

## READING BOROUGH COUNCIL

### REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	LICENSING APPLICATIONS COMMITTEE		
<b>DATE:</b>	4 <sup>th</sup> OCTOBER 2022		
<b>TITLE:</b>	REVIEW OF HACKNEY CARRIAGE VEHICLE PLATE CRITERIA POLICY		
<b>LEAD COUNCILLOR:</b>	TONY PAGE	<b>PORTFOLIO:</b>	CLIMATE STRATEGY AND TRANSPORT
<b>SERVICE:</b>	PLANNING DEVELOPMENT & REGULATORY SERVICES	<b>WARDS:</b>	BOROUGHWIDE
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#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The licensing team now have three Hackney Carriage Vehicle licence plates to be allocated. These have been made available by one being revoked by a previous committee and following a lengthy legal battle is now eligible to be re-issued and two Hackney Carriage Vehicle licence plates which were allowed to expire by the current licence holders in October 2020 and December 2021.
- 1.2 To allow members to consider and approve an updated criteria for the allocation of Hackney Carriage Licence Plates as and when they may become available.
- 1.3 Appendix I - Current Criteria resolved by the Licensing Applications Committee on 4<sup>th</sup> November 2015.  
Appendix II - Proposed Criteria.

#### 2. RECOMMENDED ACTION

- 2.1 To consider and 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:

4.1.1 In November 2015 officers presented a report to the Licensing Applications Committee recommending a proposed criteria for issuing new Hackney Carriage Vehicle Licence Plates that potential proprietors would have to meet in order to be granted a licence.

4.1.2 The proposed criteria which was approved by the Licensing Applications Committee is attached at appendix i.

### 4.2 Officer recommendation:

4.2.1 The licensing team recommend the new set of criteria (attached as appendix ii) from the one approved by the Licensing Applications Committee in 2015 which will incorporate two changes. The changes are that -

- a) Licences are only granted to current licenced Reading Borough Council Hackney Carriage Drivers who have held a Reading Borough Council Hackney Carriage Drivers licence for **twelve (12)** consecutive years prior to showing an expression of interest.
- b) That applicants who successfully meet the criteria and are eligible for a Proprietors' licence must provide a **brand new ULEV or brand new fully electric purpose built hackney carriage vehicle** for licensing within three months of being permitted to apply for a Hackney Carriage Vehicle licence or the Hackney Carriage Proprietors' licence maybe issued to any other person who showed an expression of interest and met the current criteria.

## 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The licensing of Hackney Carriage 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.

5.2 The requirement to have a brand new ULEV or brand new fully electric purpose built hackney carriage vehicles will contribute towards the hackney carriage vehicle fleet producing less emissions and contributing towards RBC's aim of being carbon neutral by 2030.

## 6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 By approving to amend the current hackney carriage vehicle licence plate criteria will require the 3 successful applicants to purchase brand new ULEV or brand new fully electric purpose built hackney carriage vehicles within 3 months of being granted a hackney carriage vehicle licence plate.

6.2 The Climate Impact Assessment has been completed and approved.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 7.2 In considering whether it is appropriate to issue additional HC licences, consultation in the form of a questionnaire will be carried out involving those affected by any proposal, including HC drivers and owners.

## **8. EQUALITY IMPACT ASSESSMENT**

- 7.1 Under the Equality Act 2010, Section 149, as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 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 and the Armed Forces community.

## **9. LEGAL IMPLICATIONS**

- 9.1 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.
- 9.2 Any person aggrieved by the Council's refusal to grant a hackney carriage licence may appeal to the Crown Court.

## **10. FINANCIAL IMPLICATIONS**

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

## **11. APPENDICES**

- 11.1 Appendix I - Current Criteria resolved by the Licensing Applications Committee on 4th November 2015.
- 11.2 Appendix II - Proposed Criteria.

**Present:** Councillor Woodward (Chair);  
Councillors Chrisp, Dennis, Livingston, Page, Skeats and Vickers.

**Apologies:** Councillors D Edwards, Grashoff and Singh.

## 2. MINUTES

The Minutes of the meetings held on 8 October 2014 and 27 May 2015 were confirmed as correct records and signed by the Chair.

## 3. HACKNEY CARRIAGE CRITERIA

The Director of Environment and Neighbourhood Services submitted a report asking the Committee to consider and approve suitable criteria for the allocation of Hackney Carriage Licence Plates as and when they may become available. A copy of the proposed criteria was attached to the report at Appendix 1.

The report explained that on 28 March 2007 officers had submitted a report to the Licensing Applications Committee (Minute 8 refers) that had recommended the delimitation of Hackney carriage vehicle numbers and had proposed criteria for issuing new licences that potential proprietors would have to meet in order to be granted a licence. A further report had been submitted to Licensing Applications Sub-Committee 3 on 3 September 2007 requesting discretion in applying the approved criteria agreed at the meeting in March 2007 for issuing new Hackney carriage vehicle licences (Minute 13 refers). The discretion was approved to be in conjunction with the Chair of Licensing Applications Sub-Committee 3 and where the Head of Environment and Consumer Services deemed appropriate the Reading Taxi Association (RTA); officers currently met with RTA representatives. Sections of the old criteria were challenged at the time and other areas of the criteria were currently considered inappropriate, as a result officers had drafted a new set of criteria.

