

Is the final decision on the recommendations in this report to be made at this meeting?

YES**Independent Hackney Carriage Demand Survey**

Final Decision-Maker	Licensing Committee
Portfolio Holder	Councillor Dr Ronen Basu, Portfolio Holder for Sustainability
Lead Director	Paul Taylor Director of Change and Communities
Head of Service	Gary Stevenson, Head of Housing, Health & Environment
Lead Officer/Report Author	Sharon Degiorgio, Senior Licensing Officer
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That Members note the award of the Independent Hackney Carriage Demand Survey Contract, which was let in conjunction with Maidstone Borough Council Licensing Service.

This report relates to the following Five Year Plan Key Objectives:

- A Confident Borough

In the interests of transparency the licensing regime is intended to ensure that the people of Tunbridge Wells can be confident that Taxis services that are provided are subject to relevant codes of practice and guidance in managing their business activities in a controlled manner.

Timetable

<i>Meeting</i>	<i>Date</i>
Licensing Committee	11 June 2019

Independent Hackney Carriage Demand Survey

11 June 2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Provisions within Section 16 of the Transport Act 1985 allow local authorities to set quantity restrictions on the number of Proprietor's licences issued in relation to hackney carriage vehicles (taxis), but only if it is satisfied that there is no significant unmet demand for taxi services in its area.
- 1.2 Tunbridge Wells Borough Council maintains a limit of the number of taxi licences issued to 107.

2. INTRODUCTION AND BACKGROUND

- 2.1 Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no 'significant unmet demand'. The existence of the concept of 'significant unmet demand' must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged. In accordance with the Department for Transport best practice guidance, such surveys are normally conducted every three years. The last survey was carried out in 2016
- 2.2 The effect of the above is that a refusal to grant a Hackney Carriage Proprietor's licence, on the grounds of the numbers of Hackney Carriages within the area could only be justified if the Council could demonstrate that there is no significant demand which remains unmet for Hackney Carriage vehicle services.
- 2.3 Significant unmet demand is made up of two components:
 - Patent demand – which is directly observable from observing queues and waiting time and the ranks; and
 - Latent demand – calculated using data from the rank observations and public attitude information gleaned from the survey.
- 2.4 Requests for quotes were sought and HKZ Services Ltd, trading as LVSA (Licensed Vehicle Surveys & Assessment) has been commissioned in partnership with Maidstone Borough Council's Licensing Service to assess whether significant unmet demand exists in the Borough.
- 2.5 As the survey has been commissioned in parallel with Maidstone Borough Council, costs have been reduced. The overall cost of the survey will be in the region of £12,000 and will be recovered from future hackney carriage fees.
- 2.6 The Survey is due to be undertaken between June 2019 and August 2019.
- 2.7 As part of the study, LVSA will be undertaking consultations with a wide range of stakeholders, including members of the trade, members of the public, Council departments, Members, bus and rail station operators, Kent Police, Access Group and local representatives. A detailed report will be presented by a representative from LVSA for Members consideration at a future meeting of Licensing Committee.

3. AVAILABLE OPTIONS

1. Undertake an independent survey in accordance with Department for Transport best practice guidance to establish if there continues to be no significant demand.
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4. PREFERRED OPTIONS AND REASONS FOR RECOMMENDATIONS

The results of an independent demand survey will assist the Authority in determining whether or not it can lawfully retain a limit on the number of hackney carriage proprietors licences available, and if retained, at what level, bearing in mind the need to demonstrate that there is no significant unmet demand. If a significant unmet demand is identified, the recommendations made with regards to how to address this will need to be considered by this Committee at a later date.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The views of various stakeholders regarding hackney carriage services will be obtained and contained within the final report from Licensed Vehicle Surveys & Assessment (LVSA), to be presented to the Licensing Committee Members at a future meeting.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 A report will be considered by Licensing Committee Members at a future meeting setting out the conclusions of the independent survey.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)
Legal including Human Rights Act	<p>Under the Transport Act 1985, Local Authorities are only able to limit the number of Hackney Carriage Proprietors licences issued if there is no <i>'significant unmet demand'</i>. The existence of the concept of <i>'significant unmet demand'</i> must be determined through robust statistical analysis as any decision to limit the number of licences may be open to detailed scrutiny by the Courts should the Committee's decision be challenged.</p> <p>At the present time there is no significant unmet demand and the retention of the limit can be justified and defended in Court, if necessary.</p> <p>The issue of limiting the number of Hackney Carriage Proprietors Licences in Tunbridge Wells is highly contentious. There is a risk of a</p>	Robin Harris, Senior Lawyer (Contentious) 24.05.19

	challenge to the Council whether limitation is retained or not. The Council can only limit this risk by carefully weighing the available evidence and coming to a reasoned decision, based on the evidence.	
Finance and other resources	There are no financial implications because the Council will be paid for the study to be undertaken and all costs associated with this are recovered from future Hackney Carriage licence fees.	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Staffing Establishment	Any work involved would be absorbed by existing staff resources.	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Risk Management	No issues identified	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Data Protection	No implications	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Environment and sustainability	No issues identified	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Community Safety	No issues identified	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Health and Safety	No issues identified	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Health and Wellbeing	No issues identified	Sharon Degiorgio, Senior Licensing Officer 01.05.19
Equalities	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to <ul style="list-style-type: none"> i. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; ii. Advance equality of opportunity between people from different groups; and iii. Foster good relations between people from different groups. 	Sarah Lavallie, Corporate Governance Officer 01.05.19

	<p>The implications of the provision and availability of wheelchair accessible vehicles on people with disabilities was considered in 2014, when rear-loading vehicles were introduced. These implications will be reviewed in light of the findings of the unmet demand survey and the planned consultation and reported back to the committee. The unmet demand survey raises no other issues in relation to other characteristics protected under the Equality Act.</p>	
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8. REPORT APPENDICES –

The following documents are to be published with this report and form part of the report:

N/A