

Body: General Licensing Committee
Date: 12th March 2007
Subject: Information Report regarding Hackney Carriage proprietors licence allocation
Report Of: Ian Fitzpatrick, Assistant Director (Housing & Health)
Ward(s): All
Purpose: To provide the Licensing Committee with a review of the allocation process applied to the release of Hackney Carriage Proprietors licenses.
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1.0 Background

- 1.1 Guidance from central Government in 2004 required Licensing Authorities to review any policy of restricting the number of licences, or any mechanism of quality control regularly. As part of the review process and where it is intended that such a policy will remain in place, the Authority must undertake unmet demand surveys, and publish the findings.
- 1.2 There is no guidance relating to the allocation of Hackney Carriage proprietor licences where there is a decision to release additional plates.
- 1.3 Following the decision by the Licensing Committee on the 23 January 2007 to allocate 6 Hackney Carriage proprietor licenses via an in house draw, complaints relating to the allocation process have been received.

2.0 Review of Current Restriction Policy

- 2.1 In June 2005, the Council was contacted by the Department for Transport in respect of its policy in force, limiting the number of taxis. At that time the Council had issued 84 Hackney Carriage Proprietor Licences, with the last release of such having taken place in 1976. The Licensing Committee in 2005 reviewed the matter and agreed that a survey of unmet demand should be undertaken to inform the process.
- 2.2 Following a tender process, MCL, independent transport consultants, were appointed to carry out the unmet demand survey. The survey, in summary, concluded that there was evidence of unmet demand and that a minimum of 6 additional Hackney Carriage proprietor licences should be released to ensure 'no consumer detriment'.

2.3 On the 1 November 2006 the Licensing Manager presented a report, 'Outcome of study of demand for Hackney Carriages' to the full General Licensing Committee.

2.4 The Committee took the decision to release 6 additional Hackney Carriage proprietor licences, subject to specified terms and conditions. It was agreed that 'a further report would be presented to the Committee at the earliest opportunity for a decision on how it is proposed such licences will be allocated'.

3.0 Allocation of Hackney Carriage Proprietor Licences

3.1 On the 23 January 2007, the Licensing Committee was presented with a further report entitled 'Consideration and Allocation of New Hackney Carriage Licences'.

3.2 The report requested that the mechanism for release be considered and agreed. In addition, the report requested the Licensing Committee 'agree to allocate such accordingly', subject to specified terms and conditions.

3.3 The report made specific reference to a 'list' of individuals who had previously expressed an interest in applying for a Hackney Carriage Proprietors Licence and advised that the list had been 'sporadically maintained' since 1976. The report indicated (paragraph 2.2), that where full details of an individual had been recorded, a letter had been sent confirming that the individual still wished to be included in an expressions of interest list.

3.4 The report also advised (paragraph 2.3) that the 'currency of the list was questionable' and in order to ensure that any party wishing to be considered for a licence be afforded the opportunity to make an application, an advert had been placed in the Evening Herald the week commencing the 8th January 2007.

3.5 In addition, information was placed on the Council's website outlining the decision to release 6 Hackney Carriage proprietor licenses, the terms and conditions of release, and that expressions of interest should be made by the 22nd January 2007.

4.0 Mechanisms For Allocation

4.1 The 23 January 2007 report outlined research in relation to method of Hackney Carriage proprietor allocation. It outlined two possible mechanisms; allocation via points based system or via in house draw. Following research with other Authorities and legal advice from J Button, Solicitor specialising in Hackney Carriage and private hire matters, it was recommended that an 'in house draw' take place.

4.2 At the meeting on the 23 January 2007, the Licensing Committee reviewed the options as presented and following discussion and further legal advice from the Principle Solicitor for the Council, agreed to allocate licences via an 'in house draw' conducted in open session.

4.3 At the date of the meeting, the Licensing Team had received 19 expressions of interest, all of whom were placed in the draw. During the public session all nineteen were drawn alternately by the Vice Chair of the General Licensing Committee. The first six names taken were recorded in the minutes as being allocated Hackney Carriage proprietor licenses.

