

Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held remotely via Zoom - streamed
<https://www.youtube.com/user/NottCityCouncil> on 14 December 2020 from 10.03 am - 10.55 am

Membership

Present

Councillor Toby Neal (Chair)
Councillor Gul Nawaz Khan (Vice Chair)
Councillor Cheryl Barnard
Councillor Audrey Dinnall
Councillor Samuel Gardiner
Councillor Angela Kandola
Councillor Chantal Lee
Councillor Dave Liversidge
Councillor Sajid Mohammed
Councillor Nick Raine
Councillor Andrew Rule

Absent

Councillor Mohammed Saghir
Councillor Adele Williams

Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Legal Services
Paul Dales - Chief Environmental Health Officer
John Davis - Taxi Licensing Compliance Manager
Kate Morris - Governance Officer

18 Change in Membership

The Committee noted the following membership changes:

Councillor Audrey Dinnall replaces Councillor Shuguftah Quddoos
Councillor Maria Joannou has stepped down as Committee member

19 Apologies

Councillor Adele Williams – Council Business

20 Minutes

Subject to the addition of the word “delay” at the end of resolution 2.i the Committee/ confirmed the minutes of the meeting held on 3 February 2020 as a correct record and they were signed by the Chair.

The Committee/ Board confirmed the minutes of the meeting held on 10 February 2020 as a correct record and they were signed by the Chair.

21 Hackney Carriage Vehicle Licence - Fleet overview and Allocations Policy Development

Paul Dales, Chief Environmental Health Officer, introduced the report to the Committee looking at a Hackney Carriage vehicle licence - fleet overview and Allocations Policy development. He highlighted the following information:

- (a) The Covid 19 pandemic has impacted on the taxi trade and the wholesale replacement of the fleet required to meet the requirements of the Age and Specification Policy by 30 June 2020 that came into force on 1 January 2020;
- (b) The Council currently limits the number of Hackney Carriage licences to 420. The Age and Specification Policy which came into force on 1st January means that licence holders had until 30 June to register a compliant vehicle. Due to the downturn in business as a result of the Covid 19 pandemic may licences have either been surrendered or lapsed;
- (c) To date 177 vehicles are compliant, 48 have been refused a licence due to non-compliance and have outstanding appeals before the magistrates court, 49 license proprietors have surrendered their licence and do not wish to renew, 5 licences have been renewed on non-complainant vehicles as proof of order of a compliant vehicle has been produced but delivery delayed. This leaves potentially 238 licences which could be issued with proprietors of previously licences vehicles being given until the end of the year to decide if they wish to licence a compliant vehicle;
- (d) There is currently no defined policy for the allocation of licences and work will need to take place to deliver one. Consideration must be given to what a reasonable policy will include, looking at a waiting list, when/how and in what order the applications are received, how many licences a single person or company can apply for, priority for previously licence holders or random selection;
- (e) Whilst work on the allocation policy is undergoing, another option to consider is whether deregulation and allowing market forces to determine the number of licences issued should be considered. Section 16 of the Transport Act requires the granting of a licence unless the person charged with granting is satisfied that there is no significant unmet demand for the services of Hackney carriages;
- (f) Should the Council wish to consider continuing to restrict the number of hackney carriage vehicle licences that it issues it would have to commission a professional survey to demonstrate that there was no significant unmet demand. An unmet demand survey in the Covid-19 related business climate would be unlikely to give a true picture and the survey would need to take place when the market had returned to a new normal. This may be late 2021 / early 2022;

During discussion, the following points were raised:

- (g) A formal decision of the committee to deregulate the market would be needed if the Council chose to pursue that route;
- (h) 48 applicants whose renewal applications for non-policy compliant vehicles have been refused have appealed to the magistrates court. Due to the Covid 19

pandemic there has been a delay in court work and the next hearing dates for these cases have been set for late January 2021

- (i) There are a potential 238 licences for which could potentially become available for allocation;
- (j) The report and the decision only concerns the licensing of vehicles. Whilst many vehicle proprietors also drive their vehicles, they can choose to rent them out to appropriately licensed drivers.
- (k) Government guidelines currently recommend deregulation. Deregulation could lead to a surge in applications. This could lead to a reduced volume of business for each driver, even when market conditions return to normal. A number of core cities have restrict the number of hackney carriage licences which they issue;
- (l) If the Council takes the formal decision to deregulate a cap in the future then a limit could only be re-imposed if there was evidence to support there being no significant unmet demand;
- (m) The allocations policy will need to be developed quickly, returning in early part of the new year to ensure delays to any applications made in the meantime are not considered unreasonable;
- (n) Whilst linked, consideration of the allocations policy and deregulation are separate matters. The Council will be able to move forward with development and implementation of the allocations policy and if it is felt appropriate to consider retaining a limit on the number of hackney carriage vehicle licences to be issued a survey of unmet demand can take place at a later stage when the business market returns to a new normal;
- (o) In terms of allocations to companies there is no current policy on the number of licences they may hold;
- (p) Prior to the pandemic up to 411 licences were issued. 9 remained unissued;
- (q) Officers were asked to prepare a general report on deregulation for consideration by March 2021 looking at examples from both cities that do have caps and that do not have caps on the number of vehicle licences that are issued and addressing what might work best in Nottingham;
- (r) There will be consultation with members of the trade during the development of the Policy and before any decision on deregulation is considered;
- (s) Issuing a licence is a statutory process, if a proprietor applies and has a policy and statutorily compliant vehicle the licence must be issued. Although it is a vehicle that is licenced rather than the driver, positive action to encourage diversity in the driver cohort should be considered where appropriate.
- (t) The Committee felt the following items should be considered by Officers when drafting the Allocations Policy which should be put before the Committee by March 2021:

- How applications will be processed, including a waiting list reflecting the order of application.
- Whether priority can or ought to be given to previous licence holders to reflect that lapsed licences are likely to have been as a result of a down turn in business due to Covid 19.
- Potential restrictions on the number of hackney carriage vehicle licences Companies may hold.
- How to encourage diversity

Resolved:

- (1) To note the contents of the published report and that a Policy/Process to issue hackney carriage vehicle licences up to the limit of 420 vehicles will be developed and brought back to this Committee;**
- (2) For the report on the allocations policy to consider, and where appropriate reflect, the matters discussed in (t) above and to be brought back to Committee by the end of March 2021;**
- (3) That any new licence applications other than as replacement for a previously licensed vehicle be deferred until the allocation policy is in place;**
- (4) To ask officers to prepare a separate report considering deregulation as an issue on its own to be brought to Committee by the end of March 2021 ;**
- (5) To consult with members of the trade to take place prior to finalisation of the allocation policy and report on deregulation being put before the Committee;**

22 Exclusion of the Public

The Committee decided to exclude the public from the meeting during consideration of this/ the remaining agenda item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as defined in Paragraph(s) 5 of Part 1 of Schedule 12A to the Act.

23 Hackney Carriage Vehicle Licence - Fleet overview and Allocations Policy Development - Exempt Appendix

The committee noted the content of the exempt appendix.