

Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 6 September 2021 from 10.02 am - 11.02 am

Membership

Present

Councillor Toby Neal (Chair)
Councillor Audrey Dinnall
Councillor Samuel Gardiner
Councillor Gul Nawaz Khan (Vice Chair)
Councillor Dave Liversidge
Councillor Angela Kandola
Councillor Salma Mumtaz

Absent

Councillor Cheryl Barnard
Councillor Nick Raine
Councillor Roger Steel
Councillor Linda Woodings
Councillor Adele Williams

Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Planning, Environment and Leisure Solicitors
Paul Dales - Chief Environmental Health Officer
John Davis - Taxi Licensing Manager
Jane Garrard - Senior Governance Officer

7 Apologies for absence

Councillor Cheryl Barnard – Other Council Business
Councillor Nick Raine – personal
Councillor Roger Steel - unwell
Councillor Adele Williams – Other Council Business
Councillor Linda Woodings - personal

8 Membership

The Committee noted that Councillor Adele Williams had been appointed to replace Councillor Chantal Lee as a member of the Committee.

9 Declarations of interests

None

10 Minutes

The Committee agreed the Minutes of the meeting held on 22 July 2021 as an accurate record and they were signed by the Chair.

11 Hackney Carriage Vehicle Licence - Allocations Policy

The meeting was adjourned at 10:02am so that the Committee could receive advice and a briefing regarding a late representation. The meeting resumed at 10:28am.

John Davis, Taxi Licensing Manager, and Paul Dales, Chief Environmental Health Officer, presented the report proposing approval of a Hackney Carriage Vehicle Licence Allocations Policy. They highlighted the following information:

- a) The Council currently limits the number of Hackney Carriage Vehicle licences it will issue to 420. By 30 June 2020, all licensed vehicles should have been Euro 6 Diesel or ZEC ULEV and within the relevant age range to comply with the Age and Specification Policy. However, due to Covid-19 restrictions and a number of proprietors not wishing to move to new vehicles, a large number of licences have been surrendered, not renewed or otherwise become available. At its meeting on 14 December 2020 the Committee agreed that a policy should be devised to deal with the allocation of these licences.
- b) As of 16 August 2021, there were 177 vehicles compliant with the Council policy; 33 vehicles had been refused a licence and the proprietors had appealed against that decision to the Magistrates Court; 50 proprietors had informed the Council that they did not wish to renew their licence; and 160 licences had expired or been refused (with no outstanding appeal) without an application for a policy compliant vehicle having been made.
- c) Therefore 243 licences can be issued before the limit of 420 licences is reached.
- d) Officers consider that the proposed policy is fair, workable and reasonable.
- e) The proposed policy was consulted on between 26 July and 22 August 2021. All current proprietors were written to, consultation took place with the relevant Hackney Trade organisations and the proposed policy was available on the Council's website and publicised on social media.
- f) 5 consultation responses were received. Respondents asked the Council for financial support to purchase policy compliant vehicles or to delay the reallocation of licences due to the adverse effect of the Covid pandemic on the hackney trade.
- g) In response to the points raised by consultation respondents, it is the view that individual business responsibility lies with the business owner; proprietors will have had two years since the Age and Specification Policy came into effect to comply; and given that less than half the available licences are currently operating it is appropriate that the Council re-allocates the available licences to ensure appropriate provision of hackney carriage vehicles within the public transport network.
- h) There has been a negative financial impact on the Council as a result of lost income from those licences not renewed/ allocated. Adoption of the policy will enable licences to be brought back into operation and reduce further financial implications of lost income.

- i) As the local economy is not anticipated to return to pre-Covid levels for a significant period of time, it is proposed to allow time for the taxi trade and economy to become more stable before a survey of unmet demand is undertaken and deregulation is considered.

During subsequent discussion the following points were raised:

- j) It is important that the Policy is fair and reasonable and alternatives, such as the random allocation of licences, would be neither fair nor reasonable.
- k) If the Policy is approved, proprietors who have previously held a licence will be given until 30 September 2021 to apply and from 1 October 2021 applications will be open to everyone on a first come first served basis, and a waiting list will be maintained. There will be a three-month period for those who have registered their interest but who do not currently have a compliant vehicle to place a non-cancellable order for a compliant vehicle.
- l) The timescale is considered reasonable. Current proprietors have been aware of the Age and Specification Policy some time. Consultation has taken place, including writing directly to all current proprietors and discussion with trade organisations. Feedback has been received in response to the consultation carried out, which demonstrates that the information has reached relevant individuals.
- m) Officers have spoken to licensing authorities in other areas but none have experienced a situation similar to that currently in Nottingham and they have not had need for such a policy.
- n) Section J of the proposed Policy states that initially proprietors will only be allowed to apply for one licence. The aim of this is to enable as many individuals as possible to access a licence. If the limit of licences isn't reached then multiple applications may be entertained. Councillors suggested that any proposal to allocate multiple licences to a proprietor should require committee consideration.
- o) Hackney carriage vehicle licence holders do not have to be vehicle drivers and they can hold more than one licence. Licence holders can sell their vehicle and transfer the licence to someone else and can rent out their vehicles for others to use. This happens currently.
- p) The next Court date for those proprietors who have appealed against the decision to refuse a licence as they do not have a compliant vehicle is 20 January 2022. Appeals are dealt with on a case by case basis and do not set a precedent. If an appeal is upheld then the licensing authority will have to issue a licence for the relevant vehicle. However, the decision will not affect those who are in the same situation but have not appealed. The licensing authority can also appeal against the decision of the Magistrates Court if it feels appropriate.
- q) As the Policy has not yet been adopted, there have been no applications received yet but some provisional enquiries have been received.

- r) All licencing business is conducted by email and that is the practice that businesses are familiar with. Therefore, the requirement to express interest by email should not disadvantage anyone.

The Committee supported approval of the proposed Policy, subject to amendment to paragraph J which relates to the number of licences a proprietor may be issued.

Resolved to:

- (1) approve the Hackney Carriage Vehicle Licence Allocation Policy, as attached as Appendix 1 to the report, subject to amendment to paragraph J to remove the words 'without limitation' and add the following sentence at the end of the paragraph: 'Third and subsequent Expressions of Interest made by a proprietor will be referred to the Regulatory and Appeals Committee for consideration.'**
- (2) rescind resolution 21(3) made by the Committee on 14 December 2020 with effect from 1 October 2021; and**
- (3) defer the report on reregulation requested by the Committee by resolution 21(4) on 14 December 2020.**