

Minutes

Licensing Committee

21st March 2023



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	Mrs I Parker	Yes
Mrs J Beavis	Apologies	Mrs J Pell	Apologies
Mrs M Cunningham	Apologies	S Rehman	Apologies
P Euesden	Yes	W Rose (Vice-Chairman)	Yes
S Hicks	Yes	P Schwier	Yes
H Johnson	No	Mrs L Walters	Yes
T McArdle	Yes	R Wright	Yes

Councillor R van Dulken was also in attendance.

18 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

19 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 18th January 2023 be approved as a correct record and signed by the Chairman.

20 **QUESTION TIME**

INFORMATION: There were three statements made during Question Time by Mr B Archer, Mr A Harris and Mr T Rogers regarding Agenda Item 6 – 'Quantity Restrictions – Taxi Licences'.

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

21 **HACKNEY CARRIAGE PROPRIETOR'S LICENCES – ALLOCATION**

INFORMATION: Consideration was given to a report on, and the allocation of, two Hackney Carriage Vehicle Proprietor's 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 Proprietor's Licences were available for allocation and they had been invited to register their interest in obtaining the Licences. A total of 40 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 40. 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 40 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	26	Naveed Irshad
2	9	Emily Avery

- (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	19	Kevin Warren
2	10	Fatma Malek

22 HACKNEY CARRIAGE PROPRIETORS' LICENCES – QUANTITY RESTRICTIONS

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 consultation exercise.

It was reported that in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council, as the Licensing Authority, had responsibility for issuing Hackney Carriage proprietor licences and that these were currently limited to a maximum of 84 licences.

In 1996, the Licensing Committee had agreed that an independent survey should be commissioned at regular intervals in order to ascertain whether there were sufficient licensed taxis in the District. Furthermore, on 11th September 2019 the Committee had agreed that a consultation exercise should take place in order to seek views on whether the limit should remain. This consultation exercise had recently concluded and the findings were set out in the report.

Current guidance provided by the Department for Transport (DFT) set out in the draft 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England 2022' re-affirmed the provisions of Section 16 of the Transport Act 1985 which stated that the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the Licensing Authority was satisfied that there was not a significant demand for the

services of Hackney Carriages within the area to which the licence would apply, which was unmet. The guidance referred also to information published by the Competition and Markets Authority in 2017 about the regulation of taxis and private hire vehicles, which stated that quantity restrictions were not necessary in order to ensure passenger safety and reasonable fares, and that restrictions could harm passengers by reducing the availability of vehicles, increasing waiting times, and reducing the scope for downward competitive pressure on fares.

The DFT guidance acknowledged that most Local Authorities in England did not impose quantity restrictions and where restrictions did exist it recommended that regular reviews should take place in the interests of the travelling public. The guidance stated also that where there were quantity restrictions, taxi plates commanded a financial premium, which indicated that people wishing to enter the taxi trade and to provide a service to the public were being prevented from doing so. If the Council wished to continue with a quantity restriction, it would have to demonstrate that there was not a significant unmet demand for taxis in the District and it should agree a level at which the restriction should be set. A further survey would therefore be required.

Statistics collected by the DFT showed that at 31st March 2022, 73 Local Authorities in England and Wales placed a restriction on the number of taxi licences which they issued. This amounted to 24.4% of the total number of Authorities. A further 10 Licensing Authorities imposed other restrictions such as limiting types of vehicle, or areas within their jurisdiction. For Essex, three Local Authorities restricted the number of licences issued, whilst 11 did not. The Authorities which maintained a restriction were Braintree District Council, Colchester City Council and Southend on Sea City Council. Average mileage data for taxis in the Braintree District had been collected and this was set out in an Appendix to the report. This indicated how the taxi trade was performing in the District and whether vehicles were being used as intended. It was reported that since 2015, the Council had re-issued 13 taxi licences on seven separate occasions in accordance with the Council's Hackney Carriage allocation policy and that an average of 44 people had expressed an interest in obtaining a licence on each occasion. Successful applicants had been required to invest in a wheelchair accessible vehicle, which they could not sell, or transfer for a period of five years.

The Council had carried out an extensive consultation exercise with the taxi and private hire trades and the public regarding the possibility of removing the restriction on the number of licences issued. This consultation exercise had concluded on 17th February 2023 and the outcome was summarised in the report.

It was acknowledged that if the quantity restriction was to be removed and the taxi fleet was to increase significantly in size, severe 'over ranking', where the number of licensed vehicles waiting at a taxi rank exceeded the number of parking spaces available, could become an issue. If this situation arose, the Council would need to consider what action might be implemented to alleviate the issue whilst taking account of the requirements of other road users. Most respondents to the trade

survey considered that 'there were special circumstances in the Braintree District which made the retention of a numerical limit on the number of licensed vehicles essential'. The advantages and disadvantages of maintaining a quantity restriction were set out in the report.

The options available to the Licensing Committee were to continue to limit the number of taxi licences that it issued and to commission an independent survey to assess whether there was an unmet demand for taxi licences in the District; or to remove the limit on the number of taxi licences with effect from 1st April 2023. The main consideration when assessing whether to maintain, or remove the restriction was the potential impact on the travelling public.

It was reported that the DFT's guidance queried whether there were alternative ways in which a quantity restriction could be addressed and it was noted that some Local Authorities relaxed restrictions in respect of some but not all vehicle types, or some but not all areas within their jurisdiction. It was reported that Braintree District Council could introduce a partial relaxation for some but not all vehicle types eg. for wheelchair accessible vehicles, but it could not introduce a relaxation for some but not all areas as the restriction had to relate to the whole of the District.

DECISION: That the Council continues to restrict the number of Hackney Carriage proprietor licences which it issues to 84 and that an independent survey be commissioned to assess whether there is an unmet demand for Hackney Carriages in the District.

23 **LICENSING COMMITTEE UPDATE**

INFORMATION: Members of the Licensing Committee received an update on current licensing matters.

DECISION: That the Licensing Committee update be noted.

At the close of the meeting, it was stated that this was the last meeting of the Committee in both the current Civic Year and Council Administration. Thanks were extended to Members of the Committee and to Officers for their work and support.

The meeting closed at 9.08pm.

Councillor J Baugh
(Chairman)