

Notice of meeting of

Licensing & Regulatory Committee

To: Councillors Firth, Gillies (Chair), Horton, Looker and Moore (Vice-Chair)

Date: Friday, 1 May 2009

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 1 - 2)

To approve and sign the minutes of the meeting held on 6 March 2009.

3. **Public Participation**

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 5pm on Thursday 30th April 2009.

4. **Hackney Carriage and Private Hire Vehicle Licence Conditions.** (Pages 3 - 10)

This report advises Members of a recent statutory appeal against the Council's conditions for Hackney Carriage vehicles in respect of emissions and livery. Members approval is sought to amend the conditions in light of the appeal.

**5. Review of the Issue of New Hackney (Pages 11 - 46)
Carriage Vehicle Licences.**

This report provides Members with additional information on which to base a decision with respect to the issue of new Hackney Carriage Vehicle Licences.

**6. Any other business which the Chair decides is
urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the
Democracy Officer responsible for servicing this meeting Laura
Bootland Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	6 MARCH 2009
PRESENT	COUNCILLORS FIRTH, HORTON, LOOKER, MOORE (VICE-CHAIR) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GILLIES

7. **DECLARATIONS OF INTEREST**

At this point Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. None were declared.

However, Councillors Horton and Moore requested that it be noted that they were on the Planning Committee which determined the planning application for the land to the east of Fordlands Road and south of Germany Lane.

8. **MINUTES**

RESOLVED: That the minutes of the meeting held on 9 January 2009 be approved and signed as a correct record by the Chair.

9. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

10. **APPLICATION TO REGISTER LAND EAST OF FORDLANDS ROAD AND SOUTH OF GERMANY LANE, YORK, AS A TOWN OR VILLAGE GREEN.**

Members were asked to consider an application under Section 15 (1) of the Commons Act 2006 ("the 2006 Act") to register land to the east of Fordlands Road and south of Germany Lane, York as a town or village green. The application was received on 31 January 2008 and following the receipt of objections the registration Authority arranged a non-statutory public enquiry for the 21 October 2008. Following this inquiry the Inspector produced a report which concluded that the criteria for registering the land had not been met.

The Legal Officer provided an update to Members and advised that the purpose of the meeting was to consider the inspectors report and not to re-

hear the public hearing. The Legal Officer was satisfied that the Inspector had summarised the evidence, and had analysed and made reasoned findings of fact. Members were advised that in order to vote against the Inspectors recommendation, they would need to consider that the Inspector had been irrational in reaching his conclusion.

Representations in objection to the Inspectors recommendation were heard from three speakers on behalf of the Friends of Germany Beck and one speaker on behalf of York Natural Environment Trust. Representations in support of the Inspectors recommendation were heard from a Legal Representative of Persimmon Homes.

Members were addressed again by the Council's legal officer who advised that having heard the representations there was no need for the meeting to be adjourned as there were no legal reasons for the decision not to be made that day. The Legal Officer reminded Members that it was also open to them to find that part of the application had been successful and to register part of the land.

Members were presented with the following 2 Options:

- Option A: That the Inspectors Report should be accepted and the application for this piece of land to be registered as a town or village green be refused.
- Option B: Having considered the Inspectors report, Members are of the opinion that there are sound and cogent reasons to reject the content and reasoning of the Inspectors report and his recommendation.

Following debate, Members stated that while they accept the rights of the Friends of Germany Beck to respond to the Inspectors report, they could see no robust reason not to agree with the Inspectors recommendation and unanimously voted to accept the recommendation.

RESOLVED: That the Committee accepts the conclusions and recommendations of the Inspectors report dated 22 February 2009 by Mr. Alan Evans and resolves to reject the application to register the land as a town or village green for the reasons set out in the Inspectors report.

Councillor R Moore, Chair

[The meeting started at 2.00 pm and finished at 2.33 pm].



Licensing and Regulatory Committee

1st May 2009

Report of the Director of Neighbourhood Services

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Summary

1. This report advises members of a recent statutory appeal against the council's conditions for hackney carriage vehicles in respect of emissions and livery. Members' approval is sought to amend the conditions in the light of the appeal and the comments of the District Judge.

Background

2. On 8th June 2007 this committee considered a report entitled "Taxi Vehicle Standards". Members resolved to:
 - a) Make all taxis licensed by the City of York Council to be Euro 3 compliant (or better) by 1st June 2009. This being achieved by upgrading the existing petrol/diesel fleet or by the use of alternative fuels to give the same effect. Transitional arrangements were put in place to achieve this. It was further resolved that after 1st June 2009 no vehicle would be first licensed if it is over 4 years old and no vehicle would be re-licensed after it has reached 8 years old.
 - b) That by 1st June 2009 all licensed hackney carriages be identifiable with a single colour scheme of black and to bear the city crest with the words "City of York Hackney Carriage" on both front doors. A transitional arrangement was put in place to achieve this.
3. On 12th February 2009 an appeal by an independent taxi proprietor against both the above conditions was heard by the District Judge at York Magistrates' Court. The judge gave his decision on 6th March and concluded that the appeal should be dismissed in respect of the condition relating to emissions but it was upheld in respect of the standard black livery. He stated that a condition in relation to appearance was not justifiable in protecting the public.
4. In delivering his decision the judge placed reliance on the government's "Taxi and Private Hire Licensing Best Practice Guide". He stated it was produced following national consultation and was to assist local authorities in taxi licensing matters. He emphasised the following in respect to the Guide:

- Key purpose to assist LA's in decision making;
 - LA's may take local decisions into account;
 - LA licensing is to protect the public;
 - Each requirement must be proportionate i.e. costs v benefits;
 - That the guidance makes no reference to livery in the section relating to vehicle identification.
5. Both parties had 21 days in which to lodge an appeal to the Crown Court.

Livery Condition

6. The following advice was subsequently received from counsel representing the council with respect to the livery condition:
- i. The Court was not however satisfied that it was 'reasonably necessary' to require all hackney vehicles to be black in colour. This is a far more difficult condition to justify. Although many licensing authorities have imposed similar conditions, I am unaware of any who have successfully resisted an appeal on the condition. In any event, all cases must be taken on their own facts and merits.
 - ii. The learned District Judge was not satisfied that (a) there was a significant problem concerning members of the public being unable to distinguish hackney taxis from private hire vehicles, or York vehicles with those from out-of-town, and (b) there was insufficient evidence that a uniform colour would in fact remedy these perceived difficulties. Mr Lacy gave evidence that complaints concerning 'passing off' were being made once per month. This evidence did not appear to impress the District Judge as demonstrating a significant problem.
7. On receipt of this legal advice and discussions with the Chair of this committee it was concluded that an appeal should not be lodged against the decision but that further work be carried out with respect to the issue of livery and the matter revisited.
8. Members should note that, inherent with the black livery condition, was a ban on external vehicle advertising. As this condition no longer applies, advertising will be permitted. Although the courts ruled against the standard livery they did approve the display of the city coat of arms decal on the front doors. This will be satisfactory if the sides of the vehicle are of a standard colour but if they contain advertising then the visibility of the decal would likely be lost. It is intended therefore to consult with the York Taxi Association and come back to a subsequent meeting of this committee with proposals to address this.

Emissions Condition

9. With respect to the issue of emissions, although our counsel is confident that any appeal by the taxi proprietor can be resisted, he has submitted an appeal to the Crown Court.

