

REPORT: Regulatory Committee

DATE: 4th July 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Taxi Licensing Matter

WARDS: Borough-wide

1. PURPOSE OF REPORT

To update members on the outcome of the consultation on taxi rank provision in Halton and seek approval for amendments to the Council's existing provision of hackney carriage stands (referred to in this report by their more common name of taxi ranks).

2. RECOMMENDED:

- (1) that the information set out in the attached appendices be noted by the Committee;**
- (2) the proposals set out in Appendix B be referred to the Executive Board with a recommendation for approval subject to the Executive Board considering any representations which may be made in respect thereof;**
- (3) the Executive Board authorise the Operational Director, Legal and Democratic Services to fulfil all procedural requirements and relating to the proposals in Appendix B in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976.**

3. SUPPORTING INFORMATION

- 3.1 A consultation exercise has been undertaken with representatives of the Halton taxi trade on the provision of taxi ranks in the borough. Details of the consultation together with additional information can be found at **Appendix A, B and C**.
- 3.2 The various proposals have been discussed with the Council's Highways Section as the cost of implementation has been prime consideration. The Council has a very limited budget for 2018/2019 for implementing any new schemes.

- 3.3 The Council's Legal Services Licensing Section reviewed the provision for ranks and has put forward amendments for consideration. **Appendix B** provides details of these amendments together with a proposed schedule for a new order.
- 3.4 Not all requests from the trade to consider new or amended taxi ranks have been recommended. **Appendix C** sets out the reasons why certain proposals should not be pursued.

4. JURISDICTION OF THE COMMITTEE

- 4.1 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).
- 4.2 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.
- 4.3 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.

5. POLICY IMPLICATIONS

If approved by the Executive Board the Council's Taxi Ranks Order will be superseded and a new order created.

6. FINANCIAL CONSIDERATIONS

The cost of implementing the recommended changes must be met by the Taxi Licensing and Highways budgets except for the amendment on Hough Green Road which will be met by the property developer.

7. IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton
None

7.2 Employment Learning and Skills in Halton
N/A

7.3 A Healthy Halton
N/A

7.4 A Safer Halton
None

7.5 Halton's Urban Renewal
N/A

8. RISK ANALYSIS

None

9. EQUALITY AND DIVERSITY ISSUES

There are no equality or diversity issues related to a review

10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Driver File	Licensing Section	Kay Cleary Nick Wheeler