

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Refuse & Environment

TO: Licensing Committee

23/3/2015

WARDS: All

HACKNEY CARRIAGE VEHICLE APPLICATIONS PROCEDURE

1 INTRODUCTION

- 1.1 The Council has a policy, adopted at the Licensing Committee on 26th January 2015, which limits the number of Hackney Carriage Vehicle licences which it will issue. The limit was set at the number which applied at the time of the decision to limit and the number of licences currently issued is at the level set (with 5 additional licences granted by the Licensing Sub-Committee on grounds of exceptional circumstances).
- 1.2 As officers need to understand how to deal with applications received under circumstances where they may not issue licences, interim guidance has been devised. The purpose of this report is to invite Members to adopt a procedure as part of the Council's policy on the licensing of vehicles as Hackney Carriages.

2. RECOMMENDATIONS

- 2.1 Members are asked to confirm the procedure for dealing with applications for hackney carriage licences, as set out in Appendix A of this report

3. BACKGROUND

- 3.1 Members adopted a policy, at their meeting on 26th January 2015 that a limit would be applied to the number of licences which the Council would issue for hackney carriage vehicles, set at the number of licences currently issued or in the course of being processed, which applied at the time of their decision to limit.
- 3.2 Applications received after that time would not be approved by officers but, instead, would be referred to a hearing by the Licensing

- Sub-Committee, that would determine whether there were exceptional circumstances which would justify departing from the adopted policy in a specific case.
- 3.3 In cases where licences are approved by Members at hearings, although licence issued as a result increase the number actually issued above the limit, this would constitute a temporary addition to the number of licences and no additional licences would be offered to potential applicants until, as result of licences having been surrendered or revoked, there were less than those included in the limit.
 - 3.4 It was realised by officers that there would be a potential demand for licences which could not be fulfilled and that a system would need to be devised to manage that demand fairly and transparently, so that when the number of licences issued fell to below the limit, it would be clear how the Council would invite applications for available licences.
 - 3.5 A Waiting List has been set up, to take account of Expressions of Interest submitted by individuals who would like the opportunity of applying for a hackney carriage vehicle licence.
 - 3.6 An Expression of Interest form has been devised, together with guidance notes as to how the waiting list will be operated and managed. These documents have been added to the Council's website and the details were included in a letter which was sent to members of the taxi trade on 6th February 2015, informing them of the decision to limit numbers.
 - 3.7 The guidance note and Expression of Interest form are attached as Appendix A
 - 3.8 One of the consequences of imposing a limit on hackney carriage vehicle licence numbers is that the likelihood of licences being surrendered is significantly reduced, as holders of licences will not wish to lose their licences and will recognise that there is now an increased value to them. There will be very little actual opportunity for new proprietors to acquire licences, except by taking over existing vehicles licensed already and, in reality, there will be little, if any, movement in the waiting list.
 - 3.9 It is important to ensure that, as vacancies do arise, they can be filled by offering the opportunity to apply for a licence to those on the waiting list. The procedure, therefore, addresses the timescales within which applications should be completed before the opportunity will be offered to another person and the number of offers which may be made to any individual.

4. **CONSULTATIONS**

- 4.1 The procedure has not been the subject of consultation as it represents an explanation of how adopted policy is to be

implemented, rather than a change in policy. However, it will be published on the Council's website and included in an updated version of the Taxi Guide.

5. OPTIONS

- 5.1 Members may confirm the procedure, as set out in Appendix A or may ask officers to consider modifying the procedure, so as to take account of matters not currently included in it.

6. CONCLUSIONS

- 6.1 The introduction of a limit on the number of hackney carriage licences which the Council will issue entails the administration of that policy and the introduction of a procedure for managing the processes involved. Confirmation of the procedure will enable there to be clarity and transparency in the handling of applications to licence hackney carriage vehicles.

7. IMPLICATIONS

(a) Financial Implications

Fees are chargeable on the issue of licences and the costs involved in administering licensing processes are recoverable from applicants. The Council reviews its charges on an annual basis and changes to its costs will be reflected in the review.