10. There are several strands to the appeal which are intended to show that the emission conditions are not reasonably necessary. One of those is in relation to the intended future condition where vehicle age is referred to. Members will note at paragraph 2a of this report it has been previously resolved that after 1st June 2009 no vehicle would be first licensed if it is over 4 years old and no vehicle re-licensed after it has reached 8 years old. It was the intention that this condition would ensure that vehicles kept up with future improvements in emission control.
11. Throughout the appeal hearing in the Magistrates' Court the District Judge indicated that a vehicle age policy was, in itself, inappropriate. The best practice guidance states "it is perfectly possible for an older vehicle to be in good condition so the setting of an age limit beyond which a local authority will not licence vehicles maybe arbitrary and inappropriate".
12. In the light of this appeal judgement and the words of the District Judge during the proceedings, officers' view is that this condition should be rewritten and refer specifically to emission standards rather than using an age criteria to meet those standards. This opinion is endorsed by counsel. This will mean, however, updating the conditions over time when new national or European emission standards are applied. This approach will be much more transparent in demonstrating what the council is trying to achieve and will be more robust in law.

General

13. In view of the pending Crown Court appeal it is proposed that all hackney carriage vehicle licences issued on the 1st June 2009 will be issued for 6 months only with the conditions relating to emissions deleted to allow time for the Crown Court appeal to be dealt with.
14. Members are reminded that both these conditions (emissions and livery) also apply to private hire vehicles, albeit the application dates differ. Any changes which are made to one set of conditions should be reflected in the other.

Consultation

15. Members should note that hackney carriage licences are due to be renewed from 1st June 2009. In view of the timescales involved and the fact that no additional conditions are being proposed for this next round of licence renewals, there has been no consultation in respect of this report.

Options

16. Option 1 – Maintain the proposed conditions from 2nd June 2009, i.e.
 - a) all new licenses issued or, any change of vehicle on an existing licence, the vehicle must be under 4 years old, and

b) no vehicle will be re-licensed after it has reached 8 years old

Option 2 – Renew the hackney carriage vehicle licences for 6 months only deleting conditions relating to emissions and livery. Consult with the York Taxi Association and York Private Hire Association on the following conditions to replace the vehicle age restrictions in the future should the appeal be dismissed.

a) From 2nd June 2011 all new licences issued or, any change of vehicle on an existing licence, the vehicle must be Euro 4 (or better) emission standards

b) From 1st June 2013 all licensed vehicles must meet Euro 4 (or better) emission standards

Option 3 – Mirror the approved changes to hackney carriage vehicle licences to those relating to private hire vehicles.

Option 4 – Instruct officers to consult with the York Taxi Association on the subject of advertising on hackney carriages and report to a subsequent meeting of this committee.

Option 5 – Instruct officers to carry out further work on vehicle liveries and report back to a subsequent meeting of this committee.

Analysis

17. In order to meet the vision and requirements of the Local Transport Plan, which incorporates the Air Quality Strategy and Action Plan, the city needs to reduce the long-term annual average for nitrogen dioxide in certain areas of the city. The need to reduce emissions from taxis is well stated in those documents and was accepted by the Magistrates' Court.
18. In view of the pending Crown Court appeal option 2 proposes that all hackney carriage vehicle licences issued on the 1st June 2009 will be issued for 6 months only with the conditions relating to emissions and livery deleted to allow time for the appeal to be dealt with. Should the appeal be dismissed then the original proposal that all licensed vehicles should meet Euro III emission standards or better will be applied. This will make the decision for proprietors clearer when considering change of vehicle.
19. As detailed in paragraph 12 of this report it is also considered prudent to review the wording of the vehicle licence conditions on emission standards to make it very clear what the council is trying to achieve. By agreeing option 1 members may open up the council to further legal challenge.
20. The proposals for trade consultation set out in option 2 relate as closely as possible to those previously agreed by members that were expressed in vehicle age terms. Members need to note however that to accommodate those owners who have recently purchased a fairly new Euro 3 compliant vehicle in

the belief that they could run it until it was 8 years old, other older Euro 3 compliant vehicles could remain as a licensed vehicle much longer than envisaged with the previous policy.

21. Members should note that all vehicles registered after 1st January 2001 must meet Euro 3 standards, those registered after 1st January 2007 must meet Euro 4. It is proposed that Euro 5 will be introduced from September 2009 and Euro 6 from September 2014.
22. With respect to the subject of advertising members attention is drawn to paragraph 8 of this report.

Corporate Priorities

23. Cleaner emissions from our licensed hackney carriage and private hire vehicles will reduce the environmental impact on the city's air quality.

Implications

24. **Financial:** None

Human Resources (HR): None

Equalities: None

Legal – Any conditions imposed by the Council on a hackney carriage vehicle licence must be considered to be reasonably necessary and must be proportionate. Any person aggrieved by any conditions attached to such a licence may appeal to the Magistrates' Court.

Crime and Disorder: None

Information Technology (IT): None

Property: None

Other: None

Risk Management

25. Adopting the recommendations of this report will see the council at least risk from legal challenge in pursuing the policies set out in the Local Transport Plan.

Recommendations

26. Members are asked to approve:

Option 2 – Renew the hackney carriage vehicle licences for 6 months only deleting conditions relating to emissions and livery. Consult with the York Taxi Association and York Private Hire Association on the following conditions to replace the vehicle age restrictions in the future should the appeal be dismissed.

- a) From 2nd June 2011 all new licences issued or, any change of vehicle on an existing licence, the vehicle must be Euro 4 (or better) emission standards
- b) From 1st June 2013 all licensed vehicles must meet Euro 4 (or better) emission standards

Reason: To ensure the licence condition is transparent in representing the council's policy in respect of vehicle emissions contained in the Local Transport Plan, and

Option 3 – Mirror the approved changes to hackney carriage vehicle licences to those relating to private hire vehicles

Reason: To ensure consistency between both vehicle hire codes and reduce the threat of legal challenge, and

Option 4 – Instruct officers to consult with the York Taxi Association on the subject of advertising on hackney carriages and report to a subsequent meeting of this committee

Reason: To ensure the full benefit of vehicle identification is derived from the display of the side decal, and

Option 5 – Instruct officers to carry out further work on vehicle liveries and report back to a subsequent meeting of this committee.

Reason: To ensure that all aspects of the introduction of a standard livery have been examined to inform any future strategy.

Contact Details

Author:

Chief Officer Responsible for the report:

Richard Haswell
Head of Licensing and Safety

Andy Hudson
**Assistant Director of Neighbourhoods and
Community Safety**

**Neighbourhoods and
Community Safety**

Report Approved

Date 14/4/09

Tel No.01904 551515

Specialist Implications Officer
Legal - Martin Blythe
Tel No. 01904 551044

Wards Affected:

All

For further information please contact the author of the report.

Background Papers:

Report to Licensing and Regulatory Committee 8th June 2007

Annexes

None

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Licensing and Regulatory Committee

1st May 2009

Report of the Director of Neighbourhood Services

REVIEW OF THE ISSUE OF NEW HACKNEY CARRIAGE VEHICLE LICENCES.

Summary

1. This report provides Members with additional information on which to base a decision with respect to the issue of new Hackney Carriage Vehicle Licences. It contains information regarding a survey of un-met demand and the results of consultation with those waiting to be issued with a licence. This is in a response to a request from the York Taxi Association to curtail the issue of any new Hackney Carriage Vehicle Licences due to the current economic climate.

Background

2. At the meeting of this Committee on the 21st May 2008 Members approved a policy of issuing 15 new Hackney Carriage Vehicle Licences from 1st July 2008, then after a period of 12 months, releasing a further 2 vehicle licences every 6 months subject to review after 3 years.
3. Fifteen new Hackney Vehicle Licences were issued from 1st July 2008. On the 9th January 2009 this committee considered a request from the York Taxi Association to curtail the issue of any more new Hackney Carriage Vehicle Licences as previously approved. Before making any decision Members requested that officers commission an interim survey of unmet demand and enter into consultation with those on the waiting list.
4. A snapshot survey has been commissioned from Halcrow and observations took place between 24th February and 15th March 2009 to coincide with the dates used in the 2008 survey.
5. All persons on the waiting list for a licence were written to on 17th February 2009 seeking their views on the options available to Members. A copy of that letter and the questionnaire is attached as Annex 1.

