

Appendix A

ITEM FOR DECISION

6/6/00

ITEM 3

ITEM 3

Taxi Licensing

PURPOSE: To update Members on the findings of the transport consultants appointed to examine demand for taxi services across the district. To determine how the findings of the report should be implemented.

1. Background

1.1 The Council has the responsibility for the administration of the Hackney Carriage (taxi) licensing system in the West Berkshire area. Members may be aware that within West Berkshire there are effectively two completely separate zones for the purpose of taxi licensing. One zone covers the area of the Former Borough of Newbury (Town) and the second zone covers the remainder of the Council's administrative area (District). The rationale as to why this arrangement legally exists is as follows:

- (1) Prior to 1974 the former Borough of Newbury was the only part of our current administrative area that had a taxi licensing regime. The reason for this was that under the Town Police Clauses Act 1847 this was the only part of the current administrative area that could license taxis.
- (2) The Local Government Act 1972 had the effect of creating the administrative area of Newbury District in 1974 from the former Newbury Borough and a number of former rural districts. The Act also allowed the newly formed Newbury District Council to extend taxi licensing to the whole of its area. The Council did not adopt this course of action.
- (3) The Transport Act 1985 introduced taxi licensing for all areas of the country that did not previously have a licensing regime. This came into effect in 1987 and (because the Council did not extend the existing licensing area as permitted by the 72 Act) had the effect of creating a second licensing area.
- (4) The two licensing zones have to be run independently. For example, if a vehicle operates in both licensing areas it is required to have two plates and hold two licences. If a vehicle is only licensed in one area (as is normally the case) it can only ply for hire in that area.
- (5) These provisions relate only to taxis (vehicles which can be hailed in the street or at a rank and which have meters to calculate the fares) Private hire vehicles, though often referred to as "taxis" are in fact outside the zonal controls. These vehicles cannot ply for hire, be hailed in the street or stand on ranks, but must be pre-booked via an office. There are no limits on the number of such vehicles which can operate in the area.

1.2 Under the Transport Act 1985 the Council is permitted to limit the number of licences in any particular licensing zone providing it is satisfied that there is 'no significant unmet demand' in that area. The Council has a long-standing policy of restricting the number of Town licences issued whilst there is no such policy in operation in the District. In order to restrict the number of licences issued the Council must remain satisfied that there is 'no significant unmet demand'. The method of determining this is that from time to time the Council must carry out an assessment of demand.

- 1.3 Prior to 1989 the number of Town taxi licences issued stood at 44. A demand survey undertaken in 1989 raised this figure to 60. In 1996 the figure was increased to 65. Meanwhile in the District zone the number of licences has been steadily rising and in the autumn of 1999 stood at 129 a large number of which had been issued in the foregoing two years. At this time a decision was made by the Head of Public Protection that there should be a temporary halt placed on the issue of District licences pending a survey of 'unmet demand'.
- 1.4 At its meeting on the 6th January 2000 the Public Protection Committee approved the commissioning of an 'unmet demand survey' in both zones along with the necessary budget. The surveys were subsequently commissioned from MCL Transport Consultants who are recognised as one of the Country's leading experts in this field.
- 1.5 The surveys were carried out in both zones in March 2000. The reason that March was chosen was that it was a time of year when there was no distortion of demand as may be found in, for example, the periods before and after Christmas or the school holidays.
2. Methodology
- 2.1 A representative of MCL will present a full report on the methodology and findings of the surveys verbally to the Committee. In essence, the survey consisted of a combination of rank surveys and consultations with various interested parties and members of the local community.
3. Rank Surveys
- 3.1 In the Town surveys were carried in the following locations:
- Market Place (including the Wharf feeder rank which is used on market days)
 - Northbrook Street (East) – Taxi Rank
 - Northbrook Street (West) – Taxi Rank
 - Railway Station (North) – Taxi Rank
 - Railway Station (South) – Railtrack land
- In the District zone the surveys were carried out at the following locations:
- Thatcham Broadway – Taxi Rank
 - Utopia Night-club
- 3.2 Utopia Night-club at Calcot does not have a legally designated rank as such. However, it was felt important to include it in this survey, as it is an area where there is significant demand for taxi services at certain times.
- 3.3 Surveys were carried out at different times and in time blocks of varying lengths. The surveyors were asked to record information about vehicle and passenger movements including the numbers of vehicles and passengers. These figures were then analysed by the consultants to form a picture of demand and supply at the various ranks.
4. Consultations
- 4.1 MCL consulted with many local groups and individuals to determine attitudes to and experiences of using taxi services in the area. Organisations and individuals consulted including the Police, local disability groups, both hackney carriage associations, private hire operators, night-club management, the Town Centre Manager and Council's own Transportation Planning Officer.

