

<b>REPORT TO:</b>		Cabinet	
<b>DATE:</b>		05 December 2018	
<b>PORTFOLIO:</b>		Cllr Joyce Plummer - Resources	
<b>REPORT AUTHOR:</b>		Wendy Peck – Licensing Manager	
<b>TITLE OF REPORT:</b>		Quantity Restrictions - Hackney carriage Vehicles.	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>Options</b>	Not applicable	
<b>KEY DECISION:</b>	<b>Options</b>	If yes, date of publication:	

**1. Purpose of Report**

- 1.1 To enable members to consider the findings of the survey conducted by Licensed Vehicle Surveys and Assessment (LVSA)

**2. Recommendations**

- 2.1 Cabinet are asked to consider the report by LVSA, and to consider what action to take in the light of the findings of the survey.

**3. Reasons for Recommendations and Background**

- 3.1 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 in 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 survey should be carried out by an organisation specialising in that area.
- 3.2 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 taxis '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.'
- 3.3 Around three quarters of local licensing authorities do not impose quantity restrictions. The Department for Transport Best practice Guidance states that 'Where restrictions are imposed, the department would urge that the matter should be regularly

reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages would result for the public if the controls were removed? Is there evidence that the removal of controls would result in deterioration in the amount or quality of taxi service provision?'

- 3.4 If members take the view following the survey that a quantity restriction can be justified, there remains the question of the level at which it should be set.
- 3.5 During the summer of 2018 LVSA have carried out a survey of the demand for hackney carriage services in the Borough. During the survey the number of hackney carriage vehicles that were actually licensed was 60, although the current limit on the issue of hackney carriage plates had been set at 62. Two plates had been allowed to expire and had not been renewed and it was decided that we should await the outcome of the survey so that members could determine whether there was a need to re issue the plates.
- 3.6 The findings of the survey have been presented by LVSA and are contained in the attached report. Members will note that even with the hackney carriage fleet running at the reduced number of 60 instead of 62 the survey has concluded that there is no significant unmet demand for hackney carriage services at this time. Report attached at appendix 1 to this report.
- 3.7 The report at page 41 under recommendations states 'On the basis of the evidence gathered in this Hackney carriage unmet demand survey for Hyndburn Borough Council, our key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time in the Hyndburn Borough Council licensing area. The committee therefore has the possibility of being able to retain the current limit and defend this decision if necessary. Further, given that the estimate saw just 60 plates active, the Committee can also agree that the limit of 62 be reduced to 60 without any concern. A case could also be made that any further hackney carriage licences not renewed could also be extinguished, which might encourage compliance, and may encourage those choosing to remain in the industry by giving them marginally increased trade opportunities.'

#### **4.0 Conclusion**

- 4.1 The survey has concluded that there is no significant unmet demand for hackney carriages in Hyndburn and that the Council should maintain its limit on the issue of hackney carriage vehicle licences. The number of hackney carriage plates active during the survey was 60 and since the survey has been completed one further plate has been returned which means that we currently have a fleet of 59 hackney carriage vehicles.
- 4.2 Taking into account the outcome of the survey, officers recommend that the Council continue to restrict the number of hackney carriage plates issued and that the limit be

set at 59 as there is no significant unmet demand that is not being met. This should help to promote the quality of the hackney fleet in the interests of customer safety

## **5. Alternative Options considered and Reasons for Rejection**

- 5.1 The Council could have taken the option to do nothing however in the event of a challenge to a decision to refuse a licence, we would have to prove that we had , reasonably, been satisfied that there was no significant unmet demand.

## **6. Consultations**

- 6.1 A consultation was carried out with hackney carriage proprietors before the commissioning of the survey as they have each contributed to the cost of it.
- 6.2 Consultation was carried out as part of the survey with many people as set out in the LVSA final report.

## **7. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None
<b>Legal and human rights implications</b>	The survey has been necessary as in the event of a challenge to a decision to refuse a licence, we would have to prove that we had , reasonably, been satisfied that there was no significant unmet demand.
<b>Assessment of risk</b>	No specific risks have been identified.

**Equality and diversity implications**

*A [Customer First Analysis](#) should be completed in relation to policy decisions and should be attached as an appendix to the report.*

The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation; and
- advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and
- foster good relations between those who share a relevant protected characteristic and those who don't.

For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 2 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.

**7. Local Government (Access to Information) Act 1985:  
List of Background Papers**

Appendix 1 Final Report by LVSA  
Appendix 2 Customer First Analysis