Unmet Demand Survey

6. The report produced by Halcrow on unmet demand is attached at Annex 2. It concludes that since the previous demand survey which was undertaken in 2008 passenger demand has decreased significantly. This potentially being

a reflection of the current economic climate. The analysis for unmet demand shows that, although there is an unmet demand, it is exclusively demonstrated at the railway station. Average waiting times for passengers has reduced from 3.61 minutes to 0.83 minutes whilst cab delay has increased from 5.82 minutes to 6.95 minutes.

Consultation

7. An analysis of the results of the consultation with those on the waiting list is attached at Annex 3.
8. In summary, of the 186 questionnaires sent out 63 replies were received equating to a 34% return.
9. 25 said the current policy should continue, 12 said it should be deferred for 12 months and 21 said it should be deferred indefinitely. The waiting list contains a mix of those who already hold Hackney Vehicle Licences, those who rent a licence and those in the private hire trade.
10. In addition two email replies were received which are included at Annex 4

Options

11. Option 1 – Suspend the current policy for 12 months (or some other time period as determined).
12. Option 2 – Suspend the current policy indefinitely.
13. Option 3 – Continue with the current policy and issue 2 new vehicle licences on 1st July 2009 and thereafter at 6 monthly intervals until, and including, 1st January 2011 after which a further unmet demand survey be undertaken

Analysis

14. The Transport Act 1985 requires that, unless the local authority is satisfied that there is no unmet demand, they must issue Hackney Carriage Vehicle Licences where the qualifying conditions are met. Where the authority is satisfied that there is no unmet demand then it has the discretion to issue or not. Surveys are evidence for refusing to grant additional licences but do not prevent the council issuing more
15. In respect of the current situation in the City, the unmet demand identified in the survey exists at the railway station only. Trading at the railway station is limited by permit issued by the train operating company ie National Express or their agents. Irrespective of how many more licences are issued by the council the situation at the station will only alter if more permits are issued. The local authority has no control over the number of permits allocated.
16. In this respect it is the view of officers that there is no unmet demand in the city so there is no legal obligation to issue licences but there is a discretion to do so if members so determine.

17. In respect of the questionnaires sent out, the views are mixed and are clearly influenced by individuals personal situations. Many of the comments received were related to peripheral issues such as the renting out of plates (licences), the selling on of newly issued plates and ranking space. There is a mixed view on the amount of work currently available.

Corporate Priorities

17. An efficient, high quality, accessible taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.
18. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime, disorder and anti social behaviour making York a safer city.

Implications

19. **Financial - None**
20. **Human Resources (HR) - None**
21. **Equalities - None**
22. **Legal** - Section 37 of the Town Police Causes Act 1847 (as amended by Section 16 of the Transport Act 1985) gives Local Authorities the power to limit the number of hackney carriage vehicle licences in its area, but only if they are satisfied that there is no significant demand for the services of hackney carriages which is unmet
23. **Crime and Disorder - None**
24. **Information Technology (IT) - None**
25. **Property - None**
26. **Other - None**

Risk Management

27. In coming to any decision on this matter the council can minimise risk by ensuring it takes all factors into consideration in coming to its decision. The decision should be reasonable in the light of the information available

Recommendations

28. Members are asked to consider the options set out in paragraphs 11, 12 and 13 and determine the future application of the policy for the issue of new hackney carriage vehicle licences.

29. Reason – to enable officers to manage the issue of licences and the trade to plan future business development.

Contact Details

Author:
Richard Haswell
Head of Licensing and Safety

Neighbourhoods and
Community Safety

Tel No.01904 551515

Chief Officer Responsible for the report:
Andy Hudson
**Assistant Director of Neighbourhoods and
Community Safety**

Report Approved **Date** 14/4/09

Specialist Implications Officer
Legal - Martin Blythe

Tel No. 01904 551044

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Report to Licensing and Regulatory Committee 21st May 2008
Report to Licensing and Regulatory Committee 9th January 2009

Annexes

Annex 1 – Letter and questionnaire sent to those on waiting list 17/2/09
Annex 2 – Halcrow report on unmet demand
Annex 3 – Analysis of results of consultation
Annex 4 – Additional responses to consultation

Annex 1

Extension: 1515
E-mail dick.haswell@york.gov.uk
Ask for: Richard Haswell
Our ref: RH/TL/AR

17th February 2009

Dear

HACKNEY CARRIAGE WAITING LIST

At their meeting on 9th January 2009, members of the Licensing and Regulatory Committee considered representations from the York Taxi Association regarding the downturn in trade in the current financial climate and the prospect of further hackney carriage vehicle licences being issued.

Members decided that they wished to have more information upon which to base any decisions they may wish to make. They agreed, therefore, to commission a snapshot survey of rank demand and seek the views of interested parties before considering the matter further.

I am writing to you as a person whose name appears on the Council's waiting list for a hackney carriage vehicle licence. Your position on that list, as of the 17th February 2009, is number

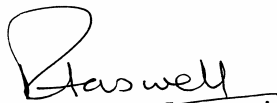
I would remind you that the current policy of the Council is to issue a further two licences on 1st July 2009 and a further two at six monthly intervals subject to a review in May 2011.

I would therefore appreciate your views on the current policy and it's effect on the trade and your particular circumstance. I would ask you to identify yourself in your reply together with your current position on the waiting list so that the data collected can be viewed in context. Your name will not appear in any public document.

It is expected that the report will be considered by the committee on 1st May 2009.

I thank you for your co-operation.

Yours sincerely,



Richard Haswell
Head of Licensing & Safety



Technical Note 1

Project	Hackney Carriage Unmet Demand Study	Date	17 March 2009
Note	Snapshot Study - York	Ref	CTDAFG721
Author	Liz Eccles		

1 **Introduction**

1.1 The purpose of this Technical Note is to present the results of a 'snapshot' rank observations survey undertaken by Halcrow in York during February and March 2009. The purpose of the survey is to assess the effectiveness of the recent increase in the number of licences issued in York. An additional 15 licences were issued from 1st July 2008 and a further 2 are planned for 1st July 2009.

2 **Overview**

2.1 Section 2 provides a definition of significant unmet demand derived from experience of over 100 unmet demand studies since 1987. This leads to an objective measure of significant unmet demand that allows clear conclusions regarding the presence or absence of this phenomenon to be drawn. Following this, a description is provided of the SUDSIM model which is a tool developed to determine the number of additional hackney licences required to eliminate significant unmet demand, where such unmet demand is found to exist.

2.2 Significant Unmet Demand (SUD) has two components:

- patent demand – that which is directly observable; and
- "suppressed" demand – that which is released by additional supply.

2.3 Patent demand is measured using rank observation data. Suppressed (or latent) demand is assessed using data from the rank observations and public attitude interview survey. Both are brought together in a single measure of unmet demand, ISUD (Index of Significant Unmet Demand).

3 Defining Significant Unmet Demand

3.1 The provision of evidence to aid licensing authorities in making decisions about hackney carriage provision requires that surveys of demand be carried out. Results based on observations of activity at hackney ranks have become the generally accepted minimum requirement.

3.2 The definition of significant unmet demand is informed by two Court of Appeal judgements:

- R v Great Yarmouth Borough Council ex p Sawyer (1987); and
- R v Castle Point Borough Council ex p Maude (2002).