4.2 Surveys of users and potential users of taxi surveys were also conducted by means of street level and postal questionnaire. This survey explored taxi usage, previous experiences and a summary of attitudes and expectations of taxi users to such things as waiting times.

5. Results

5.1 The report concludes that the frequency with which people hire taxis in West Berkshire is not unusually high. Rank hiring makes up an estimated 22% of all hirings. The bulk of the remainder is by booking. A total of 27% of respondents in the questionnaires reported an occasion of being unable to hire a taxi when they wanted one.

A large majority of people viewed waiting at ranks as unacceptable. Only 23% considered a wait of over five minutes as reasonable and nearly 60% thought there should be normally no wait at all.

5.2 In summary the surveys conclusions were as follows:

- There was no significant unmet demand in the District area.
- There was significant unmet demand in the Town area.
- If you were to take the area as a whole i.e. ignore the zone boundaries there would be significant unmet demand.

5.3 The research suggested some desire for additional ranks to be developed. The most common suggestions related to Hungerford Town Centre, Railway Stations (Thatcham, Hungerford and Kintbury), Newbury Bus Station and Hospital, Dunstan Park, Greenham Business Park and some supermarkets. If ranks are to be provided there will be a cost, which must be recovered through an increase in licence fees.

5.4 During the survey only one passenger with a wheelchair was observed waiting at a rank for a taxi. This supported the feelings expressed that most demand from disabled people is in the private hire sector. Nevertheless, most of the vehicles supplying private hire services to the disabled are licensed as taxis. Therefore, demand for pre-booked services from wheelchair users can only be serviced by Hackney Carriages at present. The report states that 'it is clearly useful that vehicles exist to fulfil this purpose'. The conclusions of the report on this important issue are as follows:

- some people with a disability have a preference for saloon cars as opposed to London style taxis. However, some cannot use them
- there is no evidence of latent or frustrated demand from disabled people
- West Berkshire Liaison Group on Disability and West Berkshire Social Services identified a need for more wheelchair accessible vehicles to be designated as taxis thus allowing purpose built vehicles to be used.

The issue of demand from disabled people is worthy of mention at this point. While the consultants found no evidence of disabled people waiting at taxi ranks (one of the demand indicators), it has to be recognised that the very low number of suitable taxis would discourage any disabled person from waiting at a rank and they are far more likely to pre-book a suitable taxi or private hire vehicle. This situation clearly discriminates against disabled people and denies them the same opportunities as the rest of the population.

5.5 The report also explains that the Disability Discrimination Act 1995 allows the Secretary of State make regulations requiring all taxis to meet specified criteria for accessibility by a specified date. As yet neither the criteria nor the dates have been specified. A consultation document was issued suggesting all taxis newly licensed from January 2002 should be compliant with new standards and all taxis to be fully compliant by

18

2012. The final regulations and timetable have not yet been published but it is understood the Government is still committed to the end date.

6. The Legal Implications

- 6.1 MCL conclude that the results of survey 'could not be used to defend a policy of quantity control in the town zone, given the number of licences currently in circulation'. Therefore, on the basis of the MCL report, the Council must increase the number of taxi licences available in the town zone, as it cannot claim (under the Transport Act 1985) that there is no significant unmet demand.
- 6.2 The question then arises as to how many more licences would need to be issued in the Town. The calculations from the survey suggests that 37 additional taxis would be required to reduce passengers waiting time at ranks to nil. However, the report suggests that a more reasonable target would be to eliminate instances of waiting in excess of five minutes. To achieve this at all ranks, the report concludes that 14 additional Taxi Licences would need to be issued in the Town.
- 6.3 The Council, if it accepts the findings of the report, is legally obliged to issue 14 more Town licences as an absolute minimum. It may, of course, remove the limit all together.
- 6.4 In the District zone however, the survey could form the basis of a decision to introduce quantity control on the basis that there is 'no significant unmet demand'. If this was to be introduced, the appropriate level of licences issued would need to be set at that which existed at the time of this survey. However, the Council is not under any obligation to set a limit and may choose to let the market find it's own level. If it takes this second option, it needs to consider any justification for quantity control in either zone.

