

| Report of   | Meeting                                | Date             |
|---|--|------------------|
| Deputy Chief Executive / Director of Early Intervention and Support | Licensing and Public Safety Committee. | 23 November 2016 |

## **REVIEW OF THE COUNCIL'S POLICY WHICH LIMITS THE NUMBER OF HACKNEY CARRIAGE VEHICLE LICENSES ISSUED TO 36**

### **PURPOSE OF REPORT**

1. The purpose of this report is to advise Members of the Councils responsibility to review the quantity control policy that currently limits the number of Hackney Carriage Vehicle licences the Council issue.

### **RECOMMENDATION(S)**

2. Members are recommended to consider the contents of the report and instruct the Director of Early Intervention & Support in one or more of the options contained within the report.

### **EXECUTIVE SUMMARY OF REPORT**

- 3 At the meeting of the Licensing and Public Safety Committee on 22 July 2015, Members were advised of the Council's policy that limits the number of Hackney Carriage Vehicle Licenses it will grant which is currently limited to 36. Members resolved that the Director of Public Protection, Streetscene and Community to ;
4. Subject to reasonable costs within the allocated budget, to instruct officers to undertake a process of consultation to determine whether or not a decision to remove the Council's limit on the number of Hackney Carriage Vehicle licences it will issue is in the public interest. The consultation shall be so designed to examine the current arrangements and consider the removal of:
  - a) the numerical limit the Council currently imposes on the number of HCV licences it will issue; or
  - b) removal of the numerical limit the Council currently imposes on the number of HCV licences it will issue, and only consider applications for the grant of a Hackney Carriage Vehicle Licence where the vehicle presented is able to meet the requirements of the Council's Conditions of Application for the Grant of a Wheelchair Accessible Vehicle Hackney Carriage Vehicle as detailed in the Councils condition of application, or
  - c) to maintain the limited number of HCV licences it will issue.
5. If the cost of such a survey was higher than the allocated budget, the details would be brought back to the Licensing and Public Safety Committee for a decision.
6. The results of any consultation undertaken and any recommendations shall be brought back to the Licensing and Public Safety Committee for their consideration.
7. Officers can now report that CTS Traffic + Transportation Consultants were appointed for the purpose of undertaking a survey to determine whether or not there is any significant

unmet demand for the services of Hackney Carriage Vehicles within the Borough of Chorley and to assess the Public interest in the provision of Hackney Carriage Vehicles within the Borough. Officers can report that in the interest of efficiency a cohesive approach was taken between the Council and CTS which extended to assimilating the questionnaires of the unmet demand survey and of the public interest survey; this enabled a more concise approach to the interpretation of the results that have been evaluated impartially by CTS. The survey report titled Chorley Council Hackney Carriage Survey Draft Final Report November 2106, is attached as **Appendix 1** <https://democracy.chorley.gov.uk/documents/s70035/Chorley%20Unmet%20Demand%20Report%202016.pdf>. Officers are now in a position to inform members of the results of the surveys which are summarised below.

“CTS Traffic and Transportation were appointed by Chorley Council to undertake their “Hackney carriage survey” on 28<sup>th</sup> July 2015. This report presents the results of all investigations undertaken to provide a database of robust information on which a decision can be taken by councillors about the hackney carriage vehicle limitation policy. All research was undertaken in line with the current Department for Transport Best Practice Guidance (April 2010) and taking advantage of the extensive research undertaken by the Law Commission in their recent review of licensing. Additional work was undertaken focussing on the ‘public interest’ reference by the Law Commission, which used council consultation channels which extended the timetable somewhat due to the protocols for such consultation.

Chorley is a borough council within the larger Lancashire county authority. Highway and transport powers are therefore led by the County. Its background transport policy only mentions taxis in encouraging training for operators and improving interchanges. There is a comprehensive and active policy for licensing hackney carriage and private hire including exercising the power to restrict the number of hackney carriages licensed since 1978. Since statistics were available, nine WAV have been added to the fleet. In similar time period the 20% extra hackney carriages have been added to by 90% more private hire vehicles. Market forces have not added further WAV to either fleet, and in fact have recently seen the general accessibility of the WAV in the fleet reduce.