3.3 The Sawyer case provides an indication of the way in which an Authority may interpret the findings of survey work. In the case of Sawyer v. Yarmouth City Council, 16 June 1987, Lord Justice Woolf ruled that an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited area of the Authority in relation to the particular time of day. The area is required to give effect to the language used by the Section (Section 16) and can ask itself with regard to the area as a whole whether or not it is satisfied that there is no significant unmet demand.

3.4 The term “suppressed” or “latent” demand has caused some confusion over the years. It should be pointed out that following Maude v Castle Point Borough Council, heard in the Court of Appeal in October 2002, the term is now interpreted to relate purely to demand that is measurable. Following Maude, there are two components to what Lord Justice Keene prefers to refer to as “suppressed demand”:

- what can be termed inappropriately met demand. This is current observable demand that is being met by, for example, private hire cars illegally ranking up; and
- that which arises if people are forced to use some less satisfactory method of travel due to the unavailability of a hackney carriage.

3.5 If demand remained at a constant level throughout the day and week, the identification and treatment of significant unmet demand

would be more straight-forward. If there were more cabs than required to meet the existing demand there would be queues of cabs on ranks throughout the day and night and passenger waiting times would be zero. Conversely, if too few cabs were available there would tend to be queues of passengers throughout the day. In such a case it would, in principle, be a simple matter to estimate the increase in supply of cabs necessary to just eliminate passenger queues.

3.6 Demand for hackney carriages varies throughout the day and on different days. The problem, introduced by variable demand, becomes clear when driver earnings are considered. If demand is much higher late at night than it is during the day, an increase in cab supply large enough to eliminate peak delays will have a disproportionate effect on the occupation rate of cabs at all other times. Earnings will fall and fares might have to be increased sharply to sustain the supply of cabs at or near its new level.

3.7 The main implication of the present discussion is that it is necessary, when considering whether significant unmet demand exists, to take account of the practicability of improving the standard of service through increasing supply.

Measuring Patent Significant Unmet Demand

3.8 Taking into account the economic, administrative and legal considerations, the identification of this important aspect of significant unmet demand should be treated as a three stage process as follows:

- identify the demand profile;
- estimate passenger and cab delays; and
- compare estimated delays to the demand profile.

3.9 The broad interpretation to be given to the results of this comparison are summarised in Table 3.1.

Table 3.1 Existence of Significant Unmet Demand (SUD) Determined by Comparing Demand and Delay Profiles

	Delays during peak only	Delays during peak and other times
Demand is:		

Highly Peaked	No SUD	Possibly a SUD
Not Highly Peaked	Possibly a SUD	Possibly a SUD

3.10 It is clear from the content of the table that the simple descriptive approach fails to provide the necessary degree of clarity to support the decision making process in cases where the unambiguous conclusion is not achievable. However, it does provide the basis of a robust assessment of the principal component of significant unmet demand. The analysis is therefore extended to provide a more formal numerical measure of significant unmet demand. This is based on the principles contained in the descriptive approach but provides greater clarity. A description follows.

3.11 The measure feeds directly off the results of observations of activity at the ranks. In particular it takes account of:

- case law that suggests an authority should take a broad view of the market;
- the effect of different levels of supply during different periods at the rank on service quality;
- the need for consistent treatment of different authorities, and the same authority over time.

3.12 The Index of Significant Unmet Demand (ISUD) was developed in the early 1990's and is based on the following formula. The SF element was introduced in 2003 and the LDF element was introduced in 2006 to reflect the increased emphasis on latent demand in DfT Guidance.

$$\text{ISUD} = \text{APD} \times \text{PF} \times \text{GID} \times \text{SSP} \times \text{SF} \times \text{LDF}$$

Where:

APD = Average Passenger Delay calculated across the entire week.

PF = Peaking Factor. If passenger demand is highly peaked at night the factor takes the value of 0.5. If it is not peaked the value is 1. Following case law this provides dispensation for the effects of peaked demand on the ability of the Trade to meet that demand. To identify high peaking we are generally looking for demand at night

(at weekends) to be substantially higher than demand at other times.

GID = General Incidence of Delay. This is measured as the proportion of passengers who travel in hours where the delay exceeds one minute.

SSP = Steady State Performance. The corollary of providing dispensation during the peaks in demand is that it is necessary to focus on performance during “normal” hours. This is measured by the proportion of hours during weekday daytimes when the market exhibits excess demand conditions (i.e. passenger queues form at ranks).

SF = Seasonality factor. Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that hackney demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an “untypical” month will be reversed. This factor takes a value of 1 for surveys conducted in September to November and March to June, i.e. “typical” months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the hackney trade, and a value of 0.8 for surveys conducted in December during the pre Christmas rush of activity. Generally, surveys in these atypical months, and in school holidays, should be avoided.

LDF = Latent Demand Factor. This is derived from the public attitude survey results and provides a measure of the proportion of the public who have given up trying to obtain a hackney carriage at either a rank or by flagdown during the previous three months. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a tactical response to the latest DfT guidance.

3.13 The product of these six measures provides an index value. The index is exponential and values above the 80 mark have been found to indicate significant unmet demand. This benchmark was defined by applying the factor to the 25 or so studies that had been conducted at the point it was developed. These earlier studies had used the

same principles but in a less structured manner. The highest ISUD value for a study where a conclusion of no significant unmet demand had been found was 72. The threshold was therefore set at 80. The ISUD factor has been applied to over 80 studies by Halcrow and has been adopted by others working in the field. It has proved to be a robust, intuitively appealing and reliable measure¹.

- 3.14 Suppressed/latent demand is explicitly included in the above analysis by the inclusion of the LDF factor and because any known illegal plying for hire by the private hire trade is included in the rank observation data. This covers both elements of suppressed/latent demand resulting from the Maude case referred to above and is intended to provide a 'belt and braces' approach. A consideration of latent demand is also included where there is a need to increase the number of hackney carriage licences following a finding of significant unmet demand. This is discussed in the next section.

Determining the Number of New Licences Required to Eliminate Significant Unmet Demand

- 3.15 To provide advice on the increase in licences required to eliminate significant unmet demand, Halcrow has developed a predictive model. SUDSIM is a product of 20 years experience of analysing hackney carriage demand. It is a mathematical model, which predicts the number of additional licences required to eliminate significant unmet demand as a function of key market characteristics.
- 3.16 SUDSIM represents a synthesis of a queue simulation work that was previously used (1989 to 2002) to predict the alleviation of significant unmet demand and the ISUD factor described above (hence the term SUDSIM). The benefit of this approach is that it provides a direct relationship between the scale of the ISUD factor and the number of new hackney licences required.
- 3.17 SUDSIM was developed taking the recommendations from 14 previous studies that resulted in an increase in licences, and using
-