(b) Staffing Implications

There should be no significant staffing implications

(c) Equal Opportunities Implications

Nil

(d) Environmental Implications

Nil

(e) Consultation and communication

Nil

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Website interim guidance and application forms:
<https://www.cambridge.gov.uk/become-a-taxi-driver>
Letter to taxi trade about limitation – January 2015

To inspect these documents contact Robert Osbourn on extension 7894

The author and contact officer for queries on the report is Robert Osbourn on extension 7894.

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Appendix A
Hackney Carriage Vehicle Licence Application Procedure



March 2015

Issue number: 1

1. Scope and Background

1.1 Cambridge City Council has a policy in which the number of licences issued for Hackney Carriages is limited.

1.2 This was agreed by the Licensing Committee on 26th January 2015.

2. Process

2.1 Where the limit has been reached persons, over the age of 18 years, who wish to apply to licence a vehicle for use as Hackney Carriage will be informed by the Council that no vacancy exists and that they may, by completing and submitting an Expression of Interest Form (Appendix A), be placed on a waiting list to be contacted as and when a vacancy arises.

2.2 Only by completing an Expression of Interest Form will an individual be entered on to the Waiting List. There are no exceptions or other formats of expressing an interest that will be accepted.

2.3 Forms can be downloaded from www.cambridge.gov.uk/become-a-taxi-driver or directly from the Licensing Office. Once a form has been completed and signed it can be emailed to licensing@cambridge.gov.uk or hand delivered to the Customer Centre, Mandela House, Regent Street.

2.4 Please note that the waiting list is compiled strictly in accordance with the date and timing of receipt of the Expression of Interest forms by the Licensing Team.

2.5 Only one Expression of Interest can be made by any one person at any time. A place on the waiting list is personal and cannot be transferred, assigned or bequeathed.

2.6 The waiting list will be reviewed on an annual basis for each individual on the year anniversary of the receipt of the Expression of Interest form.

2.7 Contact will be made with the individual via their preferred method of contact as detailed on the Expression of Interest Form. If contact has not been responded to by the individual after two attempts, their name, details and Expression of Interest will be removed from the waiting list.

2.8 When a vacancy arises, the person first listed on the waiting list will be invited to apply for a licence, to fill the HCV Licence vacancy.

2.9 As it is recognised that obtaining a suitable vehicle and preparing an application to licence it may take several weeks, the applicant will be afforded a period of 3 months to complete a full application. During the three month timescale,

periodic contact will be made to the individual by the Licensing Team to keep informed of how things are progressing.

- 2.10 If this is not achieved within the 3 month time period the opportunity will be offered to the next person on the waiting list.
- 2.11 Any extension to this period will be solely at the discretion of the Environmental Health Manager and on the basis of exceptional circumstances having been agreed.
- 2.12 If, after two attempts, the person is unable to be contacted in relation to making their application then their name, details and Expression of Interest will be removed from the waiting list.
- 2.13 If the individual declines the offer of a Hackney Carriage Vehicle Licence they will be asked if they still wish to remain on the Waiting List. If so, they will take first place on the waiting list on the strict understanding that this will be for one more Hackney Carriage Vehicle Licence plate offer.
- 2.14 If after a second offer they are unable to continue with a Hackney Carriage Vehicle application, their name, details and Expression of Interest will be removed from the waiting list.
- 2.15 If the individual does not wish to remain on the Waiting List, their name, details and Expression of Interest will be removed from the waiting list.
- 2.16 If, upon being advised that no HCV licence vacancy exists and being offered a place on the waiting list a person wishes to continue to pursue an application to licence a Hackney Carriage Vehicle contrary to the Council's adopted policy, they will be advised that their application cannot be approved by officers.
- 2.17 In this case, the full application will be referred to a Licensing Sub-Committee hearing by a panel of Councillors. The Councillors will decide whether they are prepared to set aside the Council's agreed policy and to grant a licence.
- 2.18 Applications will need to be complete, in all respects, before a hearing will be arranged.
- 2.19 If Licensing Sub-Committee decide not to depart from the policy and do not grant a Hackney Carriage Vehicle Licence, an individual can (if they have not done so already) complete and submit an Expression of Interest Form. However, the individual will be placed next on the Waiting List and will not receive special dispensation to be placed at the top of the Waiting List.

