

6. PRESENTATION OF HACKNEY CARRIAGE UNMET DEMAND SURVEY

REPORT OF: Tom Clark, Head of Regulatory Services

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Wards Affected: All

Key Decision No

Report to: Licensing Committee 2nd July 2018

Purpose of Report

- 1 The purpose of this report is to state the results of the survey commissioned to establish whether there is currently a significant unmet demand for hackney carriages.

Summary

- 2 Currently the Council restricts the number of Hackney Carriage vehicle licences to 154.
- 3 Section 16 of the Transport Act 1985 allows an Authority to refuse an application for a Hackney Vehicle licence if, but only if, they are satisfied that there is no significant unmet demand for taxi services in the area to which the licence would apply. In the event of a challenge to a decision in Court to refuse a licence the Council has to establish that it had, reasonably, been satisfied that there was no significant unmet demand.
4. The Best Practice Guidance issued by the Department for Transport in 2010 recommends that an Unmet Demand Survey is carried out every three years. The last survey reported at the end of 2014.

Recommendations

- 5 **Members are requested to recommend that the Council continues its policy to limit the number of licensed Hackney Vehicles at 154 based on the results of the survey.**
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Background

- 6 By virtue of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and The Transport Act 1985, the Council is required to administer and enforce the activities of Hackney Carriage and Private Hire Operators throughout the district.
- 7 A Local Authority has the power to limit the number of hackney carriages within its area, but only if it is satisfied that there is no significant unmet demand for hackney carriage services. Local authorities that restrict the number of hackney carriages are recommended to carry out an unmet

- demand survey at least every three years.
- 8 The current number of Hackney Carriage vehicle licences that have been issued by the Council is 154. The numbers have been limited to 154 since 2004.
- 9 Unless the Council formally regularly reviews the limitation of hackney carriage licences policy by way of an unmet demand survey, the Council may be open to legal challenge from persons wishing to apply for a hackney carriage vehicle licence.

Conclusions in the report

- 10 The main conclusion of the report is that there is no evidence of any unmet demand which is significant at this point in time. The present limit on vehicle numbers continues to provide benefit to the public.
- 11 There is a need for a new hackney rank in the centre of East Grinstead
- 12 The introduction of Sections 165/167 of the Equality Act 2010 by the Council appears to have provided benefit to those needing wheelchair accessible services and is best practice.
- 13 There remains strong evidence that further benefit will occur from the application of the forthcoming livery policy.

Policy Context

- 13 The commissioning of the unmet demand survey is carried out pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, and the Transport Act 1985 which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

Risk Management Implications

- 14 In accordance with the Council's risk management strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. The Council may be open to serious legal challenge and the resulting costs involved from persons wishing to apply for a hackney carriage vehicle licence if they do not adopt a policy based on the results of the recent survey.

Equality and customer service implications

- 15 The survey finds that there are adequate hackney carriages to meet current customer needs, including an appropriate level of wheelchair accessible vehicles to meet current need and legislative requirements. No other equality impacts have been identified.

Background papers

- 16 Mid Sussex Unmet Demand Survey - report February 2018