

 <b>Licensing &amp; Regulatory Committee</b> <b>20.02.17</b>		<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Consideration of a Hackney Carriage Vehicle Limitation Policy	
<b>For further information about this report please contact</b>	Lorna Hudson Regulatory Manager, Health and Community Protection. Tel: 01926 456705 Lorna.hudson@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	NA	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	27.01.17	Andrew Jones
Head of Service	25.01.17	Marianne Rolfe
CMT		NA
Section 151 Officer		NA
Monitoring Officer	27.01.17	Andrew Jones
Finance	30.01.17	Mike Snow
Portfolio Holder(s)	02.02.17	Moira-Ann Grainger
<b>Consultation &amp; Community Engagement</b>		
Recommendation to approve a six week public and stakeholder consultation		
<b>Final Decision?</b>	No	
Final decision expected to be made after the public consultation, report to be sent to Executive Committee.		

## **1. Summary**

- 1.1 The purpose of this report is to introduce Members to the findings of the Warwick District Council Hackney Carriage Unmet Demand Survey – Final Report (*The Report*) carried out by CTS Traffic and Transportation and request approval to carry out a public consultation on the proposed options.

## **2. Recommendation**

- 2.1 Members are requested to approve a 6 week consultation with stakeholders on the 4 options for hackney carriage Licences (HCL) as outlined in *The Report*.

Potential options are outlined below: (*See page 61, chapter 7. Summary and Conclusions and page 65, chapter 8. Recommendations: The Report*).

- § Retain the status quo – no change to existing policy\*
  - § Return a limit at a fixed level\*
  - § Option 2 but also take opportunity to work to develop the fleet\*
  - § Return a limit but on the basis of no issue of any new plates (therefore number of plates reduces over time)\*
- \*(page 64, *The Report*)

- 2.2 Members to note the above is to be undertaken with a view to a full report back to Licensing & Regulatory Committee at the earliest opportunity, which will confirm the outcome of the consultation (projected to be 30 May 2017) and discuss the advantages and disadvantages of applying a limit.

## **3. Reasons for the Recommendation**

- 3.1 In respect of hackney carriages the main statutory function and aim of Warwick District Council is to protect the public but at the same time ensuring there is reasonable access to a safe and well maintained taxi service.
- 3.2 Representations have been received from the trade that there are too many hackney carriages in the Warwick area and they request a cap to be put on numbers. The Council waited until the petition numbers had raised to over 75% of the trade being in favour of a survey being carried out, which was achieved in March 2015.
- 3.3 Conducting a public consultation on the proposed options will, as far as practical, help to ensure stakeholders are aware of the findings in *The Report* and have had opportunity to comment on the proposed options.

## **4. Policy Framework**

- 4.1 **Policy Framework** – Currently the Warwick District Council policy does not limit the number of HCL it issues. Anybody can apply for a HCL, subject to applicants meeting our quality standards and complying with vehicle and driver conditions.

Adopting a limitation policy would not require any change to the constitution. The power to implement such a change in policy is contained within HCP (50) in the Council's Scheme of Delegation.

The Committee is at liberty to remove a limit at any point that it becomes clear such a change is necessary, such as if there is significant growth in the area, or if passenger complaints are received in terms of availability in the area

- 4.2 **Fit for the Future** – Setting a limit would support existing business growth and development; however there is an argument that adopting a limit can restrict new business growth and future entrepreneurs in the trade.

Protecting the public needs to be the main factor in the decision making process. In terms of supporting business growth the Council need to balance the rights of an applicant to make an application whilst providing assurances to the public.

- 4.3 **Impact Assessments** – An impact assessment will be carried out following consultation with the stakeholders.

## **5. Budgetary Framework**

- 5.1 Restricting the number of licences issued could have some impact on income; however, the local authority is able to recoup costs for the services against the trade.
- 5.2 Members to note subject to a decision to apply a new Hackney Carriage Vehicle Limitation Policy, the position will need to be continually evidenced and further independent surveys will need to be undertaken.

The next survey would be due in 2019 and every 3 years thereafter.

- 5.3 The additional charges arising from surveys and the on-going staffing costs should not be met by the tax payer. Subject to Executive Committee approval, these charges should be paid for by the hackney carriage trade by way of the licence fees, which may need to be increased if necessary. Currently the best guess estimate for all the associated staffing and resource costs for commissioning, implementing and maintaining a Hackney Carriage Vehicle Limitation Policy are between £15,000 to £20,000 triennially. Licence fees are due to be reviewed as part of Fees and Charges in October for any changes to be effective from 2018.

## **6. Risks**

- 6.1 For a period of time, the decision to apply a limit would be defensible in Court, should any challenge be raised following the introduction of a Hackney Carriage Vehicle Limitation Policy by somebody who was refused, based solely on a limitation policy.
- 6.2 The policy and justification for applying a limit would need to be reviewed every three years.
- 6.3 It should also be noted that Government policy discourages too much interference with “market forces” and tends to prefer quality controls over quantity ones. The Government are also in the process of reviewing taxi related legislation, however at the point of writing there has been no indication given as to when the review will be finalised.

## **7. Alternative Option(s) considered**

- 7.1 The authority can attempt to restrict the number of vehicles in a hackney carriage fleet by using quality controls. For example, controls on age or types of vehicles used, which can have a similar effect to increasing the cost of entry to the hackney carriage vehicle market. Other quality controls adopted by other local authorities include mileage limitations on vehicles, restrictions to where proprietors live and even on exhaust emissions and greener vehicles in areas with elevated air pollution levels.
- 7.2 At the present time, the quality controls applied to a new hackney carriage license application are that it must be a brand new vehicle and have side loading wheelchair accessibility.

## **8. Background**

- 8.1 In 1974, Warwick District Council agreed to restrict the number of hackney carriage licences in its area. The main driving factor at the time was to ensure, as far as possible, that an adequate service was provided during off-peak hours. This position was considered again in 1999 when it was reported there appeared to be an unmet demand for wheelchair accessible vehicles. Subsequently the sub-committee decided to rescind the cap on numbers and agreed new licences would only be granted which had facilities for carrying disabled persons in a wheelchair.
- 8.2 In 2003, following representation from taxi proprietors, Members were asked to consider whether to agree in principle to re-introduce the limit on the number of Hackney carriage licenses and officers were requested to obtain quotes for a survey. However, no record can be found of any such survey having been carried out at this time.
- 8.3 In August 2015 the council appointed CTS Traffic and Transportation to undertake a survey of demand for hackney carriages in the Warwick District. The review was carried out between September 2015 and February 2016. The review methodology included on-street pedestrian surveys, consultation with drivers, rank surveys, and communication with other stakeholders such as local business the police and town councils. The final report was submitted to the Head of Health & Community Protection in September 2016 and shared with the Drivers and Operators Forum in November 2016, the report was then downloaded onto the council website for public view.