



Report to Licensing Committee

Date: 1 July 2020

Reference number: N/A

Title: Update on the unmet demand survey (Aylesbury area)

Relevant councillor(s): Licensing (Regulatory) Committee, Cllr Fred Wilson, Cabinet Member for Regulatory Services

Author and/or contact officer: Simon Gallacher, Principal Licensing Officer

Ward(s) affected: N/A

Recommendations: To note and comment on the content of the report, no decision required.

Reason for decision: N/A

Executive summary

1.1 The Council is permitted to limit the number of hackney carriages (taxis) it licences in a particular zone, if satisfied that there is no significant demand which is unmet. The Aylesbury 'Town' zone is the only area of Buckinghamshire Council subject to a numerical limit, which is currently 50. The only feasible way of establishing unmet demand is through a survey, which must be conducted at regular intervals to remain reliable and withstand legal challenge. It is over five years since the last survey was conducted, a new survey was commissioned in March 2020, however work on the survey is now suspended as a consequence of the Covid-19 impact.

Content of report

1.2 The creation of Buckinghamshire Council has brought together four separate licensing authorities with separate Hackney Carriages zones in operation. Vehicles licensed in one particular area may only park on ranks and ply for hire in the area in which it is licensed. Each of these zones is subject to its own schedule of fares and different vehicle standards, Byelaws, conditions and licence fees apply.

- 1.3 The former Aylesbury Vale area contains separate hackney carriage zones arising from historical boundary changes. The Aylesbury ‘Town’ zone, which mirrors the former Aylesbury Borough Council, has a long established limit of 50 licensed hackney carriages. The remaining hackney carriage zones in Buckinghamshire are not subject to number limitations.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 In line with DfT guidance, licensing authorities are encouraged to review quantity restriction policies at least every three years. The last detailed survey was carried out in respect of Aylesbury Town in 2014. Since this time changes to parking arrangements in the town centre have affected the location and availability of taxi ranks and dedicated parking spaces for taxis. Uncertainty surrounded the permanency of these parking arrangements as the Parking Service of the former County Council had planned to review the town centre parking arrangements in 2018/2019. The former Licensing Committee of Aylesbury Vale DC determined on several occasions that it would be difficult to conduct a meaningful survey if standing provision for taxis were expected to change. In January 2020 the Licensing Committee considered the matter again, in light of the fact that a review of the town centre parking arrangements had still not been instigated and any possible changes were unlikely to occur in the near future. The Committee considered that it had been five years or more since the last survey had been conducted. The Committee determined that it was now appropriate to instigate a survey to ascertain levels of demand for hackney carriages in the town centre; it was anticipated that the

outcome of the survey would support policy decisions for Buckinghamshire Council post vesting day.

- 1.8 Following the decision of the Licensing Committee, a specialist traffic and transportation survey company was instructed to commence the survey work forthwith and dates in mid-March 2020 were agreed to perform the physical observation element of the surveys. Shortly after agreeing the dates, the Covid-19 virus started to have an impact and it was deemed appropriate to suspend work on the survey as the information gathered would not be representative.
- 1.9 It is difficult to envisage at this stage when hackney carriage and private hire operations may return to 'normal' operation. Until such time as this occurs it is eminently sensible to refrain from conducting a survey and this work remains suspended.
- 1.10 Depending on the outcome of the pending taxi and private hire policy review, it may be deemed not appropriate or necessary to proceed with the survey work. A survey is only required to provide evidence to support a numerical limitation policy. Should the Council decide not to impose a limit then no survey is required, however such a decision should be subject to stakeholder consultation.

Other options considered

- 1.11 The Council could instigate the stakeholder questionnaire element of the survey, however an essential element of the survey work is the physical observations of traffic activity and taxi rank use. Without this physical element it is not possible to conduct any meaningful analysis. It is likely to be many months before meaningful physical observations can be performed by which time questionnaire data collated at the present time could be considered obsolete.

Legal and financial implications

- 1.12 Legal implications contained within the body of the report.
- 1.13 No additional financial implication. The cost of the survey work has been met through the budget of the former AVDC licensing service.

Corporate implications

1.14

- Property – N/A
- HR – N/A
- Climate change – N/A

- Sustainability – Ensuring that the right level of taxis are available is more likely to reduce the desire for individual car ownership and helps promote the sustainability objectives of the Council.
- Equality – in accordance with current policy requirements all Aylesbury Town licensed hackney carriages are required to be wheelchair accessible. Future decisions affecting the availability of hackney carriage should be considered in light of an equalities impact assessment.
- Data – N/A
- Value for money – the cost of the survey work has been met through the budget of the former licensing service of AVDC.

Consultation and communication

1.15 The consultation work associated with the unmet demand survey has not been commenced.

Next steps and review

The decision to suspend the ‘Unmet Demand Survey’ will be maintained under review as the Covid-19 situation evolves and decisions are made concerning taxi and private licensing policy matters in Buckinghamshire.

Background papers

[Department for Transport Best Practice Guide 2010.](#)