

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	HACKNEY CARRIAGE LICENCE ALLOCATION
DATE OF DECISION:	3 RD NOVEMBER 2021
REPORT OF:	Executive Director Communities, Culture and Homes. Mary D’Arcy

<u>CONTACT DETAILS</u>			
Executive Director	Title	Communities, Culture and Homes	
	Name:	Mary D’Arcy	Tel: 023 8083 4611
	E-mail	mary.d’arcy@southampton.gov.uk	
Author:	Title	Licensing Manager	
	Name:	Phil Bates	Tel: 023 8083 3523
	E-mail	Phil.bates@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

Using Section 16 of the Transport Act 1985 Southampton City council has limited the number of hackney carriage licences it will issue to 283. The Town Police Clauses Act 1847 allows hackney carriage licences to be transferred. This has resulted in a suppressed demand for hackney carriage licences and current hackney carriage licences attracting a premium value.

As the likelihood of a hackney carriage licence becoming available was remote no policy has been in place to cater for the circumstances should one become available. However, changes in the trade over recent years has increased the likelihood of a hackney carriage licence becoming available.

This report considers the options to address this gap in policy.

RECOMMENDATIONS:

	(i)	To consider and approve the contents of this report, appendices and any comments or representations made.
	(ii)	To adopt the policies with immediate effect.

REASONS FOR REPORT RECOMMENDATIONS

1.	Failing to have a policy will leave any determination on an application open to legal challenge.
2.	The policies proposed are considered to be impartial and the least burdensome to administer whilst providing a robust and transparent process that can withstand scrutiny.
3.	The requirement for all new hackney carriage licences to be only granted to wheelchair accessible vehicles will increase the number of these vehicles on the fleet.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4.	Not to adopt a policy -this is not recommended as this will leave any determination of a new hackney carriage application open to legal challenge.
5.	Adopt a first come, first serve process, which effectively will result in a waiting list that will need to be continuously administered. This is not proposed due to the additional resource burdens in managing and maintaining a waiting list.
6.	Create a points system and award the licence to the highest scorer. This is not recommended as although this may result in the most 'suitable' candidate being awarded the licence it but will be open to challenge, difficult to administer. The preferred option will have measures in place to ensure the successful applicant meets the fit and proper standard.
DETAIL (Including consultation carried out)	
7.	The introduction of the Transport Act 1985 allowed licensing authorities to restrict the number of hackney carriage licences it would grant subject to demonstrating there is no unmet demand.
8.	Southampton City Council adopted a limit. The last time the number was increased was in 2011 when 8 new licences were granted.
9.	The last unmet demand survey was conducted in 2018 when no significant unmet demand was found. The next survey was due to take place in 2020 in readiness for 2021. Due to the lockdown as a result of Coronavirus legislation, the hackney carriage trade was badly affected. Officers sought guidance on the worth of holding such a survey during this time and it was deemed inappropriate, it was clear there was no unmet demand at that time. A survey will be arranged for later this year or early next year.
10.	Limiting the number of hackney carriage licences has the effect of attracting a premium value and licence holders will transfer the licences, as they are allowed to by law, to another for a value negotiated between themselves.
11.	For a new licence to become available either the authority removes or eases the restrictions on licences, which is not a current consideration, or a current licence holder fails to renew or surrenders their licence.
12.	The council needs to be prepared should any one of these scenarios occur. As a result, officers have prepared a policy as attached at Appendix 1.
13.	Currently only hackney carriage licences 214 to 283 are required to be wheelchair accessible vehicles. To increase the ratio of wheelchair accessible vehicles any new hackney carriage licence granted will only be granted to wheelchair accessible vehicles that meet all other conditions required by the authority.
14.	To facilitate this a new para 3.7 as detailed below, will be added to the hackney carriage policy and conditions. 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here: A copy of the proposed hackney carriage policy and conditions is attached at appendix 2 with the new section 3.7 highlighted. The intention will be to

	provide a link on the word 'here' to the list of wheelchair accessible hackney carriage licences.
15.	After considering the options officers drafted the proposal of holding a lottery as a means of selecting licence holders with certain conditions being applied.
16.	To manage the numbers of applications and to make it a fair process, applications will be restricted to one per individual or business and one per household or business address.
17.	A letter advising of a 4-week consultation on this proposal was sent to all hackney carriage proprietors on 24 th August 2021. A copy of the letter is attached at appendix 3. A notice was also placed on the council web pages taxi noticeboard. The consultation ran until 20 th September 2021. There has been one response to this and is attached at appendix 4.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
18.	All costs associated with this can be recovered through the fees for the licence application. There will be no cost to the general fund.
19.	Staff within the licensing team will be able to administer the process.
<u>Property/Other</u>	
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
20.	Section 37 Town Police Clauses Act 1847 – power to grant hackney carriage licences.
21.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<u>Other Legal Implications:</u>	
22.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations
23.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

	b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
RISK MANAGEMENT IMPLICATIONS	
24.	There is little risk to service delivery. No financial risk but there is reputational risk should a suitable policy not be adopted. Officers are of the opinion the option provided by this report will eliminate that risk.
POLICY FRAMEWORK IMPLICATIONS	
25.	The proposed policy is not contrary to the Council's policy framework

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All wards
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Proposed policy on the allocation of hackney carriage licences
2.	Amended hackney carriage policy and conditions
3.	Consultation letter
4.	Email response from Kuldip Sahota

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
---	------------

Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
--	-----------

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	