

Executive Report

Delegated Decisions - 19 December 2023

Hackney Carriage Vehicle Limit

Name of Cabinet Member **Councillor Paul Trendall**
(Cabinet member for Customer Services)

Report sponsor **Adele Wearing**
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

Milton Keynes City Council (MKCC) currently has a limit on the number of hackney carriage vehicle licences that it will grant each year and this limit was reviewed by the Regulatory Committee in November 2023. The Regulatory Committee has recommended that the Executive remove the limit and have an open issue policy on the strict condition that a new hackney carriage vehicle licence will only be granted to a wheelchair accessible **and** electric/hydrogen (zero emissions/no exhaust) powered vehicle. This recommendation is in accordance with government guidance on limits; national and local net zero targets; and the Council's obligations under the Equality Act 2010 and Section 10 of the Council's Taxi Policy (providing wheelchair accessible vehicles). The Regulatory Committee's recommendation reflects the need to balance the current circumstances in Milton Keynes; the need to meet future carbon reduction targets; and being able work within the existing regulatory framework.

1. Proposed Decision

1.1 That the Taxi Policy be updated to state that the Council will have an open issue policy in regard to new hackney carriage vehicle licences but this will be strictly conditioned to only allow wheelchair accessible **and** electrical / hydrogen (zero emissions / no exhaust) powered vehicles for any new licences granted.

2. Reasons for the Decision

- 2.1 Reviewing the hackney carriage vehicle limit is a statutory duty and the Regulatory Committee has made this recommendation to the Executive in accordance with government guidance on limits; national and local net zero targets; and the Council's obligations under the Equality Act 2010 and Section 10 of the Council's Taxi Policy (providing wheelchair accessible vehicles).¹

3. Background to the Decision

- 3.1 Section 16 of the Transport Act 1985 requires the Council to review its limit on hackney carriage vehicle licences.

- 3.2 Hackney carriage vehicles are licensed under section 37 of the Town Police Clauses Act 1847. The Council currently has a limit of 137 on the number of hackney carriage vehicle licences that it will issue. At present there are 196 hackney carriage vehicles licenced by MKCC; with the additional 59 vehicle licences permitted to work as they were issued before the limit was first set in December 2013.

- 3.3 Many local licensing authorities do not impose quantity restrictions on the number of hackney carriage licences they issue. They operate an open issue policy and the Department for Transport Best Practice Guidance 2010 states this is best practice. However, the Guidance does state:

where restrictions are imposed, the Department would urge that the matter be regularly reconsidered²

- 3.4 Section 16 of the Transport Act 1985 states that Councils can only refuse to grant a hackney carriage vehicle licence if it is satisfied that there is no significant unmet demand. As a result, an independent unmet demand survey (see the attached **Annex** to the report) was carried out in June 2023 at a cost of £10,956³. The results of the survey suggested that no change to existing policy was necessary based on the current service demand alone:

Taking account of availability and passenger waiting over all periods within the ranks studies, the Index of Significant Unmet Demand value is below the threshold which would suggest that unmet demand is significant at times and further action may be required [Page 50].

- 3.5 However, despite this finding, there are other reasons why the Council should consider changing the existing policy.

¹ [Regulatory Committee Report on the Hackney Carriage Vehicle Limit - 1 November 2023](#)

² Para 47 - [Taxi and Private Hire Vehicle Licensing: Best Practice Guidance](#)

³ This will be recouped from hackney carriage proprietors.

Net Zero

- 3.6 On 21 September 2023 the government announced that no new petrol and diesel cars will be sold in the UK after 2035 (instead of 2030) as part of its 2050 net zero strategy. The Council plans to be carbon neutral by 2030 and carbon negative by 2050. For these targets to be met locally and nationally the licensed trade must begin the process of converting its fleet to electrical/hydrogen powered vehicles. Given that a petrol/diesel/hybrid vehicle can be licenced for up to ten years under existing Council policy, this process must begin as soon as possible to meet net zero targets.
- 3.7 In Milton Keynes 40 licenced private hire vehicles are electrically powered (zero emissions / no exhaust) out of a fleet of 984 (4%). Currently there are no electrical / hydrogen (zero emissions / no exhaust) powered hackney carriages licenced by the Council. This proposal will encourage the purchase of electrical / hydrogen (zero emissions / no exhaust) powered vehicles should a new proprietor want to provide hackney carriage services in Milton Keynes. In addition, some private hire vehicle proprietors have indicated they would like to drive hackney carriage vehicles, however, the current restriction on new hackney carriage licences prevents them from doing so. This proposal will encourage private hire proprietors to give up their existing petrol / diesel / hybrid vehicles and purchase wheelchair accessible and electrical / hydrogen (zero emissions/no exhaust) powered vehicles.

