

# Minutes

## Licensing Committee

25th January 2024



Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J Ayten	Yes	R Ramage	No
J Baugh (Chairman)	Yes	P Schwier	Yes
M Green	Yes	M Staines	No
P Heath	Yes	W Taylor	Yes
I Parker	Yes	R van Dulken	Yes
J Pell	Apologies	L Walters	Apologies
G Prime (Vice-Chairman)	Yes	R Wright	Yes

Mr Iain MacDonald, LVSA (Licensed Vehicle Surveys and Assessments) attended the meeting and he answered questions raised by Members of the Committee as part of their consideration of Agenda Item 6 – Quantity Restrictions - Taxi Licences’ (Minute 15 refers)

### 11 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 12 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 14th September 2023 be approved as a correct record and signed by the Chairman.

### 13 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

### 14 **HACKNEY CARRIAGE PROPRIETORS’ LICENCES – ALLOCATION**

**INFORMATION:** Consideration was given to a report on, and the allocation of, two Hackney Carriage Vehicle Proprietors’ Licences.

Members of the Licensing Committee were reminded that the Council, as the Licensing Authority, was responsible for issuing Hackney Carriage Proprietors' Licences. Currently, the Council limited the number of such Licences issued to 84. Any Licences returned to the Council were required to be allocated in accordance with the Council's Policy for the Allocation of Hackney Carriage Proprietors' Licences, which had been agreed in 2014. This ensured that the allocation of Licences was handled in a fair, open and transparent way. The Policy required that the allocation of Licences should be by a random ballot. It was reported that two Proprietor's Licences were currently available for allocation.

All currently licensed Braintree District Council Hackney Carriage and/or Private Hire drivers and Private Hire Operators had been notified that two Hackney Carriage Proprietors' Licences were available for allocation and they had been invited to register their interest in obtaining the Licences. An advertisement had also been placed on the Council's website. A total of 43 valid expressions of interest had been submitted and these had been entered into the ballot to be drawn at this meeting of the Licensing Committee. The expressions of interest had been allocated a number from 1 to 43. Details of these numbers and the corresponding name of each applicant were set out in the report. The numbers attached to each individual would be used as identifiers in the ballot.

The report explained that the ballot would be conducted using a web-based, independent number generator called 'Calculator.net' in order to draw lots randomly from the numbers 1 to 43 corresponding with the expressions of interest submitted. This process would be administered by the Council's Legal and Governance Manager, who was independent and not part of the Council's Licensing Service. Two lots would be drawn for the Licences available, together with two reserves should the successful applicants be unable to meet the Council's requirements. The ballot would be conducted openly and transparently and members of the public would be able to follow the ballot at the meeting of the Licensing Committee, or via the Council's YouTube channel.

The successful applicants would each be required to submit an application for a Licence for a wheelchair accessible vehicle within 28 days of the ballot and to meet the Council's current vehicle criteria. The successful applicants would also be required to complete a declaration that the Proprietors' Licences would not be sold, or transferred for a period of five years. Furthermore, if either of the successful applicants was an existing Hackney Carriage Proprietor he/she would be required to complete a declaration not to sell, or transfer their existing Licence(s).

The Legal and Governance Manager carried out a test during the meeting to demonstrate to the Members of the Licensing Committee, Officers and members of the public present at the meeting and watching via the Council's YouTube channel how 'Calculator.net' would be used to draw the required lots. The Legal and Governance Manager then drew the actual ballot at the meeting via 'Calculator.net'. This process could be observed by Members of the Licensing

Committee, Officers and members of the public present at the meeting and watching via YouTube.

The outcome of the ballot is recorded below.

**DECISION:**

- (1) That a Hackney Carriage Proprietor's Licence be issued to each of the following applicants, subject to the Council's requirements being met:-

<u>Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	33	Rashid Rehman
2	31	Ramazan Gorgulu

- (2) That, if either or both of the above-mentioned applicants is not able to meet the Council's requirements, the Hackney Carriage Proprietors' Licences be issued to the following applicants on the reserve, approved list, subject to the Council's requirements being met:-

<u>Reserve Allocation</u>	<u>Application Number</u>	<u>Name of Applicant</u>
1	43	Ahmadi Dawood
2	7	Chidibere C Oke

15 **HACKNEY CARRIAGE PROPRIETORS' LICENCES – QUANTITY RESTRICTIONS**

(Mr Iain MacDonald, LVSA (Licensed Vehicle Surveys and Assessments), attended the meeting for the consideration of this Item and he answered questions raised by Members of the Committee).

**INFORMATION:** Consideration was given to a report on the possible lifting of a restriction imposed by the Council on the number of Hackney Carriage proprietor (taxi) licences which it issued. The report also provided information about the outcome of a recent survey which had taken place to establish if there was an unmet demand for taxis in the District.

