

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

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| SUBJECT: | INDEPENDENT SURVEY OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL |
| WARD AFFECTED: | ALL WARDS |
| REPORT OF: | STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT |
| RESPONSIBLE PORTFOLIO HOLDER: | COUNCILLOR WJ DAVIES |
| KEY DECISION? | NO |

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek the approval of Members to undertake a procurement exercise in order to appoint an independent company to carry out a survey to determine the level of demand for Hackney Carriage Vehicles in Wirral. Members are also asked to approve the proposed scope for an independent survey which is attached at Appendix 1.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The primary legislation governing the licensing of Hackney Carriage Vehicles is the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and The Transport Act 1985.
- 2.2 Until the Transport Act 1985 came into effect Licensing Authorities had an unfettered discretion to limit the number of hackney carriage vehicles that it would license. Section 16 of The Transport Act 1985 removed that unrestricted power to limit the number of hackney carriage vehicles. As a consequence the number of hackney carriage vehicles may be limited but only on the following basis;
- ‘the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet’.
- 2.3 The usual method of ascertaining the level of demand is by means of an independent survey to establish the level of demand for hackney carriages.
- 2.4 On 23 January 2012 Members of this Committee resolved to impose a limit of 289 on the number of Hackney Carriage Vehicle Licences that could be issued by the Council. The limit was set at 289 following recommendations made by Halcrow Group Limited

who undertook an independent study of the demand for hackney carriages in Wirral during June 2011. This recommendation followed their findings that at the time of their study, when there were 289 hackney carriages licensed, there was no evidence of significant unmet demand for hackney carriages in Wirral. The study further reported

‘that in the medium term, however, as demand for taxis may continue to grow with the redevelopment of Wirral, it is possible that consumers may be inconvenienced by a limit of 289.’

- 2.5 As referred to in paragraph 2.2 in accordance with Section 16 of The Transport Act 1985 the Council must be satisfied that there is no significant unmet demand for hackney carriages, before refusing to grant a licence in order to limit the numbers. The legislation does not stipulate any specific frequency for the surveys, however guidance from The Department for Transport advises that any licensing authority that controls the number of taxis should ensure that this policy is based on up to date information as well as evidence of the benefits to consumers in retaining the restriction.
- 2.6 The imposition of the limit in January 2012 followed the last survey undertaken to determine the demand for hackney carriages in Wirral which took place in June 2011, it is therefore considered appropriate due to the time lapse since this study for the council to appoint an independent company to undertake a new survey into the current demand for hackney carriages in Wirral.

3.0 RELEVANT RISKS

- 3.1 The Council must be able to demonstrate that there is no significant unmet demand for hackney carriages before refusing to grant a licence in order to limit the numbers. Should the Council not undertake a survey at this time the Policy of having a limit on the number of hackney carriage licences may be successfully challenged.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 There is no provision for other options to be considered.

5.0 CONSULTATION

- 5.1 This is not a matter which requires consultation.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no specific implications arising from this report.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 7.1 There are none.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are cost implications that will be incurred through the appointment of an independent company to undertake a survey which will be financed through income from licence fees.

9.0 LEGAL IMPLICATIONS

9.1 A decision of the Committee may be subject to legal challenge.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because there is no relevance to equality.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are no specific carbon reduction implications arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 Members delegate officers to undertake a procurement exercise in order to appoint an independent company to establish the level of demand for Hackney Carriage Vehicles in Wirral. Members are also asked to approve the proposed scope for an independent survey which is attached at Appendix 1.

14.0 REASON FOR RECOMMENDATION/S

14.1 The council currently imposes a limit on the number of licences it will issue in respect of hackney carriage vehicles. There has been no survey to assess the level of demand for hackney carriages in Wirral since the limit of 289 was imposed in January 2012. The council must be satisfied that there is no demand for hackney carriage vehicles in Wirral that is unmet if it refuses to grant a licence in order to limit the number of hackney carriage vehicles in Wirral.

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APPENDICES

Appendix 1 Proposed scope

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

| Briefing Note | Date |
|----------------------|-------------|
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SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|---|---|
| Licensing Health and Safety and General Purposes Committee | 28 July 2010 21 September 2011 23 January 2012 |