

Meeting General Purposes Committee
Portfolio Area Community Safety and Equalities
Date 30 October 2023

REVIEW OF HACKNEY CARRIAGE LIMIT

NON-KEY DECISION

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1 PURPOSE

- 1.1 To consider the report by Licensed Vehicle Surveys and Assessment (LVSA), in relation to unmet demand for hackney carriage and rank provision, and to review the Council's current policy of limiting Hackney Carriage Vehicle (HCV) licence numbers.

2 RECOMMENDATIONS

- 2.1 That the recommendation at Section 9, first paragraph, page 55, to retain the current limit of 100 hackney carriage vehicles and licenses is approved.
- 2.2 That the consultant's recommendations regarding rank provision, set out in the second paragraph on page 55, are agreed.
- 2.3 That the siting of a new town centre taxi rank, following the relocation of the bus station, be investigated with partners and stakeholders.
- 2.4 That further assistance be provided to persons requiring wheelchair accessible vehicles to source and book them within Stevenage.

3 BACKGROUND

- 3.1 The Council is the licensing authority for the purposes of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847.
- 3.2 Members will be aware that this authority currently restricts the number of hackney carriage vehicle licences issued at any one time to 100.
- 3.3 At a meeting between the Chair and Vice-Chair of General Purposes Committee and the Commercial and Licensing Manager in October 2022, it was agreed that an unmet demand survey be undertaken in order to inform Members regarding future policy on the limitation of hackney carriage licence numbers. Following this, officers commissioned an independent consultant, Licensed Vehicle Surveys and Assessment (LVSA), to carry out this work which was completed between November 2022 and February 2023.
- 3.4 The consultant's report is attached at Appendix A. The survey work on which it is based included extensive consultation with the taxi and private hire trade, the public and other special interest groups of taxi users, as well as observation of taxi ranks. Officers accept the report's findings and recommendations which have been shared with the trade at a taxi forum meeting on 23 October 2023.
- 3.5 The key conclusion is that there is no significant demand for hackney carriages in the Stevenage licensing area which is currently unmet. The Council can therefore retain its current limit at the present level and can defend this in court if challenged.

4 DISCUSSION

- 4.1 The Department for Transport (DfT) in its Taxi and Private Hire Best Practice Guidance (BPG) establishes the process which licensing authorities must follow to justify limitation (the relevant extract of the guide appears at Appendix B). It seeks to provide information to the licensing authority to meet the requirements of section 16 of the Transport Act 1985 which states "that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet."
- 4.2 Several sections of the BPG were revised by the introduction of the "Statutory Taxi and Private Hire Vehicle Standards" (STPHVS) document on 23rd July 2020 but none of these resulted in any material change to the elements regarding unmet demand and its review. The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. At the end of March 2022, consultation began on a fully revised version of the BPG, with responses due back by 20th June 2022 but no final date for acceptance of the revised document has been given.
- 4.3 Local authorities retain the ability to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion (Law Commission, Taxi

and Private Hire Services, Law Com No 347, May 2014, ref CM8864) included retention of the power to limit hackney carriage vehicle numbers but utilising a public interest test determined by the Secretary of State. It also suggested the three-year frequency for rank and accessibility reviews.

- 4.4 While DfT considers it best practice not to impose limits, where restrictions are imposed, it urges that the matter should be regularly reconsidered. It is suggested that the matter should be approached in terms of the interests of the travelling public. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in deterioration in the amount or quality of taxi service provision?

5 SUMMARY OF SURVEY FINDINGS

- 5.1 The report by LVSA has considered the topics contained in paragraphs 45 to 51 of the BPG regarding issues that should be considered when reviewing quantity controls for hackney carriage licences.

