

Licensing Committee

3 December 2019

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

Yes

Independent Hackney Carriage Services Report 2019

Final Decision-Maker	Licensing Committee
Portfolio Holder(s)	Matthew Bailey, 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/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 the Committee accepts the findings of the independent Hackney Carriage Services study carried out by Vector Transport Consultancy that there is no significant unmet demand for Hackney Carriages in Tunbridge Wells;
2. That a proposal to retain the existing policy to control the number of Hackney Carriage Licences issued to the current limit of 107 is included in the Draft Hackney Carriage and Private Hire Licensing Policy for public consultation; and
3. That the remaining recommendations of Vector Transportation Consultancy report are investigated further and that the Senior Licensing Officer, in consultation with the Chairman of the Licensing Committee, identifies any items that can be incorporated into the Draft Hackney Carriage and Private Hire Licensing Policy for public consultation.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

- 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

Meeting	Date
Licensing Committee	3 December 2019

Independent Hackney Carriage Services Report 2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider a report and presentation prepared by Vector Transport Consultancy, independent transport consultants Appendix A, who were commissioned by the Licensing department to assess hackney carriage services in the borough, which included a mystery shopping initiative, Appendix B.
 - 1.2 Following extensive rank surveys and consultation with stakeholders the Vector report identifies a number of findings and makes a series of recommendations to improve hackney carriage services for the public. The key finding is that there is currently no evidence of significant unmet demand in the provision of hackney carriages within the Borough of Tunbridge Wells.
 - 1.3 This report enables the Committee to start the process of determining the Council's response to the findings of the Vector report and the timescale to be adopted.
-

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. Such surveys are normally conducted every three years.
- 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 The Vector report highlighted that 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.
- 2.5 Tunbridge Wells Borough Council maintains the limit on the number of Hackney Carriage Proprietors licences that it issues to 107.
- 2.6 Following a tender process, Vector Transport Consultancy, were commissioned by the Licensing Department to assess whether significant unmet demand for Hackney Carriage vehicles exists in the Borough. The company undertook the survey between

June and August 2019, with a wide range of stakeholders and have produced their detailed report for consideration. A representative from Vector will attend the meeting to present the results of the Taxi Demand Survey.

- 2.7 As part of the review the consultant undertook a mystery shopper survey, the detailed findings of which are set out in Appendix B (individual's details/plate numbers etc. have been redacted). Areas identified requiring further attention are in the process of being actioned.

3. AVAILABLE OPTIONS

In relation to the level of demand for taxi services

The survey and report undertaken by Vector Transport Consultancy concluded there is no significant unmet demand for Hackney Carriage services in Tunbridge Wells; therefore there is no compelling need to increase the number of Hackney Carriage Licences on the basis of public benefit.

The available options are either:

- 1) to reject the conclusion that there is no significant unmet demand for Hackney Carriage services; or
- 2) to accept the conclusion that there is no significant unmet demand for Hackney Carriage services;

and either to:

- i. Maintain the current limit on Hackney Carriage licences; or
- ii. Issue any number of additional plates the Committee sees fit; or
- iii. Remove the numerical limit

3.2 In relation to the other service issues identified in the Vector Transport Consultancy report

The available options are that the Committee considers the content of the report and presentation by Vector Transportation Consultancy and

- 1) identifies any items for further consideration to be incorporated into the revised Hackney Carriage and Private Hire Licensing Policy for public consultation, or
- 2) Takes no further action.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 In relation to the level of demand for taxi services

Having considered the Vector survey findings and report, in particular section 10 the preferred option is to retain the current limit of 107 Hackney Carriages licences as there is no compelling need to increase the number of Hackney Carriage Licences, on the basis of public benefit. The proposal is that retaining the limit is incorporated into the draft policy which is going out for a public consultation.

and

4.2 In relation to the other service issues identified in the Vector Transport Consultancy report

Having gathered a significant amount of information and comments the preferred option is to identify any items that can be incorporated into the revised Draft Hackney Carriage and Private Hire Licensing Policy for further public consultation or further consideration and development of proposals by officers.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The views of various stakeholders regarding hackney carriage services have been obtained and are contained within the Vector report.
- 5.2 When the Committee has identified its preferred response to the findings of the report, consultation on the proposed changes to the existing Hackney Carriage and Private Hire Licensing Policy will commence. The results of that consultation will then be presented to the Committee to enable it to make a decision regarding the adoption of the revised policy.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If Members agree with the proposed way forward, any amendments will be incorporated into the revised Hackney Carriage and Private Hire Licensing Policy consultation process for consideration by interested stakeholders. A future report will be considered following the public consultation.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
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 Licences in Tunbridge Wells is highly contentious. There is a risk of a 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</p>	Robin Harris, Senior Lawyer (Contentious) 30.10.19

	reasoned decision, based on the evidence.	
Finance and other resources	There are no financial implications because the Council has 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 29.10.19
Staffing establishment	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Risk Management	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Data Protection	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Environment and Sustainability	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Community Safety	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Health and Safety	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Health and Wellbeing	No issues identified	Sharon Degiorgio, Senior Licensing Officer 29.10.19
Equalities	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to</p> <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. <p>The implications of the provision and availability</p>	West Kent Equalities Officer 29.10.19

	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.	
--	--	--

8. REPORT APPENDICES

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

- Appendix A: Vector Consultation Report;
- Appendix B: Mystery shopper survey;

9. BACKGROUND PAPERS N/A