7. The Options

- 7.1 As stated in 6.1 above the Council is obliged to issue a minimum of 14 additional Town licences if the findings of the report are accepted. This is the starting point for the 'Town' zone. It may of course:
- remove the limit all together
 - impose conditions as it did in 1996, when it required the five additional licences to be issued to wheelchair accessible vehicles.
- 7.2 In the District zone, the Council may:
- set the limit at 129 (being the number of licences issued at the time the survey started). In this case we would need to allow a number of licences to be issued as the number of actual licences has now fallen below that figure.
 - leave the area unlimited, as is currently the case
 - impose conditions for all new licences being issued requiring them to be wheelchair accessible.
- 7.3 Finally there are two alternative solutions suggested in the report by MCL.
- Firstly, we could increase the number of vehicles, which are currently entitled to ply for hire in both zones (the so-called dual plated vehicles). However, dual plating is generally not recommended as it can cause difficulties if a need develops for different conditions, fees or fares to apply in each zone.
- Secondly, we could remove zoning altogether. However, the report expresses concerns that this latter course of action could mean an influx into the town zone leaving uncertainty as to unmet demand in what is now the 'district' zone. If this course of action were adopted then the area would need to be left 'unlimited' until demand across the whole area is determined. This could prove problematic if new ranks were planned.

7.4 If any decision is made to place limit on the number of licences issued in either zone, criteria will need to be developed as to whom the new licences should be issued. In 1996 a scoring system was developed for the five additional licences in the 'Town'. In the event an advertisement was placed in the local press for expressions of interest and criteria that vehicles should be accessible for wheel chair users and other disabled people was set. Despite this it still took some time for all five licences to be taken up as existing and potential vehicle operators considered the financial implications of using disabled access vehicles and the likely worth of the five new plates. This dilemma would not apply if the number of plates in the town were not limited and new operators could come forward in the knowledge that their investment would be in the provision of a suitable vehicle rather than the business goodwill element (or premium) which attaches to the licences when they are limited.

8. The Way Forward

8.1 After full consideration of the report and its findings it is suggested that the following course of action be adopted:

In the 'Town' zone:

- remove quantity control on the number of taxi licences issued
- ~~introduce a requirement~~ that all new licences that are issued have attached to them a condition that vehicles be suitable for wheelchair users and other people with disabilities
- allow existing licence holders to continue to use saloon cars as long as the legislation allows
- require all transferred licences to change to wheelchair accessible vehicles the next time the vehicle is changed

In the 'District' zone:

- preserve the status quo i.e. no limit on the number of taxi licences
- introduce a requirement that all new licences issued will have attached to them a condition that vehicles be suitable for wheelchair users and other people with disabilities
- allow existing licence holders to continue to use saloon cars as long as the legislation allows
- require all transferred licences to change to wheelchair accessible vehicles the next time the vehicle is changed
- carry out a review with a view to the introduction of new ranks

8.2 The reasons for this suggested way forward are as follows:

- there has been a significant increase in demand since 1996 in the Town and this may continue
- it is consistent with the Council's decision in 1996 on disabled access vehicles
- it is consistent with forthcoming requirements of the Disability Discrimination Act
- it is consistent with views of Social Services and West Berkshire Liaison Group on Disability
- it allows the Officers to work on increasing rank provision in line with suggested demand and without the need for constant demand studies
- it removes the requirement to carry out further demand studies

Provision of Ranks:

The report makes reference to the need for additional ranks, particularly in the District Zone. While only a minority of taxi fares arise from ranks, there is clearly a need for this to be reviewed both with the trade, local

communities and other interested organisations, and for their provision to be considered within the context of the Council's Local Transport Plan. Two important issues merit mention at this time however. Some of the locations mentioned are not on the highway and would require the land owner to agree to ranks being provided, the second point is that the Council should recover the cost of existing and proposed ranks via the taxi licencing fees, something which is not done at present.

