

# LICENSING COMMITTEE

11 FEBRUARY 2020

**PRESENT:** Councillor S Renshell (Chairman); Councillors T Mills (Vice-Chairman), M Collins, P Cooper, M Hawkett, S Lambert, L Monger, S Morgan, G Powell, B Russel and Sir Beville Stanier Bt (ex-Officio).

## 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 4 November, 2019, be approved as a correct record.

## 2. UNMET DEMAND SURVEY FOR HACKNEY CARRIAGES

The Committee received a report seeking agreement from Members to the commissioning of an unmet demand survey in respect of the Council's hackney carriage limitation policy for Aylesbury town.

The number of hackney carriages (taxis) serving Aylesbury town was currently limited to 50. They were identifiable as black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council did not limit the number of taxis.

Members were informed that Section 16 of the Transport Act 1985 permitted the Council to limit the number of taxis in respect of which licences were granted, if, but only if, the Council was satisfied that there was no significant demand that was unmet. Case law had established that where an authority could not be satisfied that there was no unmet demand, it had no discretion to refuse to grant further licences for the purposes of limiting numbers.

According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, the Department regarded no quantity restrictions as best practice but acknowledged that ultimately what mattered was what was in the interests of the taxi travelling public. This involved balancing the benefits and disadvantages of continuing to limit against those for removing it. The only meaningful way that an authority could be satisfied that there was no significant unmet demand, to assess the benefits and disadvantages of imposing a limit, and to determine an appropriate level at which to set a quantity restriction, was to conduct a survey.

Surveys needed to be sufficiently robust to withstand legal challenge and should entail monitoring waiting times at ranks, assessing waiting times for hailing customers, waiting times for advanced bookings, latent demand and consultation with the trade, passengers and wider stakeholders. In line with DfT guidance, licensing authorities were encouraged to review quantity restriction policies at least every three years although the last full and detailed survey for Aylesbury had been carried out in 2014 and had concluded there was no significant unmet demand.

In September 2017 the Licensing Committee had agreed to defer carrying out an unmet demand survey to give hackney carriage vehicle proprietors the opportunity to upgrade their vehicles in accordance with pending revised vehicle specifications. Members felt it was important that the availability of a fleet of new vehicles should be taken into account when considering demand for taxis. Since 2017 the Licensing Service had worked with representatives of the local hackney carriage trade and agreed specification details for hackney carriage vehicles.

Access to ranks continued to be a contentious issue in Aylesbury town centre. The County Council had implemented a number of changes to parking and traffic arrangements in Aylesbury Town Centre, which included the installation of parking meters and the removal or relocation of some ranks. Representatives from the taxi trade had reported for a number of years now that these changes were causing them financial hardship and adversely affected their ability to serve travelling members of the public.

The Licensing Committee had agreed in May and September of 2018 to defer the decision to carry out an unmet demand survey in respect of AVDC's hackney carriage quantity control policy for Aylesbury Town Centre. It had been felt that until the long term provision of parking, ranks and traffic arrangements was established in the town centre it would be difficult to conduct a meaningful unmet demand survey. It was expected that the long term provision of ranks in the town centre would become clearer in 2019 following planned consultations by the county's parking services. However, due to a number of factors this consultation work had yet to be done and the long term provision of ranks in the town centre was still not clear.

Any significant change to parking arrangements required comprehensive surveys and extensive consultation and the County Council's parking services had confirmed that as a consequence there would be no change to the local parking arrangements in the near future.

Given the circumstances detailed to Members the recommendation from Officers was that an external company be commissioned as soon as possible to undertake the unmet demand survey in respect of the Council's hackney carriage limitation policy for Aylesbury town.

Members sought further information and were informed:-

- (i) that due to the complexities in undertaking a survey, it would be possible to start work on one as soon as it could be commissioned, although it was unlikely that the survey would be concluded until after vesting day. However, any survey could be made available to the new Council when it considered formulating new policies.
- (ii) that the likely cost of the survey would be £10,000, for which there was already an approved budget allocation.
- (iii) that the other Bucks District Councils did not have hackney carriage limitation policies.
- (iv) that hackney carriage owners/drivers would have an opportunity as part of any survey to explain how the changes made to the long term parking provision, ranks and traffic management in the town centre had impacted on their businesses.

Members further considered the merits of commissioning the unmet demand survey now or deferring such a decision and recommending to the new Council that such a survey should be undertaken when formulating new licensing policies.

It was moved by Councillor Mills, seconded by Councillor Hawkett, and –

RESOLVED –

That the Committee agreed to the commissioning of an unmet demand survey in respect of the Council's hackney carriage quantity control policy for Aylesbury Town, for the reasons set out in the Committee report.

**3. DATE OF NEXT MEETING**

RESOLVED –

That the next and last meeting of the Licensing Committee would be held at 10am on Monday 16 March, 2020.

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The Group Manager – Regulatory Services provided Members with an update on the Mandatory CSE Safeguarding Training for Taxi and Private Hire Vehicle Drivers.