The hackney carriage and private hire fleets in Chorley remain distinct. This implies the WAV provision, highest in the hackney carriage fleet, is not as accessible as in other areas where they can also be accessed by known telephone contacts.

There is only one real active rank, in the High Street in Chorley. This location is properly used by hackney carriages and not significantly abused by any other vehicles. Observations found 15% of hackney vehicle movements were WAV compared to the 25% available in the fleet. On Market Day two people used wheel chairs to access hackney carriages at the rank. Estimated 2015 weekly usage of hackney carriages in Chorley was 3,122 passengers, an increase of 12% since the last survey. Tests suggested the fleet was not playing up to the survey, and passenger waiting was observed, albeit at non-significant levels of unmet demand.

People were interviewed in the streets with other views captured using a slightly wider questionnaire via council consultation methods. About a third had recently used licensed vehicles, and the highest reason for usage (21%) was for going out in the evening. 18% said they used ranks with the highest proportion phoning for (private hire) vehicles. A wide range of companies were used though one saw 38% of mentions and two others saw over 11% of mentions each. One out of town company featured in the top seven companies. The council survey found a third of people saying they had used an out of town vehicle in Chorley. It is clear that hackney carriages are clearly visible and known to people, just not used. Part of this is the perceived cost, although many say they would not consider the cost if they needed to use a hackney carriage and one was available.

Most knew of the High Street rank, and the only two places new ranks were requested were Chorley station and the hospital, although this demand was small. There is a concern that people feel they could not hail hackney carriages and wouldn't attempt to.

Key stakeholders generally felt there was a good service, although there was concern that the main rank could be a flash point at night, and therefore needed careful monitoring, although police statistics did not support there being a recorded issue there. A key issue for stakeholders was the difficulty of getting WAV which meant that work was being given to other borough licensed vehicles which met need within Chorley.

The trade provided a good response, from both hackney carriage and private hire. Most supported retention of the current limit. Though many felt more ranks were needed, many also said extra ranks would not bring any overall benefit. Some evidence was found that some hackney carriages had niche markets not involving the main rank. Results suggested working days and hours were relatively low for licensed vehicle operations (although similar to a normal working week).

Four potential options were identified in the report. The option of a change from quantity licensing to quality licensing, i.e. allowing any new hackney carriage which is WAV to the current council standard to have a plate, appears to provide the best option at this time. It provides protection to the saloon fleet whilst maximising opportunity for those wanting to provide service to those needing WAV to enter and meet these needs."

## Options

8. To instruct the Director of Early Intervention and Support to;
  - a) remove the numerical limit the Council currently impose on the number of HCV licenses it will issue; or
  - b) remove the numerical limit the Council currently impose on the number of HCV licenses it will issue, and only consider applications for the grant and renewal of a Hackney Carriage Vehicle Licence where the vehicle presented is able to meet the requirements of the Councils Conditions of Application for the Grant and any renewal of a Hackney Carriage Wheelchair Accessible Vehicle (WAV) as detailed in the Councils Hackney Carriage Vehicle conditions of application, or
  - c) to increase the number of Hackney Carriage Wheelchair Accessible Vehicle licenses it will issue as Members see fit, or
  - d) to maintain the limited number of HCV licenses it will issue at 36.
9. Should Members determine either option 1a), 1b) or 1c) members are advised to instruct the Director of Early Intervention and Support to consult on that decision and report back to the Licensing and Public Safety Committee the findings of the consultation, where by that Committee will consider the consultation and determine whether or not the Councils Policy to limit the number of HCV licences it will issue will be effected.
10. It is further recommended that should Members approve option 1a), 1b) or 1c) above, it would be appropriate to instruct the Director of Early Intervention and Support to explore the provision of additional taxi ranks at Chorley Railway Station, Chorley hospital and any other suitable locations throughout the Borough with a view to accommodating additional Hackney Carriage vehicles licensed. Any such area identified as being suitable to be appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 shall be considered by Members at the next available meeting of the Licensing and Public Safety Committee. Members will be aware that there is a further report for consideration at today's meeting in relation to Taxi ranks in the Town Centre, officers do not believe that the short

term changes contained in that report would affect any of the options that may be decided today that are contained in this report.

