

Licensing & Regulatory Committee

Report from the Director – Environment, Transport and Planning

Taxi Licensing – Unmet Demand Survey and Hackney Carriage Vehicle Allocation

Summary

1. This report invites Members to instruct officers on the council's approach to the hackney carriage 'unmet demand survey'.

Recommendations

2. Given there are three Hackney Carriage Vehicle (HCV) licences still available, and the Best Practice Guidance now recommends that 'unmet demand surveys' are conducted at least every five years, officers recommend Members choose option two in this report.

Reason: To enable officers to issue all the outstanding hackney carriage vehicle licences and ensure that the full impact of these additional licences is observed when undertaking the next unmet demand survey.

Background

Legal Requirements and Department for Transport Best Practice Guidance

3. Provisions within Section 16 of the Transport Act 1985 allow local authorities to set quantity restrictions on the number of 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.

4. Department for Transport (DfT) Best Practice Guidance, initially issued in March 2010, and further updated in Updated 17 November 2023, advises that local licensing authorities do not impose quantity restrictions; and they regard this as best practice. The Guidance recommends that where restrictions are in place, authorities regularly reconsider this matter. The Guidance asks local licensing authorities to consider the benefits or disadvantages to the travelling public (users of taxis) from having quantity restrictions in place; and what the benefits or disadvantages would result for the public if the quantity restrictions were removed.
5. The 2010 Best Practice Guidance recommended that where quantity restrictions are in place, an 'unmet demand survey' is conducted at least every three years. As the Council's existing Taxi Licensing policy is based on this, it also states that the Council will conduct an unmet demand survey every three years. However, the 2023 update to the Guidance recommended extending the time period to every five years.
6. The Council last completed an unmet demand survey in February 2022. The survey included analysis of the availability of taxis at the ranks, including demand and supply to disabled customers, as well as consultation with key stakeholders including user groups and the trade.

Current Hackney Carriage Vehicle Licence Allocation

7. The Council's current restrictions are 190 licensed hackney carriage vehicles, of which 55 are wheelchair accessible (by condition of licence). As noted in this report, three licences (for black, electric wheelchair accessible vehicles) are unallocated but in the process of being issued.

Options

8. Members are invited to consider the following options:
9. Option 1: Continue the current position – as stated in the existing taxi licensing policy - and undertake the unmet demand survey in February 2025.

10. Option 2: Finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey.
11. Option 3: Undertake the unmet demand survey in February 2027 in accordance with the Best Practice Guidance.

Consultation

12. No consultation has been undertaken at this stage. Public consultation with key stakeholders including taxi users and the trade is part of the unmet demand survey.

Analysis

13. Option one will meet the council's current policy. However, if this option is taken, and any of the three hackney carriage licences remain unallocated, the survey may not be truly indicative of the intended market position.
14. Option two enables officers to complete the allocation of the three outstanding licences, before progressing with the survey. Officers will aim to conduct the survey within six months of the last vehicle licence being issued (subject to the availability of the specialist contractors who undertake the survey). This option may not meet the council's current policy requirement to survey unmet demand by February 2025. However, it will enable Members to consider the impact of the additional licences before determining i) whether or not to continue to restrict the number of Hackney Carriage Vehicle licences, and/or ii) the number and type of vehicle they should be issued to.
15. Option 3 will ensure that the survey is conducted in accordance within the maximum period recommended in the updated Best Practice Guidance. This option may also not meet the council's current policy requirement, however members may decide to deviate from its own policy if appropriate or reasonable to do so.

Council Plan

16. The decision taken contribute towards the Council Plan priorities to provide 'a fair, thriving and green economy for all' and 'sustainable accessible transport for all'.

Implications

17. The implications arising from the report are as follows:
 - **Financial** – There are no direct financial implications to the council.
 - **Human Resources (HR)** – There are no HR implications.
 - **Equalities** – It is recognised that licensed taxis and private hire vehicles are a particularly important method of transport for people with disabilities and other vulnerable passengers including school children because of the door-door service they provide. An equalities impact assessment accompanies this report at Appendix 1.
 - **Legal** - There are two potential avenues of legal challenge. Any decision made by Members may be subject to challenge by way of judicial review. Applicants could appeal against the refusal of a licence to the Courts.

Section 16 of the Transport Act 1985 gives local authorities the power to limit the number of hackney carriage licences provided that the local authority is satisfied that there is no significant demand for taxis which is unmet in its area. Because of its policy of limiting numbers, from time to time the Council must commission an independent study to establish whether there is any significant unmet demand for the service of hackney carriages.

The Council may, exceptionally, decide to deviate from its own policy if appropriate or reasonable to do so.

- **Crime and Disorder** – There are no direct crime and disorder implications arising from the report.
- **Information Technology (IT)** – There are no IT implications.

- **Property** – There are no property implications.

Other – There are no other implications.

Risk Management

18. The report sets out proposals to undertake the next unmet demand survey, the current policy states that a survey should be undertaken every three years, existing Best Practice Guidance recommends at least every five years. The report asks members to instruct officers of its approach to the survey and as such there is little risk of successful legal challenge.

Contact Details.

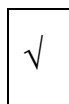
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**Report
Approved**



Date 22.8.24

Wards Affected: All.

Background Papers

Licensing & Regulatory Committee Report and printed minutes (7th June 2022)

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=13445&Ver=4>

Annexes

Annex 1 – Equalities Impact Assessment