5.0 Communication

Licensing Committee

- 5.1 All Licensing Committee agendas and papers are published a minimum of five working days prior to a meeting, with copies placed on reception at the Town Hall. Minutes relating to meeting decisions are also published with copies placed on reception at the Town Hall and made available on the Council website.

Eastbourne Taxi & Private Hire Forum (ETPHF):

- 5.2 The ETPHF has considered the matter of allocation of Taxi plates, in particular, at the forum meetings of 12 September 2006 and 12 December 2006.
- 5.3 At the 12 September meeting, the Forum was advised that the unmet demand survey had taken place and that the findings would be presented to at Committee on 1 November 2006. The minutes of the forum meeting record that the outcome of the survey would be reported on the 1 November meeting to be held at 6pm at the Town Hall and that it is would be open to the public.
- 5.4 On the 12 December the Licensing Manager presented the outcome of the unmet demand survey and reported the decision of the Licensing Committee to release 6 additional plates. The forum discussed the method of allocation and the Licensing Manager confirmed that a further report on method of allocation would be made to the Licensing Committee.
- 5.5 Minutes of all ETPHF meetings are posted on the Council's web site and are available in hard copy format on request.

6.0 Procedural Review

- 6.1 Having reviewed the process, there are several key issues:

a) It is acknowledged that the original list was inadequate and held insufficient information to categorically identify all parties. It contained an individuals initial and surname only, with no address, date of birth or other identifying details. There was inadequate information to establish the date of entry onto the list.

b) The report presented to the Licensing Committee on the 23 January 2007 correctly highlighted the issues in relation to the adequacy of the original list, however, indicated that where full details of an individual had been recorded, the individual had been contacted.

No individuals appearing on the original list were contacted due to insufficient information and inadequate recording of personal details on the list. It is evident having considered the matter further, that, whilst the original list did not contain adequate details, it may have been possible to identify a limited number of individuals through other data sources. However, it would not have been possible to categorically identify all individuals named on the list due to insufficient detail, duplication of names and/or where other data sources were unable to assist.

c) Public notices - an advert requesting expressions of interest from individuals wishing to be considered for a Hackney Carriage proprietor licenses was placed in the Herald commencing week beginning 12 January advising a closing date of

22 January 2007. The same information was also placed on the Council's web site, and offered further detail regarding the terms and conditions of plate release.

d) The public draw that took place on the 23 January 2007 and allocated hackney carriage proprietor licences to six named individuals in accordance to the Licensing Committee decision. The Licensing Committee's decision to allocate such, and the names of the individuals concerned were recorded in the formal minutes of the meeting and subsequently reported in the Herald Newspaper.

7.0 **Conclusion**

- 7.1 The information in the report of the 23rd January identified challenges relating to the original list. The report also indicated that where full details existed, the individual had been contacted. It is apparent that this did not take place due to inadequate information on the original list. It is accepted that it may have been possible to identify a limited number of individuals using other data sources; however, it would not have been possible to identify all of the parties listed.
- 7.2 In broad terms, issues relating to the provision of Hackney Carriage Proprietor Licences and their allocation have been in the public domain since September 2006. Specifically, details relating to the advert placed in the Herald Newspaper relating to its wording, publication and timetables were contained in the Licensing Committee report of the 23 January 2007.
- 7.3 In reaching the decision to allocate the 6 additional Hackney Carriage proprietor licences, the Licensing Committee took into account the adequacy of the original list, method of allocation and the provision of public notices placed requesting further expressions of interest.
- 7.4 It is recommended that, subject to any change in regulation and/or guidance, any future decisions relating to the release of additional Hackney Carriage proprietor licenses should employ a similar method of allocation, that being via an 'in house draw' formed of individuals having expressed such an interest. The historical lists should be dispensed with, and applications invited from parties wishing to express an interest, including those individuals forming part of the draw held at the Licensing Committee meeting of the 23 January 2007. This list will be reviewed every 12 months, with parties being asked to formally re-express interest every 12 months. Furthermore, public notices inviting expressions of interest and advertising method of allocation/terms should also be placed locally for an extended period to enable expressions of interest to be lodged.

Background Papers

- Licensing Committee agendas/minutes
- Eastbourne Taxi & Private Hire Forum agendas/minutes