11. Exposure to market forces and perceived (plate value on transfer) value.
12. Should Members opt for option 1 a) any perceived transfer value for all HCV will achieve a parity to that of the value of PHV upon transfer.
13. Members will note that the majority of the existing WAV Hackney Carriage Licenses were first granted in approx. 2007, following the recommendation of a significant unmet demand report considered at that time, which recommended the issue of 7 WAV HC licenses. Members may take the view that the current proprietors of HCWAVs have there for only a limited exposure to a perceived loss in any transfer value of a HCWAV licence as the cost to enter the trade at that time extended to the cost of the vehicle and associated costs only (given the current policy position). The further two HCWAV licenses were granted following tombola allocation, following the lapse of the licenses.
14. Proprietors of saloon and estate type HCV (27 Vehicles) would benefit from a limited exposure to market forces should Members opt for option 1 b) as there is no suggestion within this option to allow further vehicles of this design to be licensed as HCV. It is envisaged that such vehicles would still in this instance retain any perceived transfer value due to the reason that they would be less expensive to replace than a HCWAV.
15. Should Members opt for option 1 d) the Status Quo will be maintained.
16. Should Members opt for option 1 c) the method by which the Licenses might be allocated could lead to the HCWAV licenses being issued to those who are not best placed to utilise the licence in the most efficient way and provide the service this report suggests. Members will be aware that when a HCV Licence has been granted the Council has no means of influencing the way in which it used.

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| <b>Confidential report</b><br>Please bold as appropriate | Yes | <b>No</b> |
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### CORPORATE PRIORITIES

17. This report relates to the following Strategic Objectives:

|  |   |   |   |
|--|---|---|---|
| Involving residents in improving their local area and equality of access for all | x | A strong local economy  | x |
| Clean, safe and healthy communities  | x | An ambitious council that does more to meet the needs of residents and the local area | x |

### BACKGROUND

18. The Council has a Policy limiting the number of Hackney Carriage Vehicle licences it issues to 36; this includes provision for 9 Wheelchair accessible vehicles. 4. The Council is not obliged to maintain a limited number of hackney carriage vehicle licences. The Council may determine that the maintenance of the limit is not in the public interest in serving the transport needs of the borough and does not provide an adequate level of service for residents and visitors to the area.
18. However where a limit exists and the Council wish to maintain that limit, the Council has to be satisfied that there is no significant unmet demand.
19. Establishing unmet demand can be achieved by way of a survey of the hackney carriage provision within the Borough of Chorley, examining by way of a series of observations of taxi

rank activity and by issuing direct and in-direct questionnaires to interested parties including the general public. The Council may commission such a survey and recover the costs.

20. Should Members decide not to commission the unmet demand survey then the Council would over time lack recent data to justify not delimiting numbers. In this instance, the Council would not be in a position to refuse the grant an application for a hackney carriage vehicle licence without being exposed to a possible legal challenge