Equality

- 3.8 The Equality Act 2010 states that drivers cannot refuse to take a passenger in a wheelchair. Section 167 allows the Council to maintain a list of designated wheelchair accessible vehicles (WAVs) which imposes the following duties on the driver of that vehicle:
- to carry a passenger whilst in wheelchair and not to make any additional charge for doing so (as long as it's a WAV);
 - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
- 3.9 The Equality Act 2010 guidance⁴ states that public bodies have to consider all individuals when carrying out their day-to-day work - in shaping policy, in delivering services and in relation to their own employees. It also requires that public bodies have due regard to the need to:

⁴ [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010)

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between different people when carrying out their activities.

3.10 Council Taxi Policy states:

The Council's transport objective is to have an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. Whilst the overriding objective of this policy is public safety and safeguarding, the Council expects that drivers and operators of licensed vehicles ensure that they provide a service to all members of society without discrimination (10.1.1).

The Council will monitor the provision of WAVs and other services provided to persons with a disability in Milton Keynes and shall, if deemed insufficient, consider imposing further requirements on operators, drivers and proprietors to ensure this (10.1.5).

On 13 December 2017 the Regulatory Committee considered a report on 'Improving Taxi Services to those with Disabilities in Milton Keynes⁵.' After considering the recommendations of this report the Committee concluded:

That the Senior Licensing Practitioner, in consultation with disability organisations within the Borough be requested to ascertain what improvements can be made to the 'taxi' services provided to those with disabilities with a view to:

- obtaining agreement from all licensed operators on the principles of the guidance document;*
- considering how more wheelchair accessible vehicles could be made available;***
- considering whether more wheelchair accessible Hackney Carriages can be used to fulfil private hire bookings;***
- considering whether it is necessary for the Council to impose a condition requiring that a certain percentage of an operator's fleet must be wheelchair accessible; and*
- looking at ways to reduce and deal with the common complaints made about taxis. [Emphasis Added]*

Cost of Wheelchair Accessible Electric Vehicles

3.11 Wheelchair Accessible electric vehicles start from £47,995⁶ with the Vauxhall Vivaro and go up to £67, 189⁷ with the LEVC TX.

⁵ [Regulatory Committee – 13 December 2017](#)

⁵ www.thetaxicentre.com/new-taxi-sales/levc/

⁶ www.wavsgb.com/electric-wheelchair-accessible-vehicles-for-sale/

Charging Points

- 3.12 Milton Keynes has the highest density of fast charging points than anywhere else in the country outside London, and the highest concentration of rapid chargers in the UK. However, there are no charging points at any of the hackney carriage ranks in Milton Keynes. Consideration will be given in future roll outs of electric charging points for them to be installed at taxi ranks should there be a demand.

Consultation

- 3.13 A public consultation on the removal of the limit and allowing wheelchair accessible electrical/hydrogen (zero emissions/no exhaust) powered vehicles was conducted with 30 responses received.⁸ The responses in regard to the hackney carriage vehicle limit were varied and included:⁹
- Electric Vehicles are too expensive and not suitable as a licenced vehicle outside London;
 - no more hackney carriage vehicle licences should be issued;
 - new hackney carriage vehicle licences should be granted for zero emission vehicles; and
 - the Council should gradually increase the hackney carriage vehicle limit.
- 3.14 The Milton Keynes Taxi Association (MKTA) attended the Regulatory Committee on 1 November 2023 and advised that it did not support the removal of the limit. The MKTA stated there was already enough hackney carriage vehicle licences issued and that electric vehicles were still too expensive and also many drivers could not afford them due to the on-going cost of living crises.

4. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	N
Energy Efficiency	Y	Workforce	N

(a) Financial Implications

Taxi licensing fees are calculated using estimated costs and volumes of licences issued. Any increase in the expected number of licences will be adjusted when fees are next agreed. No funding is currently available for the implementation of charging points at taxi ranks, these will be considered when new funding has been identified should there be a demand.

⁷ www.thetaxicentre.com/new-taxi-sales/levc/

⁸ [See Annex B - Hackney Carriage Limit Consultation Responses – Regulatory Committee 1 November 2023](#)

⁹ The consultation included a proposal on the hackney carriage limit but also broader proposals to encourage the purchase of Electric Vehicles however these broader proposals will be considered at a later date and do not form part of this report.

