

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER**

**TO: POLICY & RESOURCES COMMITTEE**

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## **HACKNEY CARRIAGE UNMET DEMAND SURVEY**

### **PURPOSE OF REPORT**

To consider the results received from a consultation as to whether to conduct a hackney carriage unmet demand survey.

### **RECOMMENDATIONS**

- (1) That an unmet demand survey is carried out and the cost recovered from the hackney carriage proprietor licence fee over a 3 year period.
- (2) That a tender process is commenced with experienced consultants to carry out the survey.
- (3) That the proposed increase in the hackney carriage proprietor's licence fee be advertised in accordance with S70 of the Local Government (Miscellaneous Provisions) Act 1976.

### **REASONS FOR RECOMMENDATIONS**

- (1) Following the consultation the trade want the Council to carry out an unmet demand survey.
- (2) To appoint a cost effective and experienced consultant to carry out the survey.
- (3) To recover the cost of the survey fee through the hackney carriage proprietor's licence fee.

### **BACKGROUND**

1. In accordance with Section 16 of the Transport Act 1985, a survey to determine whether or not there was a significant unmet demand for Hackney Carriages in Pendle was carried out in 2013 and adopted in 2014. Surveys are not mandatory. It is for each Licensing Authority to determine whether one is needed.

2. The survey concluded that there was no evidence of significant unmet demand for hackney carriages in Pendle and the existing limit of 71 remained.
3. The Department for Transport “Best Practice Guidance” does not recommend quantity restrictions. If a local authority does take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

It is suggested that the matter should be approached in terms of the interests of the travelling public, the people who use taxi services. 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 a deterioration in the amount or quality of taxi service provisions?

4. To follow the correct legal procedure a full consultation with all interested parties, including disabled groups, the Police, Lancashire County Council, Pendle Pub Watch, Chamber of Commerce, members of the public, hackney carriage associations and the private hire trade was carried out ending on 8/7/2022.
5. The consultation asked for views on whether the Council should de-limit the existing limit of 71 hackney carriages and issue any additional licences to wheelchair accessible vehicles or carry on with the limit as we have enough licences issued.
6. Hackney carriage proprietors were consulted separately as to their views on whether to carry out the survey and if so would they be willing to fund the cost.

## RESULTS OF THE CONSULTATION

7. The following thirty seven responses were received from the public, trade and organisations:

Eleven thought Pendle had enough taxis
Seventeen said we should de-limit as didn't have enough hackney carriages. Eight of the responses specifically identified more Wheelchair Accessible Vehicles (“WAVs”).
Two private hire vehicle owners thought we should carry out the survey
One private hire operator thought we should de-limit and the additional vehicles be WAV's but not be stringent on the red colour due to costs and lack of available vehicles
Burnley, Pendle & Rossendale Council for Voluntary Services agreed that more WAV's were required and suggested the taxi trade sets up a dedicated phone number for clients to arrange journeys together.
The Police felt there was enough taxi's operating in the area and that there was no issues with the night time economy.
Two referred to the private hire trade only.
Two organisations felt they were unable to comment

8. The following twenty two responses were received from our hackney carriage proprietors

Seventeen specifically said they wanted the Council to conduct a survey
Ten specifically said they would pay for the survey
The other general comments were that there are already too many hackney carriages in Pendle; not enough rank space for any additional vehicles; already difficult to make a living; many are having to work with private hire operators due to the lack of work from the ranks and waiting time for customers approaching the rank can be up to 3 hours at times.
Therefore, is it assumed that all the twenty two responses are in favour of the Council carrying out a survey with the cost recovered through their licence fees.

9. The Chairman of the Hackney Association Pendle stated:

- I've asked all the hackney carriage driver's and they were happy to pay the survey fee. He felt the Council should do the survey first and then make a decision following the results.

10. The Hackney Drivers Association stated:

- that the Council would have no evidence for the need for WAV's is a survey wasn't carried out
- the Council already have WAV's at present and questions whether they are busy all the time, if not they may change their vehicles, or drop out of licensing
- the new (draft) Best Practice Guidance is likely to seek accessibility reviews and rank reviews every three years and if the Council did a survey evidence could be gathered from that and would be more cost-effectively
- other Councils that have deregulated in favour of WAV's have not seen any increase in the vehicle numbers that are WAV's
- should be mindful of deregulating in favour of low emissions where there is no limit drivers may not invest in the newer vehicles due to the cost of vehicles which may lead to significant unmet demand.

## ISSUES

11. As outlined in point 4 above we should look at what benefits or disadvantages arise from keeping the limit or not to the public and the service provided.
12. Other relevant matters that should be taken into account are financial impact and potential reduced custom on existing licence holders; congestion on the hackney carriage stands and roads; benefits to the travelling public; opportunity for others to become involved in the trade and securing a livelihood and the costs relating to the survey, allocation a small number of additional licences and defending any appeals against refusals to grant licences.
13. To delimit the number of hackney carriages and issue any additional licences should not have any great impact on the trade as due to the cost of purchasing and running a WAV we would not expect to have an influx of new applications.
14. Existing licence holders should not suffer any additional financial impact due to the anticipated low number of new applications.
15. Existing licence holders would not have to purchase WAV's and could continue to license their existing saloon vehicles.

16. There would be no disadvantages to members of the public as there would be the same amount of existing vehicles. The benefits would be more accessible vehicles available direct from the hackney carriage ranks.
17. A disadvantage is that we cannot control the number of vehicles available from ranks as a number of hackney carriage drivers now work with private hire operators, therefore any additional WAV's may not be directly available from the ranks.

## **CONCLUSION**

18. It can be seen from the responses received back from the hackney carriage trade that there is a desire for the Council to carry out an unmet demand survey with the costs paid by them.
19. They feel that a decision should only be made once a survey has been carried out on whether to delimit the number of hackney carriage licences we issue.
20. From the responses we received back from members of the public, many didn't fully understand the difference between hackney carriages and private hire vehicles and it was difficult to get a clear picture on just the hackney carriage trade.
21. The Police have said they don't have any difficulties with the night time economy with the number of licensed vehicles we have, although they are referring to the whole of the trade, including private hire.
22. From the above points it is felt that if the trade want and are willing to pay for a survey then we should carry one out and report back with the results before any decisions are made.

## **IMPLICATIONS**

### **Policy:**

The current policy is no more than 71 hackney carriage licences be issued with 5 of those being wheelchair accessible vehicles.

### **Financial:**

The cost of a survey would have to be met by the Council in the first instance and recovered over a three-year period from the hackney carriage proprietor's licence fees.

### **Legal:**

There is a risk of a challenge of our policy if a survey is not carried out and we continue with a limit.

### **Risk Management:**

None arising directly from the report.

### **Health and Safety:**

None arising directly from the report.

### **Sustainability:**

None arising directly from the report.

### **Community Safety:**

The need to have enough licensed vehicles for the public to hire to get to their destination.

### **Equality and Diversity:**

Increase in wheelchair accessible vehicles.

## **APPENDICES**

None.

## **LIST OF BACKGROUND PAPERS**

1. The Department for Transport “Best Practice Guidance”.
2. Section 16 of the Transport Act 1985