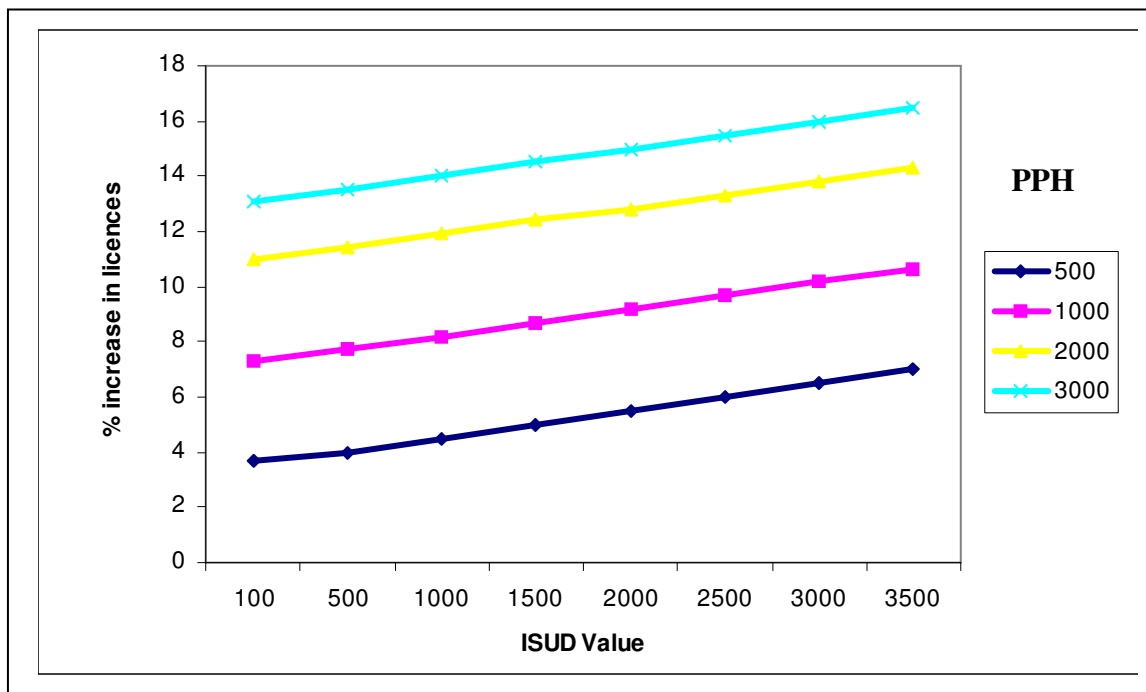
¹ The cut off was devised without reference to latent demand as defined in 3.4.5. The inclusion of the LDF factor makes it much more likely that a finding of significant unmet demand will be reached.

these data to calibrate an econometric model. The model provides a relationship between the recommended increase in licences and three key market indicators:

- the population of the licensing Authority;
- the number of hackneys already licensed by the licensing Authority; and
- the size of the ISUD factor.
-

3.18 The main implications of the model are illustrated in Figure 3.1 below. The figure shows that the percentage increase in a hackney fleet required to eliminate significant unmet demand is positively related to the population per hackney (PPH) and the value of the ISUD factor over the expected range of these two variables.

Figure 3.1 Forecast Increase in Hackney Fleet Size as a Function of Population Per Hackney (PPH) and the ISUD Value



3.19 Where significant unmet demand is identified, the recommended increase in licences is therefore determined by the following formula:

$$\text{New Licences} = \text{SUDSIM} \times \text{Latent Demand Factor}$$

Where:

- Latent Demand Factor = (1 + proportion giving up waiting for a hackney at either a rank or via flagdown).

Note on Scope of Assessing Significant Unmet Demand

3.20 It is useful to note the extent to which a licensing authority is required to consider peripheral matters when establishing the existence or otherwise of significant unmet demand. This issue is informed by R v Brighton Borough Council, exp p Bunch 1989². This case set the precedent that it is only those services that are exclusive to hackney carriages that need concern a licensing authority when considering significant unmet demand. Telephone booked trips, trips booked in advance or indeed the provision of bus type services are not exclusive to hackney carriages and have therefore been excluded from consideration.

4 Rank Observation Results

4.1 The section of the technical note highlights the results of the rank observation survey. During the hours observed some 11,352 passengers and 7,293 cab departures were recorded. The rank observations were carried out from Tuesday 24th February 2009 to Sunday 15th March 2009. The Rank observations are included as Appendix 1.

4.2 The results presented in this section attempt to summarise the information and draw out its implications. This is achieved by using five indicators:

- **The Balance of Supply and Demand** – this indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;
- **Average Delays and Total Demand** – this indicates the overall level of passenger and cab delays and provides estimates of total demand;

2 See Button JH 'Taxis – Licensing Law and Practice' 2nd edition Tottel 2006 P226-7

- **The Demand/Delay Profile** – this provides the key information required to determine the existence or otherwise of significant unmet demand;
- **The Proportions of Passengers Experiencing Given Levels of Delay** – this provides a guide to the generality of passenger delay; and
- **The Effective Supply of Vehicles** – this indicates the proportion of the fleet that was off the road during the survey.

The Balance of Supply and Demand

4.3

The results of the analysis are presented in Table 2.1 below. The predominant market state is one of equilibrium. Excess supply (queues of cabs) was experienced during 21% of the hours observed while excess demand (queues of passengers) was experienced in 14% of hours. Conditions are most favourable to customers during the weekday daytime and weekday night time periods. During the crucial Monday to Friday daytime period, excess demand was observed during 6% of the hours.

Table 2.1 The Balance of Supply and Demand in the York Rank-Based Hackney Carriage Market (Percentages – Rows Sum to 100)

Period		Excess Demand	Equilibrium	Excess Supply
Weekday	Day	16	68	16
	Night	0	83	17
Weekend	Day	31	19	50
	Night	64	24	12
Sunday	Day	33	33	33
Total		31	46	23

Excess Demand = Maximum Passenger Queue ≥ 3 . Excess Supply = Minimum Cab Queue ≥ 3 (values derived over 12 time periods within an hour).

Average Delays and Total Demand

4.4

The following estimates of average delays and throughput were produced for each of the main ranks in the licensing district and for the district as a whole (Table 2.2).

4.5

The survey suggests some 11,211 passenger departures occur per week from ranks in York involving some 7,195 cab departures.

Table 2.2 Average Delays and Total Demand (Delays in Minutes)

Rank	Passenger Departures	Cab Departures	Average Passenger Delay	Average Cab Delay
Clifford Street (Gallery)	1,127	605	0.84	1.46
Railway Station	4,801	2,988	0.94	7.51
St Saviourgate	3,181	2,432	0.70	8.45
Rougier Street	2,102	1,170	0.75	5.25
2009	11,211	7,195	0.83	6.95
Equiv ranks in 2008	19,758	11,613	3.61	5.82

4.6 From the survey it is evident that the taxi trade in York is most prominent at York Railway Station with 42% of the total trade being observed in this location. On average passengers wait 0.83 minutes for a cab. Passengers experience the greatest delay at the Railway Station rank where an average delay of 0.94 minutes is experienced.

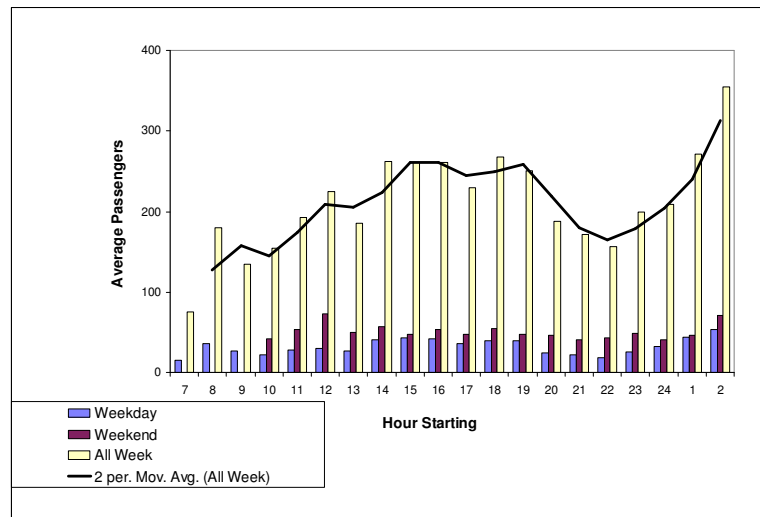
4.7 Since the unmet demand study was undertaken in 2008 it is clear that passenger demand has decreased significantly – a potential indicator of the current recession. However there are daytime hours where unmet demand occurs at the Rail Station.

