

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**12 OCTOBER 2016**

REPORT TITLE	INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL
REPORT OF	ASSISTANT CHIEF EXECUTIVE

REPORT SUMMARY

The purpose of this report is to update Members regarding the appointment of an independent company to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral. The report also sets out the current position relating to the number of Hackney Carriage Vehicle Licences that are available to receive applications.

RECOMMENDATION/S

That Members consider a revised allocation procedure for allocating available Hackney Carriage Vehicle Licences.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 There are currently 29 Hackney Carriage Vehicle Licences available which have received no applications through the current allocation procedure which costs approximately £600.00 to administer each time licences become available..

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Members may wish to consider whether it is appropriate to maintain a limit on the number of Hackney Carriage Licences.

3.0 BACKGROUND INFORMATION

- 3.1 The primary legislation governing the licensing of Hackney Carriage Vehicles is the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and The Transport Act 1985.

- 3.2 Until the Transport Act 1985 came into effect Licensing Authorities had an unfettered discretion to limit the number of hackney carriage vehicles that it would license. Section 16 of The Transport Act 1985 removed that unrestricted power to limit the number of hackney carriage vehicles. As a consequence the number of hackney carriage vehicles may be limited but only on the following basis;

‘the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’.

- 3.3 The usual method of ascertaining the level of demand is by means of an independent survey to establish the level of demand for hackney carriages.

- 3.4 On 23 January 2012 Members of this Committee resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. The limit was set at 289 following recommendations made by Halcrow Group Limited who undertook an independent study of the demand for hackney carriages in Wirral during June 2011. This recommendation followed their findings that at the time of their study, when there were 289 hackney carriages licensed, there was no evidence of significant unmet demand for hackney carriages in Wirral. The study further reported

‘that in the medium term, however, as demand for taxis may continue to grow with the redevelopment of Wirral, it is possible that consumers may be inconvenienced by a limit of 289.’

- 3.5 As referred to in paragraph 2.2 in accordance with Section 16 of The Transport Act 1985 the Council must be satisfied that there is no significant unmet demand for hackney carriages, before refusing to grant a licence in order to limit the numbers. The legislation does not stipulate any specific frequency for the surveys, however guidance from The Department for Transport advises that any licensing authority that controls the number of taxis should ensure that this policy is based on up to date information as well as evidence of the benefits to consumers in retaining the restriction.
- 3.6 It was reported to this Committee on 28 September 2015 that it was considered appropriate due to the time lapse since this study for the council to appoint an independent company to undertake a new survey into the current demand for hackney carriages in Wirral.
- 3.7 Further to this decision officers have sought to allocate Hackney Carriage Vehicle Licences that have become available due to the proprietors of these vehicles either not renewing these licences or surrendering them. Officers have followed the procedure for allocating these licences adopted by this Committee. There have subsequently been no applications for Hackney Carriage Vehicle Licences. The Council is therefore currently in the position that there is a limit of 289 on the number of Hackney Carriage Licences that it will issue, there are 260 vehicles licensed and therefore the potential for 29 further vehicles to be licensed within the current limit on issuing licences.
- 3.8 Due to the number of licences that are available within the limit set by this Committee it is highly unlikely that the Council will find itself in the position that it has to refuse to grant a Hackney Carriage Vehicle Licence due to the limit on the number of licences that the Council will issue. It is for this reason that it is no longer considered necessary or appropriate to undertake an unmet demand survey at this time for the purpose of providing a defence should such an application be refused. The Council is therefore currently in the position that whilst there is limit of 289 on the number of Hackney Carriage Vehicle Licences that it has agreed to issue it does not currently have to refuse a licence due to the number of vehicles licensed.
- 3.9 The current allocation procedure is attached at Appendix 1. At the time that this procedure was adopted by this Committee it was anticipated that licences would only become available infrequently and would subsequently require a process to manage a number of applications that would be higher than the number of licences available. This has not been the case and as stated above following the last process the Council received no applications.
- 3.10 Members are asked to consider amending the current allocation process to that detailed in Appendix 2.

4.0 FINANCIAL IMPLICATIONS

There are cost implications that would be incurred through the appointment of an independent company to undertake a survey which would be financed through income from licence fees. There are costs implications to undertake the current allocation procedure.

5.0 LEGAL IMPLICATIONS

5.1 A decision of the Committee may be subject to legal challenge.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RISKS

7.1 There are no specific implications arising from this report.

8.0 ENGAGEMENT/CONSULTATION

This is not a matter that requires consultation.

9.0 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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APPENDICES

Appendix 1 – Current allocation procedure

Appendix 2 – Proposed allocation procedure

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date