- 5.2 The main findings are:

- There is no evidence of any unmet demand in the Stevenage area which is significant and requires issue of any further standard hackney carriage licences at the present time.
- There has been an estimated 44% overall reduction in passenger numbers since the last survey in 2017.
- While app-based providers appear to have gained market share, there is also clear evidence that the hackney carriage trade appears to have remained relatively resilient in contrast to the decline in private hire vehicle numbers.
- There remains a need for a central area rank.
- Comparing the latest national rail usage to the estimated rank passenger departures suggests 10% of all rail arrivals at Stevenage station depart using hackney carriages from the rank there. Compared to the previous survey, rail passenger numbers are down 30%, whereas for the same period rank passengers are down 36%, a relatively similar figure.
- Despite this, the issue of poor service to these customers remains at the train station rank. The rank is privately operated by Great Northern Railways and they permit hackney carriages/taxis to ply for hire. There is a monthly fee licenced drivers pay to access the rank. It is at this rank that unmet demand is seen.

- 5.3 The report recommends that:

- There is need to identify a new town centre rank and encourage its use. This needs work between the trade, the council, Highways Authority and the shopping centre to work out ways that appropriate signing and advertising can be undertaken.

- The issue of poor service to a small number of vulnerable people requiring accessible vehicles must be dealt with to enable them to travel safely and appropriately – this mainly relates to ensuring the good provision in the hackney carriage fleet can be accessed by those preferring to book vehicles in advance.
- The option of a demonstration day for wheelchair and other accessible vehicles could be considered. This would allow the trade, councillors and those needing access to such vehicles either for themselves or for clients, such as care home representatives, to interact and build good will in this very important area. LVSA believes that this option would produce more positive results than any immediate issue of further wheelchair accessible vehicle licences.
- Within these discussions there may be need for agreeing a clear way that wheelchair accessible capable vehicles are clearly identified, e.g. with some form of label as some authorities provide (e.g. Leeds). The issue of producing a list of wheelchair vehicles and drivers should also be seriously considered and the conclusions of this publicised.
- These factors could be drawn together in an Integrated Service Plan as recommended by the currently draft new Best Practice Guidance.

6 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 6.1 On the basis of the evidence gathered in the unmet demand survey, the key conclusion is that there is no evidence of any unmet demand for the services of hackney carriages, either patent or latent, which is significant at this point in time in the Stevenage Borough Council licensing area. The Committee therefore has the option of retaining the current limit of hackney carriage vehicle numbers which could be defended if necessary.
- 6.2 The range of options available for the Committee's consideration regarding policy on limiting hackney carriage licence numbers are set out below:

Option 1 – Retain the current limit of 100 hackney carriage vehicles

This option is supported by the consultant's finding that there is no significant unmet demand and that the travelling public are not adversely affected. LVSA report contains a detailed response to the BPG considerations (see Appendix A) which apply to any decision to adopt this option.

Option 2 – Increase the number of hackney carriage licences gradually by a process of managed growth

The consultant has not recommended additional plates as there is no significant unmet demand to eliminate. This option would require further consultation to be carried out with stakeholders.

Option 3 – Delimit completely

This option would require further consultation to be carried out with stakeholders. If delimitation was identified as an appropriate course of action the Council would also need to consider the introduction of additional quality control requirements for new hackney carriage vehicle licences for which a separate consultation would be undertaken.

7 IMPLICATIONS

Financial Implications

- 7.1 In the event that option 1 is approved, the Council will need to fund a further independent review of taxi provision in the town no later than November 2025. This cost is likely to be in the region of £7,000 to £10,000.

Legal Implications

- 7.2 If option 1 or 2 receives approval, the LVSA survey and this report will assist the Council in its defence to appeals against refusals to grant any additional hackney carriage licences.

Risk implications

- 7.3 If an appeal against refusal to grant an additional hackney carriage licence was successful, this would have the effect of delimiting completely. The absence of a strategy in place to ensure that no sharp uncontrolled increase in vehicle numbers could result in an urgent need to reinstate a limit; this scenario occurred in Watford some years ago.

Community Safety Implications

- 7.4 Community safety is unlikely to be compromised due to accepting option 1. There is no current intelligence to indicate that the current hackney carriage fleet and the number in operation at any time gives rise to a risk. Should a risk be realised at any time, the Council will evaluate the fleet numbers accordingly.

BACKGROUND DOCUMENTS

BD1 Transport Act 1985

BD2 Law Commission's Report on review of vehicle licensing law May 2014.

APPENDICES

A Stevenage unmet demand survey; LVSA; June 2023

B Extract of DfT Taxi and Private Hire Best Practice Guidance ; March 2010