(b) Legal Implications

Any amendments to local regulation give rise to a legitimate expectation of consultation to those affected. Within Milton Keynes there is an established route for consultation and in this instance the consultation was conducted in accordance with Section 4.2.6 of the Council's Taxi Policy.

Section 37 of the Town Police Clauses Act 1847 allows the Council to licence hackney carriage vehicles. Section 16 of the Transport Act 1985 outlines the power to limit hackney carriage vehicle licences. The Transport Act 1985 is an Executive power under the Local Government Regulations 2000.

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to condition hackney carriage vehicles. If the Executive accepts this recommendation, then the Regulatory Committee has resolved that the following condition be applied to all new hackney carriage vehicle licences:

Should the hackney carriage vehicle proprietor change the vehicle whilst it is licenced or at renewal, s/he must replace it once again with a wheelchair accessible **and** electrical/hydrogen (zero emissions/no exhaust) powered vehicle.

This condition will take effect once the policy is approved.

(c) Communication

The stakeholders are the hackney carriage and private hire vehicle proprietors licensed by the Council. This report has taken into account the views of the MKTA and 30 other respondents to the consultation. The MKTA has advised that it does not support the removal of the limit. The Regulatory Committee fully took all views into account in coming to this recommendation; which balanced policy; underlying legislation; and the needs and costs of proactively regulating local trade with the views of those consulted.

(d) Energy Efficiency

The introduction of more electric/hydrogen (zero emissions/no exhaust) powered vehicles will contribute to local and national net zero strategies.

(e) Human Rights, Equalities and Diversity

The introduction of more wheelchair accessible vehicles will promote the Council's obligations under the Equality Act 2010 and Section 10 of the Council's Taxi Policy (providing wheelchair accessible vehicles).

(f) Council Policies or Plan

If policy changes are approved by the Executive (Cabinet) then the Council's Taxi Policy (Part 1) will be updated to reflect these changes. Also, if approved, a new condition will be applied to new hackney carriage vehicle licences and incorporated into the Hackney Carriage and Private Hire Licensing Procedures & Conditions (Part 2) document.

Interested parties have three months to challenge Council policy and procedure and this can be done via a judicial review application to the High Court. If an interested party wants to challenge the Council's policy and procedure after three months they would need to ask the Council to amend the policy (and set out reasons why they think it should be amended) and if the Council refuses then they (interested party) would have three months to make a judicial review application challenging the Council's decision. After that the routes of appeal are permitted against specific decisions (refuse, revoke, suspend, challenge a condition) and the applicant/licence holder has 21 days to appeal from the date in which they are notified of the decision.

5. Alternatives Considered

- 5.1 Remove the limit on the number of hackney carriage vehicle licences that it will grant and have an open issue policy.

The Regulatory Committee and Council officers do not support this alternative without conditions as it will allow more petrol/diesel/hybrid vehicles to be licensed as hackney carriages which will undermine local and national net zero targets.

- 5.2 Retain the limit of 137 on the number of hackney carriage that will be granted by the Council.

The Regulatory Committee and Council officers do not support this recommendation as it is not in accordance with the Department for Transport Best Practice Guidance 2010; national and local net zero targets; and the Council's obligations under the Equality Act 2010.

6. Timetable for Implementation

- 6.1 The policy change will take effect once approved by the Executive.

List of Annexes

Annex Unmet Demand Survey 2023

List of Background Papers:

[Regulatory Committee Report on the Hackney Carriage Vehicle Limit - 1 November 2023](#)

[Annex B - Hackney Carriage Limit Consultation Responses – Regulatory Committee 1 November 2023](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice Guidance](#)

[Regulatory Committee – 13 December 2017](#)

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

[Equality Act 2010 \(legislation.gov.uk\)](#)

[Rishi Sunak defends U.K. climate policy changes amid criticism : NPR](#)

[www.wavsgb.com/electric-wheelchair-accessible-vehicles-for-sale/](#)

[www.thetaxicentre.com/new-taxi-sales/levc/](#)

[https://milton-keynes.power-h2020.eu/?location=challenge&loadP=3200](#)

[https://www.milton-keynes.gov.uk/sites/default/files/2022-](#)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739460/road-to-zero.pdf](#)

[https://www.rac.co.uk/drive/electric-cars/choosing/road-to-electric/](#)

[https://www.milton-keynes.gov.uk/environmental-health/licensing/taxis/taxi-licensing-policy-annual-report-public-registers](#)