

HAVANT BOROUGH COUNCIL

LICENSING COMMITTEE

12 June 2023

HACKNEY CARRIAGE UNMET DEMAND SURVEY

FOR DECISION

Portfolio Holder: Councillor Elizabeth Lloyd

Key Decision: No

Report number: HBC/009/2023

1. Purpose

- a. This paper is submitted to outline the findings of an unmet demand survey for hackney carriages, conducted by LVSA on behalf of the Council between February and July 2022. The report makes recommendations based on the findings.

2. Recommendation

- a. That Members resolve to retain the current limit of 40 hackney carriage vehicle licences, exploring other options to resolve unmet demand, with a further review in 12 - 24 months.

3. Executive Summary

- a. The Council currently limits the number of hackney carriage vehicle licences issued by the licensing authority to a maximum of forty, five of which must be wheelchair accessible. This is done so in accordance with section 16 of the Transport Act 1985.
- b. The Department for Transport's 'Taxi and private hire vehicle licensing: best practice' guidance recommends that where restrictions on the numbers of hackney carriages are imposed, this should be regularly reconsidered. This is usually addressed using a survey. The Council

appointed LVSA to conduct this survey in 2022. The survey report, which summarises the findings, can be found at Appendix A.

- c.** The project included an on-street pedestrian survey, video observations of the taxi rank at Havant railway station, a survey sent to all licensed hackney carriage and private hire drivers, and consultation with key stakeholders.
- d.** The unmet demand survey primarily focused on use of the taxi rank at Havant railway station, as the Borough's other taxi ranks are rarely used (if at all).
- e.** An industry-approved calculation to determine the Index of Significance of Unmet Demand, or ISUD, is included in the survey report. The calculation takes account of a number of factors, including average wait time and latent demand (waiting for a taxi and giving up). The report found the overall ISUD index to be 1691, which is significantly higher than the accepted cut off value of 80, and thus suggests significant unmet demand for hackney carriages in the Borough.
- f.** Whilst a notable finding of the survey is that the data collected suggests that there is significant unmet demand for hackney carriages in the Borough, the report concludes that the issue of unmet demand cannot be resolved simply by issuing additional licence plates.
- g.** The Council currently has 38 hackney carriage vehicle licences, with two unallocated. These two unallocated licences have been offered to individuals on a waiting list but have not yet been claimed. The two unallocated licences are for wheelchair accessible vehicles.
- h.** In respond to the survey report's recommendations, the Council wrote to all licensed hackney carriage drivers and vehicle proprietors to invite them to join a discussion about how unmet demand could be resolved by other means than issuing further plates. Three public meetings were held, with a total of six representatives of the hackney carriage trade attending, and two written submissions received. The minutes of these meetings, and the written submissions, can be found at Appendix B.

4. Additional Budgetary Implications

- a. There are no additional budgetary implications as a result of this report. Any additional options explored to resolve unmet demand will be funded from the Licensing Team's existing budget.

5. Background and relationship to Corporate Strategy and supporting strategies and policies

- a. Pride in Place: Considering unmet demand and how this can be resolved enables us to improve services for our residents and visitors, and improve the public transport offering in our towns and village centres across the Borough.
- b. Growth: Working with the hackney carriage trade to enable and deliver improvements to Havant town centre and the public transport offering for our residents and visitors.

6. Options considered

- a. The LVSA survey report recommends that unmet demand cannot be resolved by simply issuing further hackney carriage licences. During the public meetings held for hackney carriage licence holders, suggestions of how to improve unmet demand included reviewing taxi fares (with consideration given to a 'peak time' fare), reviewing the Borough's taxi ranks, and running an awareness campaign to improve public confidence in the safety of the hackney carriage and private hire trade. These are all options that the Council can reasonably undertake, and it is suggested that a further review of unmet demand is completed in 12-24 months to determine whether these options have improved the situation.
- b. Whilst the LVSA report recommends that unmet demand cannot be resolved by simply issuing further hackney carriage licences, the Council may resolve to lift the restriction or amend the restriction. This action alone is unlikely to improve unmet demand or resolve it, and therefore not recommended.

- c. The Council could resolve to retain the limit on hackney carriage licenses and take no further action. This option is not recommended as it does not comply with the Department for Transport's 'best practice' guidance to regularly review unmet demand and take appropriate action.

7. Resource implications

a. Financial implications

- i. There are no financial implications as a result of this report.

Section 151 Officer comments

The report has no financial implications and I support its recommendations

Steven Pink – S151

b. Human resources implications

- i. There are no human resources implications as a result of this report.

c. Information governance implications

- i. There are no information governance implications as a result of this report.

d. Climate and environment implications

- i. There are no climate or environment implications as a result of this report.

e. Other resources implications

- i. There are no other resource implications as a result of this report.

8. Legal implications

- a. The Council currently restricts the number of hackney carriage vehicle licences under section 16 of the Transport Act 1985. Section 16 states “the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages [...] if, but only if, the person authorised to grant licences is satisfied that there is no significant unmet demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.”
- b. Any appeal against a decision to refuse an application for a hackney carriage vehicle licence must be made to the Crown Court.
- c. Should the Council choose to retain the restriction on the number of hackney carriage licences, taking alternative actions to resolve unmet demand prior to a further review, the Council may be open to legal challenge. In the event that an application for a hackney carriage vehicle licence is refused on the basis of the Council’s restriction on hackney carriage licences, the Council’s decision to retain the restriction may be scrutinised on appeal to Crown Court.

Monitoring Officer comments

The Legal implications and risks have been outlined above.

9. Risks and mitigations

- a. Exposure to challenge: As noted in section 8 of this report, the Council’s decision to retain the restriction on hackney carriage vehicle licences could be scrutinised during an appeal against the refusal to grant a hackney carriage vehicle licence, or via Judicial Review. Should the Council resolve to retain the restriction on hackney carriage

vehicle licences, it must outline how it intends to resolve unmet demand in other ways and give a timescale for review.

- b.** Reputation: The hackney carriage trade has expressed concerns about the restriction on hackney carriage vehicle licences being lifted, with representatives advising that they will not be able to make a living if additional hackney carriages are licensed. Maintaining a positive, balanced relationship with the hackney carriage trade can be a challenge and the Council should be aware of the potential reputational implications of any decision they make on unmet demand.
- c.** Achievement of outcome: The Government's 'best practice' guidance advises that any restriction on hackney carriage vehicle licences must be regularly reviewed, by means of undertaking an unmet demand survey. The Council has undertaken the relevant unmet demand survey and this report is intended to complete the review.

10. Consultation

- a.** Whilst no formal consultation on any proposal to retain, amend or dispense with the restriction on hackney carriages is required, the Council has hosted a number of meetings for the hackney carriage trade to attend and share their views on the subject of unmet demand.
- b.** These meetings were held with the aim of gathering the perspective of the hackney carriage trade, enabling the Council to gain a better understanding of how they feel about unmet demand and how the restriction on hackney carriages affects them.

11. Communications

- a.** All current hackney carriage drivers and vehicle proprietors will be notified of the outcome of this report.

12. Appendices

- Appendix A – LVSA Hackney Carriage Unmet Demand Survey, March 23
- Appendix B – Invitation to Meetings, Hackney Carriage Trade
- Appendix C – Responses from Hackney Carriage Trade

13. Background papers

- a. Licensing Committee – Wednesday 28 September 2016, Item 56:
Hackney Carriage Unmet Demand Survey

Agreed and signed off by:

Portfolio Holder: Councillor Elizabeth Lloyd 30/05/2023

Executive Head: Alex Robinson 31/05/2023

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