

LICENSING REGULATORY COMMITTEE

Application for a Hackney Carriage Vehicle Licence – Raymond Croft

Procedure for the Allocation of a Hackney Carriage Vehicle Licence 8th February 2018

Report of the Commercial Protection Manager

PURPOSE OF REPORT

To allow members to consider the late application for renewal of a hackney carriage vehicle licence submitted by Raymond Croft and, if necessary, the re-allocation of the hackney carriage plate.

This report is for consideration in the public part of the meeting.

RECOMMENDATIONS

- (1) **Members are requested to consider the late application for renewal of a hackney carriage vehicle licence submitted by Raymond Croft.**
- (2) **If members are minded to refuse the application, their instructions are sought as to the criteria and procedure for re-allocating the plate.**

1.0 Introduction

- 1.1 On the 5th January 2018 an application for the renewal of a hackney carriage vehicle licence HV902 was received from Mr Raymond Croft. Unfortunately the vehicle licence had expired on the 2nd January 2018 and therefore the application for renewal was not accepted. However, case law has indicated that applications for renewal after a vehicle licence has expired are possible, but there need to be good reasons for any short delay (2 or 3 days) or exceptional circumstances for any longer delay in applying following expiry. Mr Croft's application received on the 5th January 2018 is attached as appendix 1 to this report.
- 1.2 As members will be aware, this council maintains a limit on the numbers of hackney carriage plates that we issue. Presently, there are 108 licensed Hackneys.
- 1.3 Mr Croft has been a licensed driver with this authority for over 11 years and has been the proprietor of HV 902 since 27th July 2011. Mr Croft has never let the vehicle licence expire in the past. When a licensing officer informed Mr Croft of the expiry of the plate, Mr Croft claimed he did not know that he was required to get the renewal papers in to the licensing office before the plate had expired. He also informed the officer his vehicle was in the garage for repairs.

- 1.4 A letter was received by the licensing office on the 15th January 2018 from Mr R Croft is attached as appendix 2.
- 1.5 Section 16 of the Transport Act 1981 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 1.6 The traditional means of assessing unmet demand is by way of a survey conducted by an expert in the field. Members will recall that the Council commissioned such a survey in autumn 2016, and its findings were reported to the Committee in March 2017. The report concluded that there was no significant unmet demand. The survey further recommended that if additional licences were issued, consideration be given to wheelchair/disabled access vehicles. Mr Croft's vehicle is one of the mandatory wheelchair accessible vehicles.
- 1.7 If a licence is not renewed prior to its expiry date, it will lapse. This is the situation that has now arisen.
- 1.8 If Mr Croft's renewal application is rejected it would mean that a hackney carriage plate would become available to issue. This would be a very unusual situation and has only arisen twice in the last few years. Because the number of hackney carriage licences is restricted, they are known to have a premium value, in that a plated vehicle may be sold by the licence holder to another person, and the value of the vehicle is enhanced because of the licence. Because of this, hackney carriage proprietors do not normally allow the vehicle licence to lapse.

2.0 Background

- 2.1 A decision not to allocate a returned plate would be open to challenge on the basis of the findings of the survey in 2016 to the effect that a fleet of fewer than one hundred and eight hackney carriages would give rise to unmet demand. Accordingly, the Committee is advised that the plate should be re-allocated if Mr Croft's application for renewal is unsuccessful and this should be for another mandatory wheelchair accessible vehicle.
- 2.2 The council does not maintain a waiting list for hackney carriage licences because their availability is so rare, arising generally only as a result of a survey. However there would be a high demand for the plate if its availability was advertised. Members may recall that when the last plate was allocated in 2006, expressions of interests were requested, and the plate was allocated by the drawing of lots from those who met the Committee's prescribed criteria.
- 2.3 In the interests of fairness, members may feel that it would be appropriate to allocate a returned plate using the same criteria and process as was used in 2006. On that occasion, expressions of interest were invited from persons who had held a hackney carriage or private hire driver's licence on the 1st June 2005 and who held such a licence continuously up to the date of allocation of the new licences, and who did not and had not previously held a hackney carriage vehicle licence for the Lancaster, Morecambe, Carnforth or Rural Areas. The licences would then be allocated by drawing an application at random.
- 2.4 The qualifying date of the 1st June 2005 for holding a driver's licence was set because the decision to allocate the plates was made on the 2nd June 2006. On that basis, the qualifying date on this occasion could be the 7th February 2017, which would require applicants to have held a driver's licence for a year prior to this meeting.

2.5 The above would seem to be a fair and equitable way to allocate a plate, and consistent with the way in which plates have been allocated in the past. Members may, however, wish to review or revise any of the criteria.

2.6 Members may instead decide, given the circumstances, to allow the late application submitted by Raymond Croft and permit Mr Croft to retain the plate as he has requested.

3.0 Conclusion

3.1 Members are asked to consider whether to grant the late application submitted by Raymond Croft and if not, to determine the procedure for re-allocating the returned plate.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed procedure and criteria as set out in the report aim to provide a fair and equitable means of allocating a returned plate.
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FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL IMPLICATIONS

Any person who is refused the grant of a hackney carriage vehicle licence would have the right of appeal to the Crown Court.
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BACKGROUND PAPERS

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