

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS COMMITTEE		
DATE:	04 NOVEMBER 2015	AGENDA ITEM:	4
TITLE:	REVIEW OF HACKNEY CARRIAGE CRITERIA POLICY		
LEAD COUNCILLOR:	PAUL GITTINGS	PORTFOLIO:	CULTURE, SPORTS & CONSUMER SERVICES
SERVICE:	PLANNING DEVELOPMENT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
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**1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 To allow members to consider and approve a suitable criteria for the allocation of Hackney Carriage Licence Plates as and when they may become available.

**2. RECOMMENDED ACTION**

- 2.1 To consider the proposed criteria approve or amend the proposed criteria.

**3. POLICY CONTEXT**

- 3.1 The Town Police Clauses Act 1847, as amended by the Transport Act 1985, enables Councils to restrict the number of HC licences issued in their area, where they are satisfied that there is no significant unmet demand for hackney carriage services. In order to be satisfied that there is no significant unmet demand a survey must be carried out, at least every three years.

**4. THE PROPOSAL**

**4.1 Current Position**

- 4.1.2 In March 2007 officers presented a report to the Licensing Applications Sub 3 Committee recommending the delimitation of hackney carriage vehicle numbers and proposed criteria for issuing new licences that potential proprietors would have to meet in order to be granted a licence.

4.1.3 In September 2007 officers presented a further report to the Licensing Applications Sub 3 Committee requesting discretion in applying the approved criteria agreed at the meeting in March 2007 for issuing new hackney carriage vehicle licences. The discretion was approved to be in conjunction with the Chair of the Licensing Applications Sub 3 Committee and where the Head of Environment and Consumer Services deemed appropriate the Reading Taxi Association (RTA). (Officers currently meet with RTA representatives). Attached in background papers is a copy of the September 2007 report. Sections of the old criteria were challenged at the time and other areas of the criteria are now considered inappropriate. Officers have drafted a new set of criteria attached as Appendix I.

4.1.4 After a lengthy legal battle a Hackney Carriage licence has become available to be issued to a suitable applicant. Demand for such a licence will be high and contentious given the existing restriction on hackney carriage vehicle licence numbers. The proposed criteria is drafted to allow the council to consider the most suitable group of applicants who could be awarded this licence. It is also proposed that this criteria is used should any unmet demand survey find unmet demand and the committee approve the issuing of additional Hackney Carriage Vehicle licences.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

5.1 The licensing of HC drivers and vehicles has the objective of ensuring that all drivers of such vehicles are trained to a high and equal standard and are able to provide an adequate, safe and efficient service to the residents and visitors of the Borough. The provision of wheelchair accessible HC's increases the ability of disabled consumers to utilise HC services.

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

6.1 In considering whether it is appropriate to issue additional HC licences, consultation in the form of a questionnaire has been carried out involving those affected by any proposal, including HC drivers and owners;

## **7. EQUALITY IMPACT ASSESSMENT**

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 An Equality Impact Assessment (EIA) is not relevant to the decision, as it will not have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

## **8. LEGAL IMPLICATIONS**

- 8.1 Section 37 of the Town Police Clauses Act 1847, as amended by section 16 of the Transport Act 1985, enables Councils to licence hackney carriages and to restrict the number of hackney carriage licences issued only if they are satisfied that there is no significant unmet demand for hackney carriage services in the area.
- 8.2 Any person aggrieved by the Council's refusal to grant a hackney carriage licence may appeal to the Crown Court.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 In the event of an appeal, the Council will have to bear the costs of defending their decision.

## **10. BACKGROUND PAPERS**

- 10.1 None

## **11. APPENDICES**

- 11.1 Appendix 1 - proposed Criteria