

REGULATORY AND GENERAL PURPOSES COMMITTEE**23 NOVEMBER 2023**

REPORT TITLE	HACKNEY CARRIAGE VEHICLE LICENCES
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to seek approval to remove the limit on the number of Hackney Carriage Vehicles that may be licensed in Wirral.

The Wirral Plan sets out a number of priorities for the council to consider and the contents of this report supports the priority of working for a prosperous, inclusive economy – helping businesses to thrive and creating jobs and opportunities for all.

This matter affects all Wards and is not a Key Decision.

RECOMMENDATION

It is recommended that the Regulatory and General Purposes Committee remove the limit on the number of licences that may be granted in respect of Hackney Carriage Vehicles.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 On 23 January 2012 this Committee resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. This decision was reviewed by this Committee on 1 February 2018 when it was resolved that the limit should be maintained. Since that date there has been a significant reduction in the number of Hackney Carriage Vehicles that are licensed in Wirral from 285 vehicles at the time the limit was initially imposed to the current number which is 160. It is therefore considered no longer necessary to limit the number of vehicles that may be licensed as Hackney Carriage Vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The option of taking no action to remove the limit has been considered as the number of licences available under this limit means that the Council currently do not have to refuse an application for a Hackney Carriage Vehicle Licence on the grounds that the limit has been met. It is considered unnecessary to maintain a limit that has no material effect. It is therefore suggested that it is appropriate to remove the limit.

3.0 BACKGROUND INFORMATION

- 3.1 In order to limit the number of Hackney Carriage Vehicles in Wirral the Council must be satisfied that there is no significant unmet demand for Hackney Carriages. 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. This is necessary in order to provide evidence that the demand for Hackney Carriage Vehicles is met should the Council want to refuse to grant a licence in order to control the number of Hackney Carriage Vehicles
- 3.2 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 figure reflected the number of vehicles licensed at that time.
- 3.3 On the 1 February 2018 following a further unmet Demand Survey carried out in 2017, this Committee resolved to maintain the limit of 289 Hackney Carriage Vehicles. The number of vehicles licensed at that time was 258.
- 3.4 There are currently 164 vehicles licensed as Hackney Carriage Vehicles and therefore there is the potential for 129 further vehicles to be licensed within the current limit. 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.

- 3.5 The number of licences currently available reflects a significant decline in the number of Hackney Carriage Vehicles in Wirral and therefore it is considered that the current limit of 289 is no longer necessary.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The reduction in the number of Hackney Carriage Vehicles licensed does have an impact on the income received by the Licensing Authority and this is being kept under review by the Licensing Manager.

5.0 LEGAL IMPLICATIONS

- 5.1 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.
- 5.2 Prior to the Transport Act 1985 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’.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There has been a reduction in the income received relating to the licensing of Hackney Carriage Vehicles which does have an impact on the financing of resources within the Licensing Service. The cost of delivering the service against the income received is being monitored by the Licensing Manager.

7.0 RISKS

- 7.1 The removal of the restriction to issue Hackney Carriage Vehicle Licences does not present a risk, however the reduction in the number of vehicles licensed as Hackney Carriage Vehicles does reduce the number of wheelchair accessible vehicles in Wirral. This does present a risk that individuals seeking to hire a wheelchair accessible vehicle may not be able to do so.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The imposition of a limit on the number of Hackney Carriage Licences would require an independent survey which would include consultation. There is no statutory requirement to consult upon the removal of a limit. It is considered that the removal of the limit, in the current circumstances where there is such a significant gap of 129 between the limit that has been set and the number of vehicles licensed, will have no impact on either the Hackney Carriage Trade or the public. It is therefore not

considered necessary to undertake formal consultation in respect of removing the limit of vehicles that can be licensed as Hackney Carriage Vehicles.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. The Equality Impact Assessment relevant to the proposed removal of the limit on the number of vehicles that may be licensed as Hackney Carriage Vehicles is attached via the link below:

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.

10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency Report 2018).

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The availability of Hackney Carriage Vehicles can serve to support the positive growth of businesses in Wirral.

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APPENDICES

None

BACKGROUND PAPERS

Town and Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The Transport Act 1985

Wirral Hackney Carriage Unmet Demand Study 2011

Independent Survey of the Supply and Demand for Hackney Carriage Vehicles 2018

European Environment Agency Report 2018

Current list of licensed Hackney Carriage Vehicles

TERMS OF REFERENCE

This report is being considered by the Regulatory and General Purposes Committee who are delegated to determine such matters in accordance with Section 8.2 of the Regulatory and General Purposes Committee's Terms of Reference set out in the constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date