4.8 The average cab delay was observed as being 6.95minutes during the 2009 snapshot observation period.

The Demand/Delay Profile

4.9 Figure 2.1 provides a graphical illustration of passenger demand for the Monday to Saturday periods between the hours of 0700 and 0300. The figure shows that the overall rank demand in York is not characterised by a sharp peak.

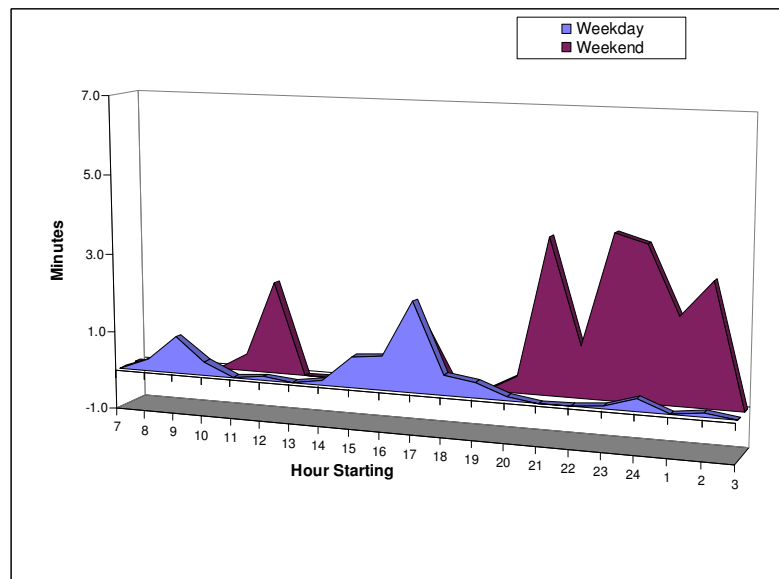
Figure 2.1 Passenger Demand by Time of Day during Feb/March 2009 (Monday to Saturday)



4.10

Figure 2.2 provides an illustration of passenger delay by time of day for the weekday and weekend periods. Figure 2.2 indicates that passenger delay occurs throughout the day in York and is generally less than two minutes. The greatest delay is during the evening and late at night on a weekend.

Figure 2.3 Passenger Delay by Time of Day in Feb/March 2009 (Monday to Saturday)



The Generality of Passenger Delay

4.12 The rank observation data can be used to provide a simple assessment of the likelihood of passengers encountering delay at ranks. Table 2.3 gives the results for the Feb/March period in 2009.

Table 2.3 General Incidence of Passenger Delay (Percentages)

Year	Delay > 0	Delay > 1 minute	Delay > 5 minutes
2009	18.38	9.60	0.00

4.13 Table 2.3 shows that 18.38% of those observed using ranks travelled in an hour where some delay at the rank was observed. The proportion likely to experience delays of over a minute is 9.6%.

5 Deriving the Significant Unmet Demand Index Value

5.1 The data above can be summarised using Halcrow's ISUD factor described in Section 2. The component parts of the index, their source and their values are given below:

- Average Passenger Delay (Table 2.2) 0.83
- Peak Factor (Figure 2.1) 1
- General Incidence of Delay (Table 2.3) 9.60
- Steady State Performance (Table 2.1) 16

- Seasonality Factor 1
- Latent Demand Factor (value from UDS) 1.124

ISUD $(0.83*1*9.6*16*1*1.124)$ **143**

5.2

The cut off level for a significant unmet demand is 80. It is clear that York is above this cut off point, indicating that there IS significant unmet demand. This conclusion covers both patent and latent demand. However it should be noted that all the unmet demand identified is at the rail station. We are aware that only one of the 15 plates issued in July 2008 has secured permits for the station.

HACKNEY CARRIAGE WAITING LIST

The Council has been asked to review it's policy on the issue of further hackney carriage vehicle licences.

In order to come to an informed decision your views are being sought. You are invited to complete the following questionnaire:-

Current Policy

15 new hackney carriage vehicle licences issued on 1st July 2008. An additional two licences to be issued on 1st July 2009 and then a further two at six monthly intervals. This policy will be reviewed after three years.

In view of the current economic situation, do you agree:-

- | | YES | NO |
|--|--------------------------|--------------------------|
| a) That the current policy should continue as stated | <input type="checkbox"/> | <input type="checkbox"/> |
| b) That the current policy should be deferred for 12 months (i.e. defer next new licences until 1st July 2010) | <input type="checkbox"/> | <input type="checkbox"/> |
| c) That the current policy should be deferred indefinitely | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Some alternative proposal, please state: | | |

Please add any other comments you may wish to make:

(continue overleaf if necessary)

Please state:

Name:

Current waiting list position:

THANK YOU—PLEASE RETURN BY 21ST MARCH 2009 TO TAXI LICENSING, CITY OF YORK COUNCIL, FREEPOST (YO239), YORK, YO1 7ZZ.

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Annex 3**Hackney Carriage Waiting List Questionnaire.****Option A – Current policy of issuing 2 licences every 6 months retained****Option B – Policy deferred for 12 months****Option C – Policy deferred indefinitely**

	Status	Pos	A	B	C	Alternative	Comments		
1	HC driver Rents plate	103		N	N	Y	Scrap altogether	Any new plates should only go to those who are working and not retired who would just sell them	
2	HC driver Rents plate	169		N			More prominent ranks throughout city	Re open Duncombe Place. Scandalous that extra plates issued and most prominent rank closes	
3	Private Hire	171		N	N	N	Allowing people to sell at ridiculous amounts is wrong and unfair to rate payers	Cost of deregulating will offer cheaper quicker service. Appalled that a council can still allow primitive elitist practice as printing money on plates	
4	Private Hire	170		N	Y		N	No comments	No comments
5	Private Hire	109	Y		N		N	Current policy should continue, serious service provider, not a game.	Council should check how many licence holders don't work weekends. Non workers should be replaced by new licences
6	Private Hire	1		N	Y		N	Leave for 12-18 months until credit crunch over.	Most people have ongoing finance and any new licences would create personal problems. What happens to position on list if cannot accept offer.
7	Anon			N			N	De regulate or only issue new plates to current drivers not those who have left the trade.	New plates bought uo immediately by owners of several plates. My owner will not bnuy a new car, so if I don't buy the car , he rents to someone else As a regular driver should have a plate of my own The fact huge rents are made is corrupt, if all drivers owned a plate it would stop. Ban the

											renting of plates.
8	HC driver Rents plate	112	Y		Y				N	More new plates to all on waiting lists. I have to work weekends just to pay rent of £210	More ranks. Re open Duncombe Place. One man at the Hotel should not tell the council what to do.
9	HC driver Rents plate	77	Y		Y			Y		No comments	No Comments
10	Private Hire	13	Y							No comments	Will help stimulate employment
11	Unknown	30	Y				N		N	No comments	Policy must continue as licensed vehicles will get less over the next 10 years which will mean a decline in service to residents of York,
12	Parents own two hackney plates	182							Y	No comments	No comments
13	Parents own two hackney plates	182							Y	No comments	No comments
14	Unknown	98	Y							No comments	Introduce tachograph for driver hours, ranks would have more space and would be fairer
15	Unknown	138								Licences should only be held by actual drivers. Should not be rented out	No comments
16	Unknown	99			N		N		N	Increase new licences to 3 every 3 months	Make people that hold licences use them. A lot won't go out at night
17	PH multiple plate owner HC multiple plate owner	129			N		N		Y	Not broken so why fix it. More pollution. Its worked for over 60 years	Difficult to make a living now, traffic in York is horrendous. Too many taxis, not enough work. Must be able to force people to use taxis. Council must think up a new policy to force workforce and tourists to use taxis
18	HC owner/driver	60			N				Y	Proper surveys carried out every two to three years	Waiting time on ranks now longer as more cars using them

