


Crawley Borough Council

	Report No: PES/250	
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Report to the Licensing Committee

12th June 2017

Hackney Carriage Unmet Demand Survey 2017

1 Key Points

- 1.1. On 7th September 2011 Committee decided to implement a policy of limiting hackney carriage vehicle licences granted by Crawley Borough Council (such limit to be the number of current licences granted by the date of the Committee's decision), subject to any applicant demonstrating exceptional circumstances.
- 1.2. Before the Borough Council can decide to continue to restrict hackney carriage licences, the Council must first undertake an unmet demand survey to demonstrate that there is no significant unmet demand. Such surveys should be conducted at least every 3 years.
- 1.3. The required survey has been conducted and a report completed, and Members are now asked to determine whether or not to continue the policy of restricting the number of hackney carriage licences.

2. Recommendations

2.1. The Committee is requested to:

- (1) Give due consideration to the unmet demand survey report which was undertaken on behalf of Crawley Borough Council.
- (2) Decide if it is satisfied there is no significant unmet demand for the services of hackney carriages within the borough.
- (3) If the Committee is so satisfied, to consider whether the Council should continue to have a policy of limiting the number of hackney carriage licences issued by Crawley Borough Council, subject to any applicant demonstrating exceptional circumstances.
- (4) If the decision of the Committee is to continue to operate a policy of limiting the number of hackney carriage licences, to decide at what level (number of licences) the limit is to be set.

Clem Smith
Head of Economic and Environmental
Services

3.0 Background

- 3.1 On 7th September 2011 the Licensing Committee decided to implement a policy of limiting hackney carriage vehicle licences issued by Crawley Borough Council.
- 3.2 Section 16 of the Transport Act 1985 permits a council to refuse an application for a hackney carriage vehicle licence for the purpose of limiting the number of hackney carriages within its area “if, but only if” the council is “satisfied that there is no significant demand for the services of hackney carriages ... which is unmet”. Therefore, to have a general policy of limiting numbers within the borough, the Council must be satisfied that there is no significant unmet demand for such services.
- 3.3 The Department for Transport 2010 Best Practice Guidance recommends that councils, if they are to have a policy of limiting numbers, should demonstrate that there is no significant unmet demand by means of a survey which is conducted sufficiently frequently. The Guidance notes that surveys conducted at intervals of 3 years is “commonly regarded as the maximum reasonable period between surveys” for this purpose.
- 3.4 The Council commissioned CTS Consultancy to undertake the unmet demand survey. A report detailing the survey conducted and analysis of the results has been prepared but it is not attached as an appendix to this report due to its length, however, hard copies are available in the Members’ Study, and further hard and electronic copies can be obtained from either Democratic Services or from the Licensing Office. Members should read the report prior to the Licensing Committee meeting on 12th June 2017.
- 3.5 CTS has been invited to the Licensing Committee to answer any questions that members wish to ask.

4.0 Detail (including consultation carried out)

- 4.1 CTS Consultancy has carried out an independent survey of unmet demand of hackney carriage services on behalf of the Borough of Crawley. The survey has involved extensive consultation with the hackney carriage and private hire trade, the public and other special interest groups of hackney carriage users.
- 4.2 The report concludes that there is no evidence of any unmet demand which is significant at this point in time in the Crawley Borough licensing area. Full details of the survey and analysis are set out in the report.
- 4.3 In its 2010 Guidance, the Department for Transport is clear that it considers it is best practice for councils not place numerical restrictions on hackney carriage licences. Members are referred to paragraphs 45 to 51 of the Guidance.
- 4.4 There is, however, no current statutory prohibition on continued numerical restrictions, although the council ought show, if it does not follow the Government guidance, that it has robust reasons for so doing and has acted reasonably in making its determination.
- 4.5 Members should note that although not yet in force, section 161 of the Equality Act 2010 provides an exception to any limit on numbers with regard to Wheelchair Accessible Vehicles (WAV).

5.0 Decision to be made

- 5.1 Where a council has limited the amount of hackney carriage licences, it ought to keep that policy under review and consider evidence of demand within the borough at least every 3 years, after which it may decide to retain the policy of limiting numbers or not, providing that if the decision is to retain the policy, the council must first be satisfied that there is no significant unmet demand. If a decision is made to continue to limit numbers, the decision should also specify the level at which the numbers are to be limited.

6.0 Ward Members' Views

- 6.1. The Council on this occasion has not consulted or sought the views of Ward Members as this matter is not ward specific.

