

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

14 NOVEMBER 2013

**REPORT OF DIRECTOR OF REGENERATION AND
COMMUNITIES**

Report prepared by Neil Harris

1. HACKNEY CARRIAGE LICENCE - UNMET DEMAND SURVEY

1.1 Issue for Decision

To consider the results of the Unmet Demand Survey carried out by Amey, which is attached at Appendix A, in respect of the numbers of Hackney Carriage licences in Maidstone .

1.2 Recommendation of Director of Regeneration and Communities

1.2.1 That Members consider the report submitted by Amey, indicating an absence of any significant unmet demand, and consider the following options:-

- Agree to maintain the current level of Hackney Carriage licences on the basis that there is no significant unmet demand for Hackney Carriages locally.
- To pursue the option to exercise discretion to issue a number of additional Hackney Carriage licences (in one or in stages), and that a report be submitted to the committee on the advantages and disadvantages of such an approach including the potential additional numbers, method of allocation and if felt appropriate the method of consultation on this proposal.
- To pursue the option of removing the current limit on Hackney Carriages (de-limitation) by commencing a period of public consultation including Hackney Carriage Operators and Drivers, and other interested parties over a six week period and that the results of the consultation be reported back to the committee for a final decision to be taken.

1.2.2 That the Officers report back on the other recommendations within the survey to the next meeting of the committee.

1.3 Reasons for Recommendation

- 1.3.1 The Transport Act 1985 (Section 16) requires the Licensing Authority to grant a Hackney Carriage licence to any valid applicant unless it is satisfied that there is no significant unmet demand for Hackney Carriages in its area.
- 1.3.2 The Council currently restricts the number of Hackney Carriage licences to 48. The last unmet demand survey was undertaken in 2008/9 and recommended that no new licences be issued. In 2005 a previous survey recommended that a further 9 new licences be issued over a 3 year period which was implemented.
- 1.3.3 The Department for Transport asks that all Licensing Authorities that operate a numerical restriction, review their policy on a regular basis, approximately every three years.
- 1.3.4 The Government believes restrictions should only be retained where it is shown to be a clear benefit to the consumer. The Council should justify their reasons for any retention of restrictions. The Government makes it clear that Local Authorities remain best placed to determine their local transport needs and to make decisions about them in the light of local circumstances.
- 1.3.5 The Law Commission, in their interim statement, have indicated that they will not be recommending the abolition of quantity controls but that they will want the Secretary of State to review the position of the transfer of these licences where authorities have quantity controls.
- 1.3.6 The survey prepared by Amey has found that there was no evidence to support the need to increase the number of Hackney Carriage licences and that the existing number could be retained. It also indicated that it was still open to the Council to increase the number of licences issued if it wished and to even remove all restrictions on quantity controls. The advantages and disadvantages are set out in Table 14 in the survey report.
- 1.3.7 The survey report also highlighted a number of recommendations relating to associated issues. It has not been possible to look into the detail of all of these and it is suggested that a report on these is submitted to the next meeting of the committee.

1.4 Alternative Action and why not Recommended

- 1.4.1 The Government Best Practice guidance requires local Authorities to regularly review their policy on this matter. Therefore it is necessary

to undertake this exercise, not to do this would be in breach of guidance and leave the Council open to challenge.

1.5 Impact on Corporate Objectives

1.5.1 Retaining a vibrant Hackney Carriage Service helps meet the Council priorities of having a growing economy and being a decent place to live.

1.6 Risk Management

1.6.1 It is necessary that the Council reviews its number limitation policy by considering whether there is any significant unmet demand and therefore completing this exercise meets Government guidance. Not to do so would leave the Council open to challenge.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	X
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 Financial – the cost of undertaking the unmet demand survey has been met from within existing budgets.

1.7.3 Legal – The legal implications are contained within the body of the report and include Section 37 of the Town Police Clauses Act 1847 as amended by Sections 15 and 16 of the Transport Act 1985 as well as the Department for Transport’s Best Practice Guidance.

1.7.4 EINA– All Taxis in Maidstone are the London style black cab and meet the requirements to carry wheelchairs. If Members are minded to issue additional licences then the new vehicles should also meet this requirement.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix A – Unmet Demand Survey.

1.8.3 Background Documents

1.8.4 None

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, this is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			