3. Waiting List for Expressions of Interest

- 3.1 The Waiting List will comprise of a list of persons who have submitted an Expression of Interest Form in accordance with the Council's policy on limitation of the number of Hackney Carriage licences which it will issue.
- 3.2 Offers to apply for a Hackney Carriage Vehicle licence will be made as and when a vacancy arises and working from the top of the list.
- 3.3 Each person who completes and submits an Expression of Interest form will be allocated a unique reference number as the expression is personal and cannot be transferred, assigned or bequeathed.
- 3.4 Each person will also have their details added to the M3 system where records can be maintained and accessed as and when necessary.

4. Hackney Carriage Vehicle Licence Renewal Applications

- 4.1 Will be accepted, registered, processed and granted in the usual way.

5. Change of Hackney Carriage Vehicle Licence Proprietor(s) Applications

- 5.1 Will be accepted, registered, processed and granted in the usual way.

6. Replacement Hackney Carriage Vehicle Licences

- 6.1 Will be accepted, registered, processed and granted subject to meeting the requirements of the Age Limit/ Emissions policy.

7. Revocation of Hackney Carriage Vehicle Licences

- 7.1 Where a Hackney Carriage Vehicle licence is revoked under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976, a licence will be reserved pending any appeal or an application for a replacement vehicle (if made within 90 days).
- 7.2 Where a Hackney Carriage Vehicle licence is revoked by the Council, a licence will be reserved until any appeal has been disposed of.

8. Re-grant Application (Missed Renewal)

- 8.1 Three months prior to a licence becoming due for renewal an invitation to renew will be sent to the Lead Proprietor by post detailing the requirements of the renewal.

- 8.2 If a renewal application has not been received by one week prior to the expiry date of the vehicle licence, officers will try to contact the lead proprietor by telephone to confirm whether or not a renewal application is to be made. It is the responsibility of the proprietor(s) of a licence to ensure that an application to renew is submitted before it has expired.
- 8.3 However, if the proprietor(s) consider that there are exceptional circumstances which may prevent the submission of an application in time, they must notify the Council of these, before expiry of the licence and the Licensing & Enforcement Manager will have discretion to allow a short delay, depending on the circumstances of the case
- 8.4 If a vehicle licence has not been renewed by the date of its expiry the Council may request the return of the vehicle plates and transponder within 7 days.
- 8.5 The licence will then become available to be offered to another individual.

9. New Vehicle on Existing Licence Plate

- 9.1 Three months prior to a licence becoming due for renewal an invitation to renew will be sent to the Lead Proprietor by post detailing the requirements of the renewal. If this indicates that the vehicle licensed may no longer meet the Council's standards to be licensed (eg on age or emission grounds) the proprietor(s) will be invited to apply to license a replacement vehicle, instead.
- 9.2 If an application to licence a new vehicle has not been received by one week prior to the expiry date of the existing vehicle licence, officers will try to contact the lead proprietor by telephone to confirm whether or not an application is to be made. It is the responsibility of the proprietor(s) of a licence to ensure that an application to renew is submitted before it has expired.
- 9.3 However, if the proprietor(s) consider that there are exceptional circumstances which may prevent the submission of an application in time, they must notify the Council of these, before expiry of the licence and the Licensing & Enforcement Manager will have discretion to allow a short delay, depending on the circumstances of the case
- 9.4 If a vehicle licence application has not been received by the date of expiry the Council may request the return of the vehicle plates and transponder within 7 days.
- 9.5 The licence will then become available to be offered to another individual.

9.6 If an application for a new vehicle on an existing Hackney Carriage Vehicle plate is received before the licence expiry date, it will be classed as an application, ready for processing, even if the vehicle is not immediately available for use. It will normally be expected that an application will be completed within 2 months and, in the event that this is not achieved the application be will reviewed by the Council.

10. Death of a Sole Proprietor

10.1 In the event of the death of a sole proprietor the licence will cease and will need to be returned to the City Council and will become available to be issued to an individual from the waiting list.