## **LEGAL POSITION**

21. The primary legislation governing the licensing of the Hackney Carriage Vehicles is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
22. Section 16 of the Transport Act 1985 removed the discretionary power to limit the number of Hackney Carriage Vehicles that a licensing authority would licence and replaced it with a stringent test which must be satisfied if a licensing authority determined to refuse a licence in order to limit numbers, including the existence of a coherent and regularly reviewed policy to limit hackney carriage vehicle numbers.
23. Where a licensing authority has a limitation policy, in order to comply with Section 16 of the said Act, it must be satisfied there is no significant unmet demand, before it can refuse a licence for the purpose of limiting numbers.
24. Any person who is refused a licence has the right of appeal to the Crown Court.
25. Department of Transport Circular 3/85 provides guidance on the restriction of the power of licensing authorities to limit the number of hackney carriage vehicles, and paragraphs 27 and 28 are reproduced in **Appendix 2** and Information from the Office of Fair Trading on the Central Government position is attached in **Appendix 3**.
26. Should Members prefer to change the Councils current Policy of restricting the number of HCV licenses it will issue having regard for the details of the significant unmet demand and public interest survey results, Members must then be aware of the potential costs that could be incurred by the Council and the Hackney Carriage Trade should an appeal to that decision be made. Such an appeal is usually made by way of Judicial Review (JR).
27. In reaching a decision that might change the Councils current policy, Members may rely on the following authority; R v Great Yarmouth Borough Council, ex p Sawyer (1987) (1989) RTR 297n, CA. et al Button on Taxis 3<sup>rd</sup> Ed.
28. From this stated case there are a number of matters that should be observed that will provide clarity to any decisions made and offer reassurance to both the Council and the Taxi trade that the decision is made correctly and in the interest of the Public. Those matters are;
29. That any decision reached should not be unreasonable in Wednesbury terms. Irrelevant matters must not be taken into account in reaching a decision; any decision reached must be a considered reasoned decision and not decided upon irrational processes or actions. In determining this matter, Members may consider the following suggestions as relevant to that decision making process, the suggestions are intended as contribution to a broad approach to this process and promote discussion, the list is not exclusive and includes;
  - The financial impact on existing licence holders who may have invested in their licence,
  - The potential reduced custom for existing licence holders,
  - Congestion on Hackney ranks,
  - Congestion on roads generally,
  - Benefits to the traveling public of additional taxi provision

- The opportunity of others to enter the trade who are otherwise restricted from doing so, and then able to secure a livelihood,
- The costs of commissioning future surveys,
- The costs of defending appeals against refusal to grant licences, either with or without a survey et al Button on Taxis 3<sup>rd</sup> Ed.

## GENERAL

30. The interests of the Hackney Carriage trade lie not only with their capability of being able to ply for hire on the street and at the appointed rank within the town centre, but also with the intrinsic transfer value of the Hackney Carriage Vehicle licence which is created where a limit to the number of HCV licenses exists. Officers believe that Chorley Council HCV licenses have in recent years changed hands with a transfer value of £40,000.
31. Members should be aware that the extent of this value is an indicator of the restricted Market where there is a demand to enter the trade but “would be proprietors” are prevented from doing so because of the limited numbers policy imposed by the Council and the high transfer fee. This is comparable to that compared to the transfer value of a Private Hire Vehicle where the value is limited to the actual value of renewing the licence + plus the vehicle value.
32. However, it is vital to note that the intrinsic transfer value of the plate must not be a material consideration in maintaining restricted numbers.
33. Members will recall instructing Officers following the recommendations from the 2012 unmet demand report, to pursue the provision of additional HC ranks at a number of locations within the borough; Officers can report that extensive work was undertaken to secure 3 locations. Officers have been unable to progress the provision of any additional ranks as the response from the HC trade was clear, in that the trade would not support their introduction, Officers believe the Hackney Carriage trade are unwilling to service other locations within the borough, the current Hackney provision can be regarded as completely Chorley centric to the Town Centre. Anecdotal evidence suggests that all but of 4 of the 36 Chorley HCV operate solely from the 2 ranks situated on High St in the Town Centre. A plan of the town centre and the borough are attached for member’s information detailing the HCV availability from ranks within the Borough, **Appendix 4**.
34. The 4 HCV mentioned are also able to be dispatched from the High St Rank using a PHO radio circuit. The previous anecdotal evidence suggested that HCVs are reluctant to respond to a hail request, this is further supported by the survey results, this has significant implications to those less able bodied members of the community or where no rank exists.
35. Members will be aware that the Law Commission conducted a wholesale review of taxi provision and surrounding legislation. The results and recommendations to Government have been made public. The document titled Taxi and Private Hire Services May 2014 is attached as a background document, <https://democracy.chorley.gov.uk/documents/s70036/The%20Law%20Commission%20-%20Taxi%20and%20Private%20Hire%20Services%20May%202014.pdf>. Members attention is drawn to Chapters 11 and 12 which discusses and sets out proposals in relation Local Authorities ability to limiting the numbers of HCVs and Accessibility for all, the Law commission report has been accepted by Government.
36. It was anticipated at the time of the last report to Members detailing the matter of restricted HCV licence numbers (Sept 2012), that the Law Commission recommendations would have found their way to Statute at this time, however this is not the case, to date local authorities have not been advised of when we might expect the recommendations to become legislation. The recommendations seek to cut red tape and remove unnecessary Restrictions. However given the current political landscape it is unlikely this matter will be dealt with within this parliamentary term.

