

# **REPORT ON THE COUNCIL'S LIMITATION POLICY IN RESPECT OF AYLESBURY TOWN**

Andrew Small

## **1 Purpose**

- 1.1 For Members to consider the commissioning of an unmet demand survey in respect of the Council's hackney carriage limitation policy for Aylesbury town.

## **2 Recommendations/for decision**

- 2.1 For Members to agree 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 this report.

## **3 Supporting information**

- 3.1 The number of hackney carriages (taxis) serving Aylesbury town is currently limited to 50. They are identifiable as black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council do not limit the number of taxis.
- 3.2 Section 16 of the Transport Act 1985 permits the Council to limit the number of taxis in respect of which licences are granted, if, but only if, the Council is satisfied that there is no significant demand which is unmet. Case law has established that where an authority cannot be satisfied that there is no unmet demand, it has no discretion to refuse to grant further licences for the purposes of limiting numbers.
- 3.3 According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, the DfT regards no quantity restrictions as best practice but acknowledges that ultimately what matters is what is in the interests of the taxi travelling public. This involves balancing the benefits and disadvantages of continuing to limit against those for removing it.
- 3.4 The only meaningful way that an authority can be satisfied that there is 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, is to conduct a survey. Surveys need 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.
- 3.5 In line with DfT guidance, licensing authorities are encouraged to review quantity restriction policies at least every three years.
- 3.6 The last full and detailed survey was carried out in 2014. The survey concluded that there was no significant unmet demand. If the current DfT Best Practice is to be strictly applied, demand should have again been surveyed in 2017.
- 3.7 In September 2017 the Licensing Committee 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 this time the Licensing Service has worked with representatives of the local hackney carriage trade and agreed specification details for hackney carriage vehicles.

- 3.8 Access to ranks continues to be a contentious issue in Aylesbury town centre. Bucks County Council have implemented a number of changes to parking and traffic arrangements in Aylesbury Town Centre, which includes the installation of parking meters and the removal or relocation of some ranks. Representatives from the taxi trade have reported for a number of years now that these changes are causing them financial hardship and adversely affect their ability to serve travelling members of the public.
- 3.9 The Licensing Committee agreed both 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 was felt that until the long term provision of parking, ranks and traffic arrangements is 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. Due to a number of factors this consultation work is yet to be done and the long term provision of ranks in the town centre is still not clear. Any significant change to parking arrangements requires comprehensive surveys and extensive consultation and Bucks CC parking services have confirmed that as a consequence there will be no change to the local parking arrangements in the near future
- 3.10 It was reported at the meetings in 2018 that the DfT were expected to publish new best practice guidance to replace the guidance published in 2010. It was suggested that new guidance may offer a revised view on limitation policies. To date this guidance is yet to be published and there is not further indication of a likely timescale.
- 3.11 In summary, at least 5 years have passed since the last unmet demand survey was commissioned. The legal position is clear that licensing authority's can only refuse to grant additional hackney carriage licences if they are satisfied there is no significant demand for taxis which is unmet. The only meaningful way to establish this is by way of a comprehensive survey. The longer the period that has lapsed between surveys, the less certain the Council can be concerning decisions relating to limitation policies and the greater the risk to legal challenge.
- 3.12 Due to the comprehensive and specialist nature of these surveys it is advisable that an external company be commissioned to conduct this work.

#### **4 Options considered**

- 4.1 The Council could once again defer conducting a survey and allow the matter to be considered by the new Buckinghamshire Council.
- 4.2 The Council could decide that a limitation policy is no longer necessary in which case a survey would not be necessary.
- 4.3 The Council could commission an unmet demand survey.

#### **5 Reasons for Recommendation**

- 5.1 The Council could defer conducting a survey, however a considerable period of time has lapsed since the last survey. Any decision to refuse to grant a taxi licence may be challenged by way of appeal and future decisions to refuse on the basis of a limitation policy needs to be based on reliable information. The longer the period between surveys renders those decisions more liable to successful challenge.

- 5.2 A decision to remove the limitation policy would entail a change to Council's policy and should only be made following consultation with stakeholders. It is recommended that no significant policy changes be considered at this stage of the unitary process but left to the new Buckinghamshire Council after 1 April 2020.
- 5.3 In the meantime it is recommend that the Council instigate the work on a survey. The survey can be commissioned to begin with immediate effect and the results used to help shape future policy under the new Council.

## **6 Resource implications**

- 6.1 The cost of the survey will be covered within existing budgets.

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Background Documents	None