19	HC owner and rents out	114		N	Y		Y	Take off the University bus as its killing trade	No comments
20	HC driver Rents plate	15		N	Y		Y	Take plates off people who don't work and give to proper drivers	I have a council flat but I can't sub let it out. If owners don't work the plate it should be taken off them and given to a driver who will work it
21	Private Hire	56	Y					No comments	No comments
22	HC Multiple plate owner and rents out all	52					Y	No comments	I work 50+ hours a week as it is and there isn't a lot of work out there. More plates will make it worse.
23	Private Hire	19	Y					No comments	No comments
24	HC owner/driver	79					Y	No comments	The survey should show that there are sufficient taxis
25	HC owner, rents out	128		N			N	No comments	In current climate shouldn't issue any more plates. No work
26	Private Hire	100	Y			N	N	Return to council for re issue	Been on list a long time but others seem to get licences before me. Licences should not be sold on.
27	Private Hire	135	Y			N	N	No comments	I am 38, what age do you predict I will get a licence
28	Private Hire	33	Y			N	N	No comments	Should be issues so stay with the policy
29	HC owner/driver	181		N	Y		N	In need of ranks in the city	Every taxi should be able to pick up from the station for free. We don't need w/a plates, car plates needed next time
30	HC driver Rents plate	118		N		N	N	Plate owners charge too high a rent	One plate per person, each owner should drive. Majority of night drivers rent and held to ransom by owners over rent
31	Private Hire	121	Y					No comments	I know a private hire driver who got a plate last year and he rents it our 24/7, Doesn't use it himself, it's extra income. This shouldn't happen.
32		121	Y					No comments	No comments

	Private Hire										
33	HC driver Rents plate	2	Y							No comments	Biggest dent in earnings is the University bus. Introduction of a city centre night rank would help, ranks would then work quicker. Over subscribed with w/a vehicles which are rarely used for that purpose.
34	Private Hire	55	Y							No comments	No comments
35	Private Hire	10	Y							No comments	Can council get legislation to limit private hire vehicles and take pressure off drivers who have to work long hours just to pay rental.
36	HC Owner/driver	46		N	Y			Y		Zone new taxis to one named rank.	Not enough rank spaces. University bus killing trade. Trade has reached saturation point. New plates means new vehicles and more debt for drivers. New plates would not be fair.
37	HC driver Rents plate	95		N		N	Y			No Comments	Not enough room on ranks. Downturn in trade, can only make a living by being a station permit holder
38	unknown	43	Y							No Comments	No comments
39	unknown	165	Y			N		N		Only one plate per person. Multi owners should have plates taken away	No comments
40	HC owner Rents plate out	80		N				Y		No comments	No comments
41	Wife of plate owner	66			Y					No comments	There will be less work and more hardship.
42	Unknown	54								Total De regulation	Waster of taxpayers money, another 'joke' survey. Plate holders can't even drive. Most of last issued plates are now sold.
43	Private Hire	148		N	Y				N	No comments	If trade continues to slow and no sign of improvement by 07/10 then option 'c'

44	Unknown	167		N	Y			N	No comments	Licences should only be issued to those who will operate themselves and handed back when no longer needed to be given out to next person. Should be used only to make a living, not for personal gain.
45	Private Hire	110	Y						No comments	No evidence that credit crunch is affecting trade, tourism in York will be bigger and hackneys will benefit..
46	PH multiple plate owner	111		N	Y			N	No comments	Should go to drivers who have held a current licence for more than 5 years. Should not go to people who just want to rent out which is what happened recently
47	Private Hire	20		N		N	Y		No comments	Customers declining, so more plates would not be needed. The 15 new plates are not now in possession of those that originally got them.
48	Private Hire	85	Y			N		N	No comments	No comments
49	Private Hire	39	Y			N		N	No comments	Original agreement done after lengthy consultation. Further expense not needed. 4 plates a year is ok
50	Ph multiple plate owner	57		N		N	Y		No comments	No comments
51	HC driver Rents plate	139		N		N	Y		Review in 3 years	Business not stable at moment, ranks are full and not many passengers. More plates not needed and traffic round York is bad enough without more vehicles.
52	Private Hire	6	Y			N		N	No comments	I deserve my position on the list. Large amounts are owned by profiteers who don't even drive
53	Private Hire	61		N		N			No comments	Level of work does not justify 20k cost for euro4 wheelchair vehicle.
54	Private Hire	82						Y	No comments	Since the issue of last

										15 plates, ranks are full and not enough customers.	
55	HC Not currently driving	83		N	Y				N	No comments	There was no unmet demand
56	Private Hire	26	Y							No comments.	Policy should continue as still unmet demand on Fri and sat nights. Most drivers on list are driving 3 rd party so it wouldn't really increase drivers.
57	HC driver Rents plate	146	Y			N			N	No comments	Should consider deregulation. Not everyone can go out and buy a plate. There would not be a flood of taxis due to credit situation. Many opportunists would walk away. There wouldn't be the investment chasing mentality which blights the trade in York
58	Private Hire	145	Y							No comments	No comments
59	HC Owner/driver	184		N		N	Y			No comments	No comments
60	HC driver Rents plate	4	Y							Release 8 now and then cap at 181 for the foreseeable future	
61	HC driver Rents plate	154						Y		See letter	See letter
62	HC driver Rents plate with above	161						Y		See Jackson letter	See Jackson letter
63	HC Owner/driver	36						Y		No comments	In current economic climate definite over supply of plates.

Hackney Carriage Waiting List Questionnaire.

186 questionnaires were sent out to drivers on the waiting list and we received 63 replies which equates to a 34% return.

Of these the breakdown of position on list is as follows:

1-25.....9
25-50.....7
50-100...18
100-150..17
150-186..11
Anon.....1

Current Policy.

15 new Hackney carriage vehicle licences were issued on 1st July 2008. An additional two licences are to be issued on 1st July 2009 and then a further two at six monthly intervals. This policy will be reviewed after three years.

In view of the current economic situation., do you agree:-

- a) That the current policy should continue as stated Yes 25 No 25
- b) That the current policy should be deferred for 12 months Yes 12 No 23
- c) That the current policy should be deferred indefinitely Yes 21 No 23
- d) Some alternative proposal, please state:

20 comments were added here with no stand out suggestions. More ranks, plate owners to only have one plate, defer for a longer period. One mentioned the University bus is killing trade and another wanted 8 new plates issuing now and then to be capped at 181 (he is no 4 on list)! A few thought that plates should only be owned by those who drive them and that they should not be rented out. Two respondents suggested deregulation.

Please add any other comments you may wish to make:

48 comments were made. The majority of feeling was that plates should not go to people who don't drive and that it should be one plate per person and that plates should not be allowed to be sold on. Plates should go to those that will use them and the council should check how many actually work and those that don't should have the plates replaced by someone who would work. A few comments cited that work was on the decline and more plates would make matters worse. Five comments wanted more ranks as more plates would mean less room on the

present ranks which were already full. A couple of respondents thought that they would be needed because tourism would increase in the city due to the financial climate. If plates were introduced could they be cars and not WAV's. One thought that it would stimulate employment. Another cited the introduction of the University bus as a big factor in loss of trade. Others thought that more plates would make financial hardship worse as there would be less work. One respondent wanted drivers hours introduced which would free up room on the ranks. One person wanted the council to force people to use taxis and another wanted a curb on the number of private hire vehicles licensed. Another was appalled that a council can still allow primitive elitist practices as printing money on plates.

