

LICENSING REGULATORY COMMITTEE

Hackney Carriage Demand Survey 1st June 2017

Report of the Licensing Manager

PURPOSE OF REPORT

To enable Members to consider the findings of the survey conducted by CTS Traffic and Transportation Ltd.

This report is public

RECOMMENDATIONS

Members are asked to consider the CTS Traffic and Transportation Ltd (CTS) report, and to consider what action to take in the light of the findings of the survey.

1.0 Report

- 1.1 As Members will be aware, the Council currently has a policy of restricting the number of Hackney Carriage licences issued. However, in maintaining such a policy the Council has to provide evidence that there is no significant unmet demand for Hackney Carriage services within the area in order to be in a position to refuse any new applications for additional licences. For this purpose, it is considered necessary to commission an independent survey to assess the level of demand for Hackney Carriage services, and that such a survey should be conducted by an organisation specialising in this area of work.
- 1.2 Members may recall that in 2013 a Hackney Carriage demand survey was carried out by CTS on the Council's behalf. At that time, CTS concluded that there was no significant unmet demand for Hackney Carriages and at a meeting of the Licensing Regulatory Committee held on the 27th March 2014 members resolved to maintain the existing policy restricting the number of Hackney Carriages licensed to 108. There is a general acceptance that the findings of Hackney Carriage demand surveys are valid for no longer than three years.
- 1.3 In late 2016, another survey of the demand for the services of Hackney Carriages in the district was carried out by CTS. A copy of the full CTS report is attached to this report, and Mr Millership of CTS will be in attendance to present the findings and to answer any questions that Members may have. The survey was carried out on the basis that there are currently 108 hackney carriage vehicles in Lancaster.
- 1.4 Members will note from the attached report that on the basis of the analyses conducted, CTS has concluded that there does appear to be some unmet demand for Hackney Carriages at this time, but concludes that this may be because of the way the Hackney Carriage are operating.

- 1.5 The present legal provision on quantity restrictions outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi (Hackney Carriage) licence may be refused, for the purpose of limiting the numbers of licensed taxi 'if, but only if, the [local licensing authority] 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'.

Members should be aware that in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to prove that it had, reasonably, been satisfied that there was no significant unmet demand.

- 1.6 In any consideration of whether to review the Council's existing policy, Members are reminded that the Council retains the discretion to maintain a restriction on the number of Licensed Hackney carriages or not. However, Members should also be aware that the Department for Transport offers advice in relation to the maintaining of quantity restrictions and that it argues against restricting numbers, pointing out that restricting numbers will lead to an increase in the value of individual plates.
- 1.7 Members will recall that before this survey was commissioned a report was presented to committee in relation to the lack of availability of wheelchair accessible vehicles. Members at that time resolved to ask the licensing manager to request that the survey should cover this matter and that no decision would be made in respect of availability of wheelchair accessible vehicles until the results of the survey were known.
- 1.8 Members are therefore requested to consider the findings of the report together with the options set out below.

2.0 Options

The main options available to the Committee are:

- a) To maintain the existing policy unchanged, restricting the number of Hackney Carriage licences to 108, or
- b) To consider reviewing the existing policy on the issue of Hackney Carriage licences and allow for an increase beyond the current number.

Should Members be minded to consider a proposal to review the existing policy on the issue of Hackney Carriage licences, it would be necessary to consult all current stakeholders in that process.

3.0 Conclusion

- 3.1 Members are requested to determine what action to take following CTS findings contained in the report and having had the opportunity to question the author after his presentation to the Committee.
- 3.2 CTS have stated in the report that they are satisfied that the Council could withstand an appeal in relation to the refusal of a grant of a Hackney Carriage proprietor's licence. However, in order to refuse the grant of a licence, members should be satisfied that there is no significant unmet demand.
- 3.3 Members will note the report's conclusions in relation to the availability of Wheelchair Accessible vehicles and may wish to request the Licensing Manager to provide a separate report to the committee in response, identifying potential options to address the matter more fully.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no such implications arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the report at this stage. The 2017/18 budget is based on 108 Hackney Carriage licences and in the event that the number of licences is maintained at 108, the licence fee income will remain unchanged. Should Members be minded to review the policy on limiting the number of licences issued, the budget implications would be explored further at that stage.

LEGAL IMPLICATIONS

There are no direct legal implications at this stage. If Members are minded to continue to limit the number of licences to 108, the detailed analysis conducted by CTS would be used to support refusal of any subsequent application for an additional Hackney Carriage licence.

BACKGROUND PAPERS

CTS Traffic and Transportation Ltd survey report.

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