7.0 Staffing, Financial and Legal Implications/Powers

- 7.1 Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 7.2 Human Rights Act 1998 - any action undertaken by the council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.
- 7.3 Members are reminded that, in discharging their responsibilities, they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010.
- 7.4 In 2002, the Council decided to de-limit numbers and also resolved that all taxis licensed after this time would be wheelchair accessible. 6 additional hackney carriage licences were issued prior to the limit being removed and these vehicles were restricted to London Taxis type thus were wheel chair accessible by nature and at least 1 other purpose built vehicle was licensed at that time. However, the wheelchair accessible policy was never fully implemented for existing licence holders with vehicle plate numbers 1-73. This resulted in a disjointed policy creating a source of friction within the trade. Those who had to provide a wheelchair accessible vehicle felt that it was not a level playing field due to the increased costs associated with an accessible vehicle, balanced against the number of customers requiring this type of vehicle.
- 7.5 Since 2002 the number of wheelchair accessible vehicles has increased from 7 out of 79 licensed vehicles in November 2002 (8.8%) to 50 out of 123 (61.5%) licensed as of the date of this report.
- 7.6 The results of the unmet demand survey, together with test enquiries of operators and care homes indicate that there are no problems in passengers obtaining the services of an accessible vehicle. The Council's extant policy allows the matter of wheel chair accessibility to be taken into account as follows.
- 7.7 The Council is fully committed to meeting the needs of the travelling public in Crawley including those who have disabilities of any nature. In addition to the

disability awareness training drivers shall be required to undertake the number of Hackney Carriages licensed by the authority will therefore contain a sufficient number of vehicles which are capable of carrying a wheel chair as determined by an unmet demand survey which shall include a section on this matter. The Council therefore reserves the right to increase or decrease the number of wheel chair accessible vehicles based on local need. The decision as to whether any vehicle that is submitted to the Council for the purposes of being licenced as a hackney carriage, shall be capable of carrying a wheel chair will be at the discretion of the Head of Economic and Environmental Services in conjunction with the Portfolio Holder for Licensing functions and be made with reference to local need at the time of the application.

- 7.8 The suitability of accessible vehicles and service provision in the fleet was consulted on with key stake holders including Disabled Representatives in Crawley. No comment was received. However, the council has committed to review the situation on a regular basis based on the policy outlined in 7.6 above.
- 7.9 The survey revealed that a passenger had waited for a wheel chair accessible vehicle for 25 minutes at the taxi rank in Three Bridges and no vehicle was available. The passenger was provided with a telephone number for a suitable local company and a wheel chair accessible vehicle arrived with 10 minutes.
- 7.10 The Equalities Impact Assessment for taxis was reviewed and amended in 2016 and is available on request. This assessment revealed that there is no discrimination concerning users of wheel chair accessible vehicles.

8.0 Risk Implications

- 8.1 None.

9.0 Environmental Implications

- 9.1 None.

10.0 Links to the Sustainable Community Strategy and Corporate Plan

- 10.1 The proposals contained in this report relate to the following key areas of the Sustainable Community Strategy

Community Cohesion	Community Safety	Y
Young People and Children	Health and Well Being	
Older People	The Environment	Y
The Local Economy	Social Inclusion	Y

The following key principles are applicable:-

- | | | |
|-------|--|---|
| (i) | Working together | y |
| (ii) | Dignity, respect and opportunities for all | y |
| (iii) | Involving People | y |
| (iv) | Making it last | y |

The report relates to the following areas in which the Council operates to enhance the town and the quality of life of local people:-

- | | | |
|-------|-----------------|---|
| (i) | Prosperity | y |
| (ii) | Community | y |
| (iii) | Environment | y |
| (iv) | Value for Money | y |

11.0 Reasons for the Recommendation

- 11.1. In September 2011 Members decided to implement a policy of limiting the number of licensed hackney carriage vehicles within the Borough of Crawley.
- 11.2. If the Borough Council decides to continue with a policy to restrict licensed hackney carriage vehicles, the Council must be satisfied that there is no significant unmet demand. The survey of unmet demand has been conducted and completed, so Members are now asked to determine whether or not to continue the policy of restricting the number of hackney carriage vehicle licences, subject to an applicant demonstrating exceptional circumstances.

12.0 Background Papers

Report: 'Crawley – Hackney Carriage Unmet Demand Study' by CTS May 2017

[Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010](#)

Report to Licensing Committee 18th June 2014 (PES/157) and minutes of the meeting.

Contact Officer: Tony Baldock
Direct Line: 01293 438220