Nigel Woodhead
Licence Enforcement Officer

24th March 2009

Annex 4

Survey

I am disappointed that the council has asked for an interim survey to be carried out by Halcrow. Why?

- The last Halcrow survey was shown to have inbuilt flaws.
- There is already a deregulated taxi service it is called a private hire car, you have to licence any private hire driver who can meet your licence requirements. The only difference is that they can charge their own fare structure, (which is usually set after seeing what the council has set) and they can not pick up of the street. I think you would find that they have an unmet demand at the same periods as the hackney trade.
- The cost of this survey whoever funds it is a waste of money, I understand you are doing the survey to cover your backs in case of a legal challenge , (you will most likely get one as you have promised to release the plates), who in this country does not know that we are in difficult times, with billions poured into the banks and basically owning them, large firms cutting jobs if not going bust altogether, retail outlets closing down by the dozen, even the council will be cutting costs of there own. So who can justify spending an extra £3,000 to check that taxi drivers are struggling as well as anybody else?
- You could have done the job yourselves by watching the line of taxis in the station car park waiting for jobs roughly 1 job per hour except peak periods.
- The surveys carried out only measures unmet demand. It does not take into account the traffic system and hold ups or that taxi drivers like anyone else get fed up of traffic and boozed up customers and they tend to go home rather than servicing the customers.
- My position on the list is 154 I should be wanting you to put on more plates but I do relies that the more plates you put on the less business will be available. So by the time I qualify for a plate if I can wait that long, I will not be able to earn a living and will have packed in taxi driving long before.

I am totally sure that to deregulate or more plates is not in the best interest of The Council, The drivers or the Customers the answer is how does the trade service the demand at peek periods. Until you start asking the right questions you will not get the right answers. Every time the council make decisions the officers cover their backs with the legal position, how many times has it been said we must protect ourselves from a legal challenge. No wonder the legal bill for the council has rocketed in the past couple of years. I think you will find that even the best businesses have difficulty in supply and demand. It is usually the companies that do not offer a good customer service that get the best supply and demand worked out. So they do not go together.

I have worked in both types of the trade and I can tell you that taxi drivers do not like working during periods with traffic problems or late at night. So it doesn't matter if you put 100 plates on you will still get an unmet demand at the peek periods.

I work day shift from the station as an independent and after battling with the traffic during the morning rush hour I then queue up in the car park between 10am till 4pm. At that stage I will make a decision, have I taken enough for that day and do I want to battle the traffic during the evening rush hour. In your mind you are looking for that one good job to take you away from the traffic to Tadcaster, or Pocklington anywhere away from York. If you don't fall for a job like that it will often be Clifton and back to queuing.

It is about time that the officers of the council used the knowledge they have and looked at the problem in the right way i.e.:

How do we meet the Demand without putting people out of work? Or destroying someone's planned investment.

Waiting List

On the current waiting list itself, do you not think that the waiting list should be looked at again, my thoughts are

- The waiting list has been abused by the council departments since it had been in existence. I refer to previous waiting list that have been lost or destroyed and people have not known who was on such list as the council have refused to publish such lists.
- Rumours have it that certain people have been included on the list into privilege positions as they were of the knowledge that a new list was being introduced.
- Rumour has it that people who had no intention of driving a hackney on that plate have been issued a plate and have used it as alternative income
- I was on a list in 1980 when I drove private hire car and was asked by the council in 1983 was I still driving in the trade, as I had left the trade I accepted that my name at that stage had to come off the list. The rules have now been changed so should my points count from 1980? No is the answer from the licensing department, It seems different rules to suit different people.
- I know of three lists that have existed since 1980, and people who were on previous lists in the correct manor have been disenfranchised because they never knew a new list was being compiled and people who would have applied to the lists have not applied as they were under the impression that they would never reach the top as others would be put into privilege positions.
- You now have the situation where a driver who has driven a hackney cab for twenty years is on the list in the 150s and drivers at the top of the list who can not pass fitness test has been offered a plate. The

facts may not be completely accurate as the list has not been published.

- All of the three waiting lists should have been public information open to inspection and all drivers of both types Hackney and Private hire should have been automatically added to the list when they received their licences. The lists should have been published and sent to all people on the list every year.
- Due to the economic situation in the next couple of years the list should certainly be loaded in favour of any person driving a hackney taxi at the moment (driving on a badge but with no plate) followed by anyone driving a private hire car; both groups should be above anyone not in the trade already or anyone who has already got a plate. Until that criterion is applied I think the list is wrong and should be suspended until a resolution is sought. You will most likely waffle why I am wrong and say you can not do this but if do not want my opinion do not ask me. I don't want explanations that the then Chairman of the YTA and Sec YPHA has seen the list and they said it was OK we all know what consultation has been taken place in the YTA previously. This was shown at the Tom Browne court case where the judge said it was surprising the association body had not challenged the ruling.
- I call upon all councillors who make the decisions (not the officers) to halt any issue of new plates until an examination of the waiting list has been done, before any more damage is done to the trade.
- **This letter is my personnel position and not any association that I belong to. As I am on the committee for the YTA and have been on the committee for the YPHA. So that is why I will make this letter available to all councillors on the committee deciding on this matter. I would also like to point out that it is inappropriate for person who has profited out of a plate to make a decision on this subject as it lays that person open to rumour and conjecture within the trade. I accept you can not take peoples plates away this of course will protect people who have invested in the trade under previous rules which I have no problem with. You can stop any more unjustified awards of plates to people who's main aim is to profit from them.**

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Dear Mr Haswell,

Firstly please let me apologise for the lateness of my response to your letter dated 17/02/2009 regarding the Hackney Carriage Waiting List.

Firstly the problem with the business isn't a downturn in trade, primarily the problem is greedy plate owners that are charging over inflated prices to either rent a plate or to drive a licensed Hackney Carriage, currently I am renting a plate and it costs £230 per week. Five years ago a similar plate would have cost £120 per week, so in 5 years, business has not doubled but with the outlay that Taxi Drivers have due to fuel prices, insurance costs, licensing costs and inflated plate rental costs as you can see it would prove to be increasing difficult to make a living. To drive a licensed vehicle, day shift drivers and night shift drivers combined are paying approximately £400 per week and this doesn't always include insurance costs.

Thirdly, with regards the new Hackney Carriage Plates that are being released, I was talking to a gentleman last week who will very shortly be entitled to one of the new Hackney Carriage Plates and when questioned what he was going to do with the plate once he had received it, his reply was I only have a couple of years to go before I retire, so I am going to sell it instantly, I should be able to get around £30,000. At this point as you can imagine, being considerably further down the Hackney Carriage waiting list, it's safe to say that I was outraged that someone could do such a thing, so in my personal opinion, that the whole Hackney Carriage waiting list should be re thought, for example.

Anyone that is no longer involved with the trade should not be left on the list.

Anyone that is close to retirement age, i.e. 5 years or less, should be moved down the list and also

If they are given a Hackney Plate, they should be prevented from selling that plate within a set time frame, e.g. 5 years

If this was done, it would prevent older drivers approaching pensionable age to rethink their situation.

The main problem with the waiting list is that you have drivers who applied to put themselves down on the waiting list a number of years ago and have left the business due to the costs that they have incurred for plate rents or driving licensed vehicles and have gone into other lines of employment, but have never bothered to removed themselves from the waiting list or to notify the council that they are no longer taxi drivers, if a check was done on a regular basis to see if said drivers are still in the business or not, then those who are obviously should be kept on the list, but those who no longer consider taxi driving as a form of employment should be removed from the waiting list, giving people who are still in the business, more of a chance to get their own plate.

Regards