37. A licensing Authority does not have to demonstrate that there is an unmet demand if it wishes to remove the numerical limit it has imposed. R -v- Great Yarmouth Borough Council is the authority for this proposition. A licensing authority can at any time decide to remove the imposed limit of hackney carriages vehicle licences it will grant, this is subject to a general proviso that the decision to do so is not of itself, irrational or unlawful. Clearly, should Members decide to remove the limited number of HCV licenses it will issue, this would negate the need to conduct a future unmet demand survey.

## **OUT OF TOWN VEHICLES**

38. Members should note that officers have received a number of representations from the Chorley Private Hire Operators (PHO) and the Hackney Carriage trade regarding the ingress of taxis from neighbouring boroughs operating within Chorley.
39. The impact of the influx of such vehicles is reportedly having a detrimental effect on the trading capabilities of the Private Hire and Hackney Carriage Trade in Chorley; this is placing further burdens on officers in relation to enforcement. However, there is no legislative power available to prevent this activity taking place.
40. It is acknowledged throughout the taxi trade (and by the Local Authority licensing family) that those licensing authorities who have licensed these vehicles and drivers have policies that are insufficiently robust and might not meet those standards imposed by other authorities such as Chorley Council. This attracts a large number of vehicles and drivers who are required to meet a lower application standard and allows them to trade across the UK, including those dispatched by Chorley Private Hire Operators. Whilst delimiting might diminish the incentive to obtain a hackney carriage vehicle licence from an authority other than Chorley it would still prove attractive to applicants if the fees and standards at other authorities were lower than those imposed by Chorley Council.
41. Lancashire Constabulary has been made aware of this issue. Their concern is to prevent or address any disorder either from the queueing public or between competing drivers of HC & PH vehicles. Consequently, the police are not minded to regulate or address complaints of illegal plying for hire as it is in the wider public interest to have as many licenced vehicles available as possible to serve the public at peak demand times and in particular support the late night economy and remove people from the town centre.
42. Over the past 2 years Officers have received detailed written applications from Chorley Private Hire Operators for the Grant of a Hackney Carriage Vehicle Licence specifically for disabled access vehicles, stating that they are consistently requested to provide such vehicles, but are unable to do so as providing such a vehicle is not viable unless it is licensed as a HCV. PHO One Company has stated that they receive up to 6 requests a day; another has stated that they receive on average 20 requests a week for a vehicle suitable to accommodate wheelchair users.
43. Officers have also received a number of verbal requests from individual drivers seeking HCV licenses. Over recent months it has been noted that a number of Chorley PHO now dispatch cross boarder licensed Hackney Carriage Vehicles within the controlled district of Chorley within the provisions of the legislation. Members may consider this response by PHO in taking these actions as a consequence of the Councils policy in maintaining its limited number of HCV licenses it issues, as the benefits to an individual of operating a HCV as opposed to a PHV can be significant.

## **CRIME AND DISORDER**

44. Within Community safety partnership meetings, concerns have been raised regarding the availability of Hackney Carriage Vehicles to adequately serve the late night economy. They have reported that Police Officers have been deployed on a number of occasions to the Hackney Carriage rank on High St to avoid disorder. The matter of employing taxi marshals has been raised to act as an early intervention measure to assist in managing the queues at

the rank and associated disorder that is said to be a direct result of limited availability of HCV in the evening economy.

45. It is not in the Local Policing team's interest to control which type of taxi is plying for hire during the early hours of the morning, as their interest rests in clearing the streets as quickly as possible. The Police take the view that the more licensed vehicles available to do this the better.

