

REPORT: Regulatory Committee

DATE: 28th November 2018

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Restriction of Hackney Carriage Vehicle Numbers in the Borough

WARDS: Borough-wide

1. PURPOSE OF REPORT

To consider requests to issue additional hackney carriage vehicle plates in addition to the current limits.

2. THE APPLICATIONS

- 2.1 The Council has received applications from John Roberts, Lee Barks and Darren Dickson to consider issuing additional hackney carriage plates beyond the current limit. The number of vehicles now involved is 15 as set out below.
- 2.2 Mr Roberts had asked to be issued with 14 hackney carriage vehicle licences. As one of the vehicles within the 14 applications is now being used with an existing hackney carriage licence only 13 applications are now to be considered.
- 2.3 Mr Barks and Mr Dickson have made a single application each.
- 2.4 The current limit on the number of hackney carriage vehicle licences in the Halton Borough area is set at 267. This has been the limit for a number of years.
- 2.5 The applications from Mr Roberts are accompanied by a note from Mr Robert's legal advisor which contains a number of incorrect statements. The note is set out in full at Appendix A.
- 2.6 The note contains a number of matters which must be challenged. The specifics are as follows:

- 2.6.1 Point 1 - *“Following three decisions to refuse to consider applications for Hackney Carriage Licences ...”*. This is not correct. No decisions to refuse to consider applications have been made.
- 2.6.2 Point 2 - ... to refuse to consider the applications is tantamount to a refusal of them – especially so in circumstances where the Council is operating absolutely no form of waiting list or system for administering them. This is incorrect in a number of aspects. First, it is predicated on the incorrect statement in Point 1; second, a failure to determine an application (which has not occurred) cannot amount to a refusal; third, the absence or presence of a waiting list has no logical connection to the alleged failure to determine an application.
- 2.6.3 Point 4 - *“The Council does not and never has carried out an unmet demand survey and as such has no authority whatsoever to refuse to consider applications unless of course there is a defect within them which has not been raised”*. An unmet demand survey was undertaken many years ago but in any event the assertion that the Council has *“no authority whatsoever”* to refuse the application is incorrect.
- 2.6.4 Point 5 - *“It is submitted that section 16 Transport Act 1985 obliges the defendant to ensure that as long as any restriction is in force, that there is no significant unmet demand. The Council is not so doing and therefore cannot arbitrarily select a number in a policy and apply it - it is incorrect and unlawful”*. This is incorrect. It is a vague summary of the legislation. The Council is not acting in an arbitrary way and the current policy is not unlawful.
- 2.7 Appendix B sets out the statutory rules.
- 2.8 The requests made by Mr Barks and Mr Dickson did not contain any additional information.
- 2.9 All three applicants made their applications together and are all associated with District Taxis. It is therefore appropriate for all of the applications to be dealt with together in a single agenda item.

3. SUPPORTING INFORMATION

- 3.1 The concept of unmet demand for hackney carriages applies only when these vehicles are standing or plying for hire. This is work from the ranks (designated and private) as well as available to being hailed in the street.

- 3.2 Work that is derived from customers obtaining the services of these vehicles in any other way i.e. by phone or computer is private hire work and therefore not part of any unmet demand.
- 3.3 Of the current 267 hackney carriage licences, 86% (229) of these drivers have decided to pay an amount of money (known as settle or track) each week to private hire operators to subsidise their work. Only 14% (38) of drivers derive their work solely from the ranks. These figures are correct as of 16th October 2018. It follows that there is not enough demand at present to meet the needs of the current number of hackney carriages.
- 3.4 The following table compares numbers of licensed vehicles in Halton with all of its surrounding licensing authorities.

