

Taunton Deane Borough Council

Licensing Committee – 2 March 2016

Hackney carriage vehicle unmet demand survey

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

1 Executive Summary

- 1.1 Through meetings of the 'taxi forum', the hackney carriage and private hire trade have put forward a number of proposals, including introducing a limit on the numbers of hackney carriage vehicles licensed by the council and members are asked to consider the commissioning of an unmet demand survey so that qualitative and quantitative data can be gathered to inform policy review and development.

2 Recommendations

- 2.1 That members approve the commission of an unmet demand survey.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
The Council is unable to adequately control hackney carriages as the level of demand for such vehicles is not fully understood.	4	2	8
Hackney carriage related policy is not fit for purpose.	3	3	9

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 The 'Taxi Forum' is a meeting held between members of the hackney carriage and private hire trade, Councillor representatives from the licensing committee and Council officers to discuss hackney carriage and private hire licensing matters.
- 4.2 The forum has met irregularly since 2012 but there have been a number of key recurring issues raised, which include the implementation of a limit on the number of hackney carriages licensed by the council, removal of the requirement for all new licensed hackney carriages to be wheelchair accessible and expansion of the 'fit and proper person' test to include proper business accounting/payment of tax, which is the subject of a separate report to be presented at this committee meeting. These issues have become prominent in meetings of the forum held since August 2015.

Limiting the number of hackney carriages

- 4.3 In 1998, the Council removed a restriction on the number of hackney carriages that could be licensed to operate in the Borough, enabling an increase from 63 vehicles. This number rose to 140 in April 2009 and currently stands at 204.
- 4.4 Section 16 of the Transport Act 1985 permits the Council to refuse to grant a hackney carriage vehicle licence 'for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant

licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

- 4.5 Although representatives at the taxi forum and members of the trade in general agree that the provision of hackney carriages in the borough outweighs demand, opinion as to whether hackney carriage numbers should be limited is divided, with many concerned that a restriction would not allow existing businesses to grow. At a taxi forum meeting held on the 21st October 2015, members of the trade were asked to vote as to whether they would be in favour of limiting the number of hackney carriages. Out of ten representatives from the trade at the meeting, four voted in favour of limiting numbers, three against and three abstained from the vote.

Wheelchair accessibility requirement

- 4.6 When the Council removed the restriction on hackney carriage numbers in 1998, a decision was also made to introduce a requirement that all new hackney carriage vehicles must be wheelchair accessible.
- 4.7 This decision to introduce an accessibility requirement was made in response to central government policy current at the time, which proposed that all hackney carriages should be wheelchair accessible by the year 2005. Central government abandoned this policy prior to 2005 and to this current day, there is no definitive proposal to introduce a requirement for all hackney carriages to be wheelchair accessible. The House of Lords' Equality Act 2010 and Disability Committee has recently announced that it is currently undertaking a review of the Equality Act 2010, which includes looking specifically at the accessibility of taxis.
- 4.8 Vehicles that are adapted to carry wheelchairs are naturally higher in price than those which are not. Officers are also aware of anecdotal evidence from members of the trade and members of the public, which points to wheelchair accessible vehicles being difficult (sometimes impossible) to access for people with non-wheelchair based mobility issues, particularly the elderly. This results in wheelchair accessible vehicles being overlooked on taxi ranks in the Borough, in favour of saloon style hackney carriages (those licensed by virtue of the protection allocated to certain number licence plates as part of the 1998 decision). It is understood that demand for saloon style vehicles outstrips that of wheelchair accessible vehicles, due to the demographic of users and that as a result, only those within the trade that operate protected saloon style hackney carriages have access to this market. This would appear to be supported by reports from members of the trade that this has allowed protected saloon hackney carriage plates to command their own value, often thousands of pounds, when sold between operators. Officers are concerned that the current vehicle specification policy may not be adequately meeting the needs of the travelling public, nor is it providing members of the trade, current and new, with equal business opportunities.

Unmet demand survey

- 4.9 To establish the existence or otherwise of unmet demand and at the level at which numbers can be restricted, usual practice is for an initial survey to be taken, to then be repeated at regular intervals (generally every 3 years).
- 4.10 As well as establishing the level of demand for hackney carriages within the Borough, so that the committee can consider whether restricting the number of licensed vehicles is appropriate, such a survey will also provide other qualitative and quantitative data on demand for hackney carriages by wheelchair users, behaviour of drivers and members

of the public at taxi ranks and perceptions of the trade from service users. This will help to review and develop, where appropriate, other areas of hackney carriage and private hire policy such as the hackney carriage wheelchair accessibility requirement.