## **ECONOMIC DEVELOPMENT**

46. Comments from The Head of Economic Development at Chorley Council has made the following comment in relation to the present position;  
A restricted supply of Hackney Carriage provision could impact on the local economy, with respect to the following considerations:

- The Hackney Carriage can be of significant support to the transportation by minority groups such as elderly, disabled and in particular wheel chair users; an imbalance of provision restricts access to employment opportunities and local services.
  - There needs to be adequate supply of vehicles at demand generators linked to the visitor economy, such as events at Astley Park, Town Centre, Village Farmer's Markets, and Chorley Grand Prix.
  - Imbalance of provision and inconsistent charging mechanisms could seriously affect our night time economy in terms of number of visitors and visitors leaving early.
- . It is often reported that as bus services are cut back there are many potential customers now struggle to get into the town centre for their needs and provision of ranks in the district service centres and villages would enable these rural areas to stay connected and still have access to not only town centre services but any destination no longer served by a regular bus service.

## **EQUALITY & DIVERSITY IMPACT ASSESSMENT ISSUES**

47. Chris Sinnott, Director of Policy and Governance comments: An Integrated Impact Assessment (IIA) has been completed based on the current policy that limits the number of Hackney Carriage Vehicle (HCV) licences the Council issues. It shows that the current policy is having a negative impact on some of Chorley's residents. In particular these include residents with a disability, young children, residents who live in outlying areas and also some local businesses. The IIA includes evidence relating to each of the areas which are negatively impacted, together with recommended actions for how to address them. These actions support the options recommended to you within this report. In particular, it is expected that removing the limit on the number of HCV's, but restricting further applications to Wheelchair Accessible Vehicles and Disabled Access Vehicles only would result in positive outcomes for those that are currently impacted negatively. Following approval of any changes to the policy a new IIA should be completed.
48. The Integrated Impact Assessment is attached in **Appendix 6**.

## **DISABLED AND WHEELCHAIR ACCESS VEHICLES**

49. Lancashire County Council Integrated Transport Unit hold the County's responsibility for arranging transport for those less able bodied members of the community, they rely on an adequate supply of WAV licensed vehicles being available to be able to meet demand. They have provided a list of available Contracted wheelchair accessible HC & PH Vehicles throughout Lancashire, attached as **Appendix 7**. The vehicles are used to convey their clients being predominately special needs, to specialist establishments, schools and medical facilities throughout the County and Cross County, where journeys may start and finish within the same controlled district or not.

50. Members will note that there are no available WAV or DAV vehicles recorded against Chorley Borough. Members will be aware that Chorley as a Borough hosts a high number of specialist facilities attracting a significant number of specialist taxi journeys. It would be reasonable to assume that none of these journeys arranged by the Social Care Services of LCC are completed by Chorley licensed HC or PH vehicles. (The contracts manager at LLC has confirmed on the 9/10/2016 that there are no Chorley Licensed WAV on their register).
51. Officers believe there is just one of the Chorley licensed wheelchair accessible HCV that is able to be controlled via a PHO circuit radio.

### **APPLICATIONS FOR HCV LICENSES FROM THE PRIVATE HIRE TRADE**

52. Officers are currently responding to 2 further applications for HC WAVs, the applications are attached for Members to note as **Appendix 8**.
53. Chorley has a mixed fleet of hackney carriage vehicles which include traditional hackney cab vehicles which are wheelchair accessible, estate and saloon cars.
54. Currently Chorley Council has limited the number of hackney carriage vehicle licences that it would issue to thirty-six. (Licensing & Public Safety Committee – 12 September 2012). At the time of writing there are 36 HCV and 140 PHV Licenses issued.

### **OFFICE OF FAIR TRADING - CENTRAL GOVERNMENT POSITION**

56. The Office of Fair Trading published a market study into the regulation of taxi's and private hire vehicles in November 2003. The document can be found at;

[http://www.offt.gov.uk/shared\\_offt/reports/comp\\_policy/oft676.pdf](http://www.offt.gov.uk/shared_offt/reports/comp_policy/oft676.pdf)

57. The OFT recommended that local authorities should not retain the power to restrict the number of hackney carriage vehicle licences because it considered that such restrictions can:
  - (a) reduce the availability of taxis
  - (b) increase waiting times for consumers
  - (c) reduce choice and safety for consumers
  - (d) restrict those wanting to set up a taxi business
40. Central Government responded by means of a Written Statement in the House of Commons <http://www.bis.gov.uk/files/file25882.pdf> In summary, should local authorities choose to limit the number of hackney carriages provided in its area it will need to know whether there is any unmet demand for taxi services in their area. The Government response indicates that consideration may be given to an unmet demand survey, unless a recent survey has been carried out. It also indicates that latent demand should be taken into account in any survey carried out. Officers do propose to ask Members to consider PHV related latent demand within this report