The report stated that after a lengthy legal battle a Hackney Carriage Licence plate had become available to be issued to a suitable applicant and it was believed that demand for such a licence would be high. The proposed criteria had been drafted to allow the Council to consider the most suitable group of applicants who could be awarded the licence. It was also proposed that this criteria was used should any unmet demand survey find unmet demand and the Committee approved the issuing of additional Hackney Carriage Vehicle Licences Plates.

Asif Rashid, Chairman Reading Taxi Association, Syed Abbas, Chairman Reading Taxi Drivers Association, and Tahir Abdullah were present at the meeting and addressed the Committee.

The Committee discussed the report and agreed that new Hackney carriage proprietors' licences should be granted to licenced Reading Borough Council Hackney Carriage Drivers who had held a Reading Borough Council Hackney Carriage Drivers licence for eight consecutive years and who had rented a Hackney Carriage Vehicle for the same eight year period. The Committee also agreed that

proof of renting for the same relevant eight year period would be via tax records, rental receipts and audit accounts.

**Resolved –**

- (1) That new Hackney Carriage Proprietors' licences be granted to licensed Reading Borough Council Hackney Carriage Drivers who have held a Reading Borough Council licenced Hackney Carriage Drivers licence for eight consecutive years and have rented a Hackney carriage vehicle for the eight year period and whose intention it is to personally drive the Hackney Carriage vehicle for which any licence is issued full time (37 hours per week) (proof of renting for the same relevant eight year period will be via tax records, rental receipts and audit accounts);
- (2) That licences would not be granted to any person who has previously been issued a Proprietors' licence in the past by the Council, or to any person who currently owns a Reading Borough Council licensed Hackney Carriage Vehicle licence;
- (3) That applicants who successfully meet the criteria and are eligible for a Proprietors' licence must provide a brand new vehicle for licensing within three months of being permitted to apply for a Hackney Carriage Vehicle licence;
- (4) That should one or more applicants meet the required criteria, the Licensing Applications Committee will review the applications and take into consideration the following when awarding the vehicle licence:
  - (a) DVLA driving record;
  - (b) Number of years renting a Hackney Carriage Vehicle;
  - (c) Driving and complaints record;
- (5) That if one or more drivers meet the criteria and the number of licences issued is limited the allocation of licences be via a draw;
- (6) That conditions requiring the following be attached to new Hackney Carriage Proprietors' licences:
  - (a) The proprietor may transfer the licence to another appropriate vehicle, upon application to the Council;
  - (b) The vehicle to which the licence is proposed to be transferred to may not be older than the currently licensed vehicle.

(The meeting started at 6.30pm and closed at 7.16pm)

## Hackney Carriage Vehicle Licence Plate Criteria - 2022

- (1) That any new Hackney Carriage Proprietors' licences are only granted to current licenced Reading Borough Council Hackney Carriage Drivers who have held a Reading Borough Council Hackney Carriage Drivers licence for twelve (12) consecutive years prior to showing an expression of interest.
- (2) That they have also rented a hackney carriage vehicle for the same twelve-year period and whose intention it is to personally drive the hackney carriage vehicle for which any licence is issued full time (37 hours per week). Proof of renting for the same relevant twelve year period will be via tax records, rental receipts and audited accounts.
- (3) That licences would not be granted to any person who has previously been issued a Proprietors' licence in the past by Reading Borough Council, or to any person who currently owns a Reading Borough Council Hackney Carriage Vehicle licence.
- (4) That should one or more applicants meet the required criteria, the Licensing Applications Committee will review the applications and take into consideration the following when awarding the vehicle licence:
  - (a) DVLA driving record.
  - (b) Total number of years renting a Hackney Carriage Vehicle.
  - (c) Driving and complaints record.
- (5) That applicants who successfully meet the criteria and are eligible for a Proprietors' licence must provide a brand new ULEV or brand new fully electric purpose built hackney carriage vehicle for licensing within three months of being permitted to apply for a Hackney Carriage Vehicle licence or the Hackney Carriage Proprietors' licence maybe issued to any other person who showed an expression of interest and met the current criteria.
- (6) That if one or more drivers meet the criteria and the number of licences issued is limited the allocation of any licence or licenses be made by the Licensing Applications Committee.
- (7) That conditions requiring the following be attached to new Hackney Carriage Proprietors' Licences
  - (a) The proprietor may transfer the licence to another appropriate vehicle upon application to the council.
  - (b) The vehicle to which the licence is proposed to be transferred to may not be older than the currently licensed vehicle.