- 4.11 The costs associated with commission a survey are explained at paragraph 6.1 of this report.
- 4.12 It is anticipated that such a survey would take around three months from commission to production of the survey report.
- 4.13 The results of the survey do not bind the council, should no unmet demand be established. It is intended that the results the survey be used to inform discussion and review of hackney carriage and private hire related policy.

5 Links to Corporate Aims / Priorities

- 5.1 The results of a survey would enable officers and members to fully understand the hackney carriage market in order to implement hackney carriage and private hire related council policy that is fit for purpose. Policy that is fit for purpose will improve support to local businesses and support the councils growth agenda.

6 Finance / Resource Implications

- 6.1 An initial enquiry has indicated an unmet demand survey is likely to cost in the region of £6,500, however a total of three quotes would be obtained.
- 6.2 Since numbers of private hire vehicles cannot be limited by the Council, the cost of undertaking a survey could only be recovered through licensing fees for Hackney Carriage Vehicles.
- 6.3 The Taxi Licensing budget is ring fenced and any balance of income over expenditure each financial year is transferred to or from an earmarked reserve; there is currently £3,640 in this reserve and could be used to contribute towards the cost of the survey.
- 6.4 The costs of any subsequent surveys (normally three yearly) to monitor demand for hackney carriages and any associated administration by the licensing service would have to be incorporated into fee construction for fees levied for hackney carriage vehicle applications. It is expected that this would cause hackney carriage application fees to increase, particularly as the survey costs cannot be apportioned to drivers, private hire vehicles or private hire operators as the legislation does not impact upon them.

7 Legal Implications (if any)

- 7.1 There may be future legal implications but only as a result of proposed changes made as a result of data gathered in the survey and these would be explored in future reports presented to the committee.

8 Environmental Impact Implications (if any)

- 8.1 The over provision of hackney carriages in the Borough has the potential to negatively impact on carbon emissions, since a slow turnover of hackney carriages on taxi ranks will force other vehicles to circle built up areas of the district as they wait to be hailed by members of the public.

9 Safeguarding and/or Community Safety Implications (if any)

- 9.1 An unmet demand survey may help to identify crime and disorder and/or safeguarding activity or risks at taxi ranks, which can then be addressed through the tackling of issues through the meetings of the taxi forum, the development of council policy or other changes made to the hackney carriage licensing regime.
- 9.2 Through effective regulation of hackney carriage and private hire vehicles and drivers, confidence in a safe public transport regime can be maintained aiding its continued use by vulnerable members of the community to support independent living.

10 Equality and Diversity Implications (if any)

- 10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:
- Eliminate discrimination, harassment, victimisation;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 The commission of an unmet demand survey would enable officers and members of the committee to consider data on the use of hackney carriages by disabled and minority groups and also feedback from such groups on their experiences of using hackney carriage vehicles, which would in turn enable Council policy to be reviewed and developed, as appropriate, to ensure that it meets the needs of the wider travelling public are met.

11 Social Value Implications (if any)

- 11.1 The recommendation set out in this report is a stepping stone in creating a vibrant hackney carriage economy which is fit for purpose.

12 Partnership Implications (if any)

- 12.1 No partnership implications have been identified within this report.

13 Health and Wellbeing Implications (if any)

- 13.1 Through effective regulation of hackney carriage and private hire vehicles and drivers, confidence in a safe public transport regime can be maintained aiding its continued use by residents to support independent living.

14 Asset Management Implications (if any)

- 14.1 No asset management implications have been identified within this report.

15 Consultation Implications (if any)

15.1 This report and proposals contained within have been driven by consultation with the hackney carriage and private hire trade through the meeting of the Taxi Forum.

16 Scrutiny Comments / Recommendation(s) (if any)

16.1 The purpose of the Licensing Committee is to act for the Council in respect of licensing and registration functions. The Committee's powers include the power to discharge the licensing functions on behalf of the licensing authority, outside of the usual democratic process.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No** (delete as appropriate)
- **Cabinet/Executive – No** (delete as appropriate)
- **Full Council – No** (delete as appropriate)

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

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