### **CURRENT PRIVATE HIRE PROVISION**

41. The number of private hire vehicles currently licenced by Chorley Council is approx. 140. This is an increase of 23 vehicles since the last report of 2015 where there were 117 licensed PH vehicles. The recent trends in PHV numbers suggest that the PH sector is resilient and able to adapt quickly to shifting market requirements, however there is no evidence to suggest that Chorley based PHO are addressing the suggested lack of WAV accessibility in Chorley. However it is likely that the gap in the service provision is filled by vehicles operating under the cross boarder basis as previously discussed, which Chorley Council has no control over, and taxi journeys are being completed by other larger taxi

companies located in neighbouring boroughs. There is no evidence to suggest that the overall number of taxi journeys taken has diminished.

## RELIABILITY OF UNMET DEMAND SURVEY DATA

42. The History relating to the Unmet Demand surveys previously carried out in Chorley are attached in **Appendix 9**.
43. Officers have concerns in relation to previous surveys in so far as, how reliable the information being analysed actually relates to the activity of the rank as opposed to other times when there is no survey taking place. Due to the location of the ranks on High St, Officers believe it is not possible to conduct a discrete survey to capture a true reflection of day to day activity. Hackney Carriage Proprietors / Drivers have in the past spotted those conducting such surveys within minutes of the survey commencing; it is in the Proprietors interest therein to ensure the rank is adequately provided for. 40. Moreover, evidence from the responses from the previous surveys suggests that latent demand exists, insofar as the taxi traveling public expect to find HCV availability from High St, and only from High St, there is no expectation to be able to find HC availability at any other location within the Borough, such is the limited supply serving the borough of Chorley, this further reinforces the notion that the HC service is a Chorley centric taxi provision.

## LOCAL LICENSING FORUM

44. Members will be aware that in all recent years the HC trade have fully supported the survey as it is in their interest to do so. Officers would suggest that this remains the case today and that the cost of the survey be attached proportionally to each hackney carriage licence fee at the next HCV Licence renewal opportunity.
45. Members will recall officers advising of the costs associated with undertaking a significant unmet demand survey, the invoice has now been received and Member's attention is drawn to the following licensing fees report where the appropriate cost recovery is detailed for Member's approval.

## IMPLICATIONS OF REPORT

46. This report has implications in the following areas and the relevant Directors' comments are included:

|  |   |  |   |
|--|---|--|---|
| Finance                                  |   | Customer Services                      |   |
| Human Resources                          |   | Equality and Diversity                 | x |
| Legal                                    | x | Integrated Impact Assessment required? | x |
| No significant implications in this area |   | Policy and Communications              | x |

## COMMENTS OF THE MONITORING OFFICER

47. Department for Transport Guidance recommends that a policy of limiting numbers is supported by a survey carried out every three years. This is advisable to rebut any legal challenge to the policy of limiting numbers although the survey is not itself a statutory requirement.
48. The "no significant unmet demand" test for limiting hackney carriage numbers contained in the Transport Act 1985 is addressed within the body of the report.
49. Case law has established that the premium which attaches to a hackney carriage licence in an area where numbers are limited is not property for the purposes of the Human Rights Act 1998.

51. Full and genuine consultation should take place before a decision to delimit.

JAMIE CARSON  
DEPUTY CHIEF EXECUTIVE/DIRECTOR EARLY INTERVENTION & SUPPORT

| <b>Background Papers</b> |             |             |   |
|--------------------------|-------------|-------------|---|
| <b>Document</b>          | <b>Date</b> | <b>File</b> | <b>Place of Inspection</b>  |
| Law Commission Report    | May 2014    |             | <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf</a> |

| <b>Report Author</b> | <b>Ext</b> | <b>Date</b> | <b>Doc ID</b> |
|----------------------|------------|-------------|---------------|
| Mr S Culleton        | 5665       | 9/10/2016   | ***           |