9. Corporate Plan Implications

Access to transport services for people with disabilities is consistent with Council policy of improving the quality of life for all who live, visit and do business in West Berkshire.

10. Financial / Environmental and IT Implications

If additional licences are issued fee income will increase but it is not possible to specify by how much until applications are processed. However, the income has to be used only for the provision of specified taxi licencing activities by the Council so the net effect will be neutral. Environmentally, Taxi and Private Hire Operators can provide a significant contribution to the development of an integrated transport system and it is anticipated that the increases in the number of vehicles together with standardised livery arrangements will allow the Council and Taxi Trade to promote the use of taxis as an effective form of public transport throughout the district.

11. Personnel Implications / Trade Union Comments

None.

Recommendation

That the Committee:

- (1) Adopts the proposals set out in Part 8 of the report and instructs officers to consult with interested parties including parish councils and trade associations.
- (2) Instructs that the findings of the consultation be reported to the Committee in July for the matter to be determined finally.

Appendices

None.

Background Papers

None

Contact Officer: John Parfitt, Head of Public Protection (Tel: 01635 519178), Sean Murphy, Trading Standards and Licensing Manager (Tel: 01635 519840)

Officers Consulted on this Report: None

PUBLIC PROTECTION COMMITTEE

MINUTES OF THE MEETING HELD ON 6TH JUNE 2000

Councillors Present: Jeff Brooks (Chairman), Peter Argyle, Trevor Banning, Phil Barnett, Jeff Beck, Roger Brown, Tony Ferguson, Owen Jeffery, Graham Jones, Bob Judge, David Liddiard, James Mole.

Also Present: Mrs Alma Beck, Adrian Edwards, Tony Linden.

PART I

3. MINUTES.

The Minutes of the meetings held on 14th March and 16th May 2000 were approved as correct records and signed by the Chairman.

4. PRESENTATIONS.

The Committee received presentations from Mr Bill Jennison, Head of Countryside and Environment, Mr John Parfitt, Head of Public Protection Services and Mr David Corry, Head of Legal and Democratic Services, concerning the roles and responsibilities of their service areas, which report to this Committee, as follows:-

- (i) Refuse Collection and Waste Disposal
- (ii) Environmental Health
- (iii) Trading Standards
- (iv) Community Safety
- (v) Inspection Unit for Residential Care
- (vi) Registration of Births, Deaths and Marriages
- (vii) Coroners Service

5. TAXI LICENSING.

The Committee considered a report (Agenda Item 3) concerning the findings of the transport consultants appointed to examine demand for taxi services across the district.

At its meeting on 13th January 2000, the Committee had approved the commissioning of an 'unmet demand' survey in both the town and the district zones. The surveys were subsequently commissioned from MCL Transport Consultants and Members received a presentation from the consultants of their findings.

The consultants reported that the frequency at which people hired taxis in West Berkshire was not unusually

high and that rank hirings made up an estimated 22% of all hirings. A total of 60% of respondents viewed waiting at ranks as unacceptable. MCL concluded that the results of the survey could not be used to defend a policy of quantity control in the town zone, given the number of licences currently in circulation and therefore the Council must increase the number of taxi licences available in the town zone.

The Committee resolved to suspend Standing Orders to enable Mr Charles Paddock, representing the Town Trade Association, and Mrs Fields, representing the District Trade Association, to address the Committee on the issues raised in the report.

RESOLVED that the Committee:

(1) adopt, in principle, the following proposals and instruct officers to consult with interested parties, including parish councils and trade associations:

(a) In the 'Town' zone:

(i) remove quantity control on the number of taxi licences issued;

(ii) introduce a requirement that all new licences issued have a condition attached that vehicles be suitable for wheelchair users and other people with disabilities;

(iii) all existing licence holders to continue to use saloon cars as long as the legislation allows;

(iv) require all transferred licences to change to wheelchair-accessible vehicles the next time the vehicle is changed.

(b) In the 'District' zone:

(i) preserve the status quo, i.e. no limit on the number of taxi licences;

(ii) introduce a requirement that all new licences issued have a condition attached that vehicles be suitable for wheelchair users and other people with disabilities;

(iii) allow existing licence holders to continue to use saloon cars as long as the legislation allows;

(iv) require all transferred licences to change to wheelchair-accessible vehicles the next time the vehicle is changed;

(v) