

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 16

Brighton & Hove City Council

Subject: *Unmet Demand Survey*
Date of Meeting: *27 November 2008*
Report of: *Director of Environment*
Contact Officer: Name: *Martin Seymour* Tel: **29-6659**
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Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 That the Committee be aware that a Hackney Carriage "Unmet Demand Survey" will be undertaken during 2009 to determine any unmet demand for Hackney Carriages.

2. RECOMMENDATIONS:

- 2.1 That members confirm their support for a restricted numbers policy for hackney carriage vehicles with managed growth of five additional plates issued annually. This policy to be reviewed following the consultants report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The council licences hackney carriage vehicles and private hire vehicles. Hackney Carriages (taxis) can ply for hire in the streets and at taxi ranks whereas Private Hire vehicles can only accept work resulting from telephone bookings made by customers to a private hire operator. There is no limit on the number of private hire vehicle licences.
- 3.2 The Transport Act, 1985 s16 allows the council to limit the number providing it is satisfied that there is no significant demand for hackney carriages which is unmet. The only acceptable method of determining demand is by an independent survey. (Estimated to be in the region of £18K dependant on scope of the survey and result of a tendering process).
- 3.3 A local licensing authority in the event of a challenge to a decision to refuse a licence would have to establish to the courts that it had, reasonably, been satisfied that there was no significant unmet demand. An interval of three

years is commonly regarded as the maximum reasonable period between surveys.

- 3.4 Most local licensing authorities do not impose quantity restrictions and the Department for Transport regards that as best practice. Where restrictions are imposed, the Department for Transport urges that the matter should be regularly reconsidered and further urges that the issue to be addressed first is whether the restrictions should continue at all.
- 3.5 In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.
- 3.6 An unmet demand survey was carried out in 2006 following which committee agreed to continue with a policy of managed growth of an additional 5 plates issued on an annual basis in May. This policy was again confirmed by committee in November 2006 following a petition to the council regarding the lack of availability of wheelchair accessible vehicles. However, an additional 20 plates were issued at that time to satisfy the demand for wheelchair accessible vehicles with a condition that these 20 vehicles must be attached to a radio circuit.
- 3.7 Currently in Brighton & Hove there are 523 Hackney Carriage vehicles licensed of which 124 wheelchair accessible and 455 Private Hire Vehicles of which only 28 are wheelchair accessible. There are 1153 Hackney Carriage Licensed Drivers and 567 Private Hire Licensed Drivers.
- 3.8 The Department for Transport has published guidelines for best practice with regard to quantity restrictions and the conduct of surveys. The Current advice from The Department of Transport is given in Appendix 1.

4. CONSULTATION

- 4.1 This matter has been discussed at the council's hackney carriage and private hire consultation forum where all members of that forum are free to express their opinions. Forum members are supportive of an unmet demand survey.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Revenue: The full cost of the unmet demand survey will be covered within existing revenue budgets.

Capital: There are no capital implications.

Finance Officer Consulted: Karen Brookshaw

Date: 04/11/2008

Legal Implications:

- 5.2 These are addressed in the body of the report.

Lawyer Consulted: Liz Woodley

Date:12/11/2008

Equalities Implications:

- 5.3 In order to improve services to disabled groups all new drivers are required to attend equalities and disabilities awareness and customer care training. Drivers are also tested to ensure that they meet a basic standard of literacy.

Sustainability Implications:

- 5.4 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

Crime & Disorder Implications:

- 5.5 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

Risk and Opportunity Management Implications:

- 5.6 The transport industry should be safe, profitable and be a positive experience for residents and visitors.

Corporate / Citywide Implications:

- 5.7 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005 (Department for Transport) – extract.