It was reported that in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Braintree District Council, as the Licensing Authority, had responsibility for issuing Hackney Carriage proprietor licences and that it currently limited the number of licences issued to a maximum of 84 licences. The Council had discretion to restrict the number of such licences in accordance with the provisions of Section 16 of the Transport Act 1985 and Best Practice Guidance issued by the Department for Transport, subject

to it being satisfied that there was not a significant unmet demand for taxi services in the District. The Council was required to commission a survey at regular intervals to determine whether there was an unmet demand.

At its meeting on 21st March 2023, the Licensing Committee had considered a comprehensive report relating to the Council's restriction on the number of taxi licences issued. The report had recommended that the restriction should be removed. However, the Committee had decided to maintain the restriction at 84 licences, subject to an independent survey being commissioned to assess whether there was a significant unmet demand in the District for taxis. A survey (Braintree District Hackney Carriage Unmet Demand Survey) had subsequently been undertaken by LVSA (Licensed Vehicle Surveys and Assessments) on behalf of the Council and the results of this were set out in a report which was attached at Appendix 1 to the Agenda report. The survey had included an analysis of activity at six taxi ranks across the District over a two-week period from 18th June 2023 to 2nd July 2023. Surveys of the public, key stakeholders and the 'taxi' trade had also taken place. The results of the survey and the responses received were summarised in the Agenda report.

The Unmet Demand Survey report defined 'unmet demand' and it made reference to the 'incidence of significant unmet demand' (ISUD) index, which highlighted if unmet demand for taxis was significant. An ISUD value of less than 80 indicated that there was not significant unmet demand. It was reported that the recent survey of the Braintree District had determined an ISUD value of 5766.9, which showed that there was unmet demand and that this was significant.

In order to comply with Section 16 of the Transport Act 1985, the Council was required to consider whether it should maintain its restriction on the number of taxi licences issued and to determine whether to introduce measures to reduce the level of unmet demand to a value below that which was deemed to be significant.

The Unmet Demand Survey report set out four options that the Council could consider in order to assist with reducing the significant level of unmet demand in the District. These were:-

- Option 1 - Wait for driver numbers and private hire operations to increase, to meet pre-booked hire demand and free hackney carriage capacity to meet demand at the taxi ranks.
- Option 2 - Increase the number of hackney carriage vehicle licences to enable more hackney carriages to meet demand at taxi ranks. An increase could be to a new specified limit, or to remove the limit altogether.
- Option 3 - Employ alternative measures to encourage the existing hackney carriage fleet to prioritise rank-based demand over pre-booked hire demand, in order to reduce passenger waiting at the taxi ranks.

Option 4 - Develop an approach which provides an immediate increase in the number of hackney carriage licences available, coupled with a scheduled increase in hackney carriage fares. These measures would be in anticipation that, if these licences are taken up and put in operation, the pattern of operation would be similar to current practices, i.e. undertaking a mixture of rank-based hires, pre-booked hires and contract hires.

A detailed analysis of each of the options was set out in the Survey report, which recommended that option 4 should be adopted. This would increase the number of taxi licences issued in the District by eight, from 84 to 92, and it would include a review of taxi fares. It was anticipated that the proposed increase in the number of taxi licences may not fully eliminate all waiting by passengers at taxi ranks at peak times, but that it would reduce unmet demand to below the current significant level.

It was proposed, that if the Council increased the number of taxi licences by eight as recommended, four of these licences should be issued in accordance with the Council's current policy which required that they should be allocated to wheelchair accessible vehicles and that the remaining four licences should be allocated to electric powered vehicles, which could be either wheelchair accessible, or not.

**DECISION:**

- (1) That the Council continues to restrict the number of Hackney Carriage proprietor licences which it issues, but that the number of proprietor licences issued be increased by eight from 84 to 92.
- (2) That an exemption be made to the Council's Hackney Carriage Allocation Policy 2014 to require that four of the eight additional licences to be issued are allocated to electric vehicles which are not wheelchair accessible. If these licences are not allocated to electric vehicles when the next ballot of proprietors' licences takes place, they will be allocated in accordance with the Allocation Policy.

16 **LICENSING COMMITTEE UPDATE**

**INFORMATION:** Members of the Licensing Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee, and on current licensing matters. In an update to the report, it was stated that revised Statutory Guidance had been issued in December 2023 under Section 182 of the Licensing Act 2003. The Guidance had subsequently been revised in January 2024. A copy of the revised Guidance would be sent to Members of the Licensing Committee.

**DECISION:** That the Licensing Committee update be noted.

The meeting closed at 8.19pm.

Councillor J Baugh  
(Chairman)