Area	Limit on number of HCVs?	Population	Number of HCVs	Number of PHVs	% of HCVs to PHVs	% of HCVs to Population
Cheshire West & Chester	Y (1 of 3 zones)	338,000	349	1215	28.72	0.10
HALTON	Y	127,600	267	120	222.50	0.21
Knowsley	Y	148,600	231	1592	14.51	0.16
Liverpool	Y	496,000	1426	1981	71.98	0.29
Sefton	Y	274,000	271	4070	6.66	0.10
St Helens	Y	179,300	63	500	12.6	0.04
Warrington	Y	209,000	149	428	34.81	0.07

- 3.5 The figures from the table in 3.4 confirm that Halton has a considerably higher percentage of hackney carriage vehicles per head of population when compared with the other authorities in the table except for Liverpool. The percentage of vehicles is only exceeded by Liverpool which is a major city and popular tourist location. Unlike Halton, Liverpool has limited (if any) free parking in the city which would contribute to the necessity for the high volume of hackney carriages there.
- 3.6 The table also shows that Halton is unique in have such an overwhelming number of hackney carriages as compared with private hire vehicles.
- 3.7 The number of private hire vehicles cannot be limited. However, the table shows that in Halton the number of private hire vehicles is disproportionately low when compared with the other districts. Had there been an unmet demand for hackney carriages in the Borough it would be expected that a much higher number of

private hire vehicles would be licenced to take up the alleged demand.

- 3.8 A petition has been received from the Halton licensed trade. The main part of the petition states:

“We do not in any way refuse the need for more private hire vehicles servicing home and business addresses as we do acknowledge the growth in the borough in recent years. This borough is very different to areas adjacent ie Chester, Liverpool and Manchester which all have great demand for taxis to be flagged down or large queues on ranks. Both Widnes and Runcorn rely massively on jobs from their respective systems and could not earn a living solely working taxi ranks.”

“With the above in mind we urge you to refuse any application for an increase of any kind in relation to the current number of hackney licences in Halton.”

The petition has been signed by 187 licensed drivers.

4. ANALYSIS

- 4.1 As can be seen from Appendix B the power to restrict the number of hackney carriages applies only if the licensing authority is satisfied that there is no **significant** demand for the services of hackney carriages in the area which is unmet.
- 4.2 The assertion by the applicant’s solicitor that an unmet demand survey is required is incorrect. The legislation is perfectly clear on this.
- 4.3 Where surveys are undertaken they are relatively expensive (typically in the order of between £12,000 - £15,000) and the cost is borne by the hackney carriage trade.
- 4.4 It should be pointed out that there is only one test which must be addressed by the Committee. Other considerations are not material including the impact of increasing numbers of hackney carriage plates on the hackney carriage sector.
- 4.5 Should the Committee consider that there is no unmet demand for hackney carriages this does not prevent it from granting the applications (albeit that this is not the argument being put forward by Mr Roberts). Nevertheless, the impact of such a decision on the current policy should be taken into account as indicated in the Policy Section below.

- 4.5 No additional justification in favour of the application has been put forward by the applicant.
- 4.6 The matter of the restricted number of hackney carriages in the Borough was considered at the last Taxi Consultative Group meeting in October. The applicant was present at that meeting. Apart from the applicant the members (including representatives of the hackney carriage and private hire sectors) of the Group were all of the opinion that there was no unmet demand.

5. OPTIONS

- 5.1 The options available to the committee are:
- Grant the applications in principle for 15 new hackney carriage vehicles (subject to the usual application process being successfully completed and compliance with the usual hackney carriage pre-conditions).
 - Refuse the applications.
 - Defer a decision pending the result of an unmet demand survey and a subsequent review of the policy by the Executive Board.

6. POLICY IMPLICATIONS

- 6.1 The applications have not been posed as applications to change Council policy but rather as pre-cursors to individual applications. Consequently this is a matter entirely for the Regulatory Committee to determine – it is not a matter for recommendation to Executive Board.
- 6.2 Nevertheless, the Committee may take the view that granting the applications would have severe implications on the sustainability of the current policy.

7. OTHER IMPLICATIONS

There are no other implications arising out of this report.

8. IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 **Children and Young People in Halton**
None
- 8.2 **Employment Learning and Skills in Halton**
N/A

8.3 **A Healthy Halton**
N/A

8.4 **A Safer Halton**
None

8.5 **Halton's Urban Renewal**
N/A

9. RISK ANALYSIS

N/A

10. EQUALITY AND DIVERSITY ISSUES

N/A

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

Document	Place of Inspection	Contact Officer
Application Documents	Licensing Office	Kay Cleary