- 6.1 There are none arising directly from this report.

7.0 OTHER OPTIONS CONSIDERED

- 7.1 There is no provision for other options to be considered.

8.0 CONSULTATION

- 8.1 The Head of Legal and Democratic Services has advised that a policy for the future allocation of the taxi vehicle licences must be subject to public consultation.

9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 9.1 There are no specific implications arising from this report.

10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 10.1 There are no specific implications arising from this report.

11.0 LEGAL IMPLICATIONS

- 11.1 A decision of the Committee may be subject to Appeal

12.0 EQUALITIES IMPLICATIONS

12.1 Has the potential impact of the proposal been reviewed with regard to equality?

No because of another reason which is: The report provides information to the Committee. A future allocation policy is likely to have equalities implications but that will be for a future report.

13.0 CARBON REDUCTION IMPLICATIONS

13.1 The number of taxis on the road may have an impact on carbon emissions.

14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

14.1 The availability of taxis during the night time is important to ensure that those involved in the night time economy can safely get home.

14.2 There are community safety implications arising out of this report due to the safety aspects of Hackney Carriage Vehicles.

15.0 RECOMMENDATION/S

15.1 That Members consider and determine the applications received as detailed in section 3.0.

15.2 That Members note the information concerning options for an allocation policy and instruct the Director of Law, Human Resources and Asset Management to arrange for a public consultation in respect of the allocation of available hackney carriage licences.

16.0 REASON/S FOR RECOMMENDATION/S

16.1 Members requested at their meeting on 23 January 2012 that no new licences be issued until the matter is considered by the Committee at this meeting.

REPORT AUTHOR: *Margaret O'Donnell*
Licensing Manager
telephone: (0151 691 8606)
email: margaretodonnell@wirral.gov.uk

EXEMPT APPENDICES: These appendices are exempt because they contain personal information regarding the individual concerned.

Appendix 1 – Application for a Hackney Carriage Vehicle Licence made by Baba Tunde Fatai Ab Abiru

Appendix 2 – Two Applications for Hackney Carriage Vehicle Licences made by Lynton Skeete

Appendix 3 - Two Applications for Hackney Carriage Vehicle Licences made by Shaun Marnell

Appendix 4 - Application for a Hackney Carriage Vehicle Licence made by Javad Rezai Mahdi Abadi

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|------------------------|
| Licensing, Health and Safety and General Purposes Committee | 23 January 2012 |