



# Walsall Council

---

---

## REPORT OF THE HEAD OF PUBLIC SAFETY

### TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 21<sup>ST</sup> APRIL 2010

### TO CONSIDER THE REQUEST FOR A RESTRICTION ON THE ISSUE OF

### HACKNEY CARRIAGE PROPRIETOR LICENCES

#### **1.0 PURPOSE OF REPORT**

- 1.1 To place before committee a report regarding the request for a restriction on the issue of Hackney Carriage Proprietor Licences. The request was made following a meeting of the Taxi Liaison group on the 17<sup>th</sup> March 2010.

#### **2.0 RECOMMENDATION**

- 2.1 The committee is asked to consider the information contained in the report and determine whether the Licensing Unit be instructed to make further formal enquiries in respect of implementing a restriction on the number of Hackney Carriage Proprietor Licences

#### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 Within Budget: No.
- 3.2 The cost of any survey to identify whether there is no 'significant unmet demand' is likely to cost in excess of £15,000. No budget provision has been set aside to allow for such a survey.
- 3.3 Unmet demand would include looking at such matters as the length of time that would - be customers have to wait at taxi ranks, waiting times for street hailings including latent and peaked demand. Consultation would also have to be undertaken with the licensed trade, user groups, members of the public etc.
- 3.4 The costs of such a survey could be recovered from the hackney carriage trade via an increase in licence fees, this is further supported

in the Department of Transport Best Practice Guidance 2010. However, this is likely to prove un popular.

- 3.5 Best practice guidance also suggests that such surveys should be carried out every three years to confirm whether there is still a need to restrict such licences.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 This will be a fundamental change in current taxi policy. It should be noted that quantity restrictions cannot be placed on the private hire trade.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Legal Services consulted: Yes
- 5.2 The imposition of restrictions on the issue of Hackney Carriage Proprietor Licences may lead to legal challenge.
- 5.3 The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purposes of limiting the number of licensed taxis if, but only if, the local licensing authority is satisfied that there is no significant demand for the services of hackney carriages which is unmet.
- 5.4 The Council should be aware that, in the event of a challenge to a decision to refuse a licence, the local authority would have to establish that it had, reasonably been satisfied that there was no significant unmet demand.

#### **6.0 EQUAL OPPORTUNITIES**

- 6.1 None arising from this report.

#### **7.0 ENVIRONMENTAL IMPACT**

- 7.1 None

#### **8.0 BACKGROUND**

- 8.1 On the 25<sup>th</sup> November 2004 the Licensing and Safety Committee resolved that approval be given to the de-restriction of the number of hackney carriage proprietor licences issued in the Walsall MBC area.
- 8.2 At the time of that report there were 88 hackney carriage proprietor licences in force

- 8.3 Currently there are 125 hackney carriage proprietor licences, this equates to an increase of 42% over 6 years. The majority of this increase was accounted for in the first year following deregulation.
- 8.4 Statistics would suggest that this figure of 125 licences is stable and market forces are in equilibrium.
- 8.5 If the Council agrees that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set.
- 8.6 In its letter of June 2004 to all local authorities the Department Of Transport asked all local authorities that operated a quantity restriction to review their policy and justify it publicly. This formed part of this Councils decision to deregulate at that time.

**9.0 Contact Officer**

- 9.1 Steve Knapper, 01922 652221