

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 5

meeting date: TUESDAY, 10 SEPTEMBER 2019  
title: HACKNEY CARRIAGES – LIMIT ON NUMBER OF VEHICLE LICENCES  
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: STEPHEN BARKER – SOLICITOR

## 1 PURPOSE

1.1 To seek Committee's views on retention of the policy restricting the number of hackney carriage vehicle licences in the Ribble Valley.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - } The Council seeks to manage the process of licencing hackney carriage and private hire vehicles,
- Corporate Priorities - } operators and drivers in such a way as to provide sufficient capacity and to ensure a high quality of
- Other Considerations - } drivers and vehicles.

## 2 BACKGROUND

2.1 The Council currently restricts the number of hackney carriage vehicle licences to 53, 4 of which are fully wheelchair accessible, and 8 of which have elap seats.

2.2 Maintaining this restriction is generally supported by hackney carriage operators, who can charge a premium on the transfer of a plate. The Council is not aware of any evidence from residents or other consumers that there are not enough licensed hackney vehicles at present.

2.3 Any decision to restrict the number of hackney vehicles should be based on a survey, which has evidenced that there is no unmet demand for the provision of such services.

2.4 Due to budgetary constraints, the Council has never carried out such a survey, but has kept the provision of hackney carriage vehicle licences under review and has responded to requests for consideration of additional licences.

2.5 At present there are no current applications for further hackney vehicle licences.

## 3 ISSUES

3.1 Department for Transport guidance is that best practice is for Councils not to impose any restrictions on numbers whatsoever. This has been followed by most Councils but a substantial minority (88 as at August 2017) including Ribble Valley Borough Council, continue to restrict numbers. Where a Council does consider that a restriction can be justified in principle, the question remains as to the level at which it should be set, bearing in mind the need to demonstrate that there is no unmet demand. The Department for Transport guidance is that in this situation surveys should be carried out sufficiently frequently to be able to respond to any challenge to the satisfaction of a court, and that an interval of 3 years is commonly regarded as the maximum period between surveys.

- 3.2 The Regulatory Committee of Halton Borough Council recently refused an application for 13 further hackney vehicle licences, relying on a statement that an unmet demand survey had been carried out several years previously which supported the continued restriction. However, the survey itself could not be produced, the date of the survey could not be ascertained, and no justification for the current number of hackney vehicle licences could be produced. This refusal was challenged in the Crown Court, where the Judge ruled that any restriction in numbers should be based on evidence, not assumptions. The Court remitted the matter back to the Council with a strong recommendation that Halton Borough Council immediately undertake an unmet demand survey. Costs of the appeal were awarded against Halton Borough Council.
- 3.3 In the light of this decision, the Council has been approached by a company which specialises in conducting surveys which establish whether there is an unmet demand, offering their services. The cost of a full, Department for Transport compliant, survey is estimated to be in the region of £8,500 plus VAT. However, if the preliminary view of the Committee is that they wish to seek to maintain the restriction and therefore seek evidence to support that course of action, aspects of the survey could be carried out on a preliminary basis at a significantly lower cost for each component. Preparation of an outline summary would incur a cost of £750 plus VAT. This would enable Committee to review the position at an intermediate stage, if the evidence gathered by then appeared to indicate that the restriction could no longer be justified.
- 3.4 If required, a survey would include:
- assessment of waiting times for customers at ranks;
  - assessment of waiting times for street hailings and telephone bookings;
  - assessment of latent demand - this would include 200 on-street interviews with users of taxis and other members of the public;
  - consideration of the level of demand at peak hours including rush hours in the morning and evening, and at pub closing time;
  - consultation with the trade, with users groups (including people with disabilities, women and students) with the Police, with the operators of licenced premises and tourism attractions and with providers of other modes of transport.
- 3.5 It is not good practice to have a survey funded by the local taxi trade, as that would call in to question the impartiality and objectivity of the process. No budget exists in this financial year to fund carrying out a survey.
- 3.6 Before incurring expenditure, it may be that Committee would wish to consider consulting existing hackney carriage vehicle licence holders, the Highway Authority and the Police before reaching a decision on whether to establish if retaining the restriction can be justified.

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – officer time involved in the initial consultation
  - Technical, Environmental and Legal – N/A.
  - Political – N/A.
  - Reputation – N/A.

- Equality & Diversity – N/A.

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Instruct the Head of Legal and Democratic Services to consult with existing hackney carriage vehicle licence holders, the Highway Authority and the Police to seek their views as to whether or not the restriction should be retained.
- 5.2 The results of such consultation be reported to a future meeting of this Committee.

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**BACKGROUND PAPERS**

None.

For further information please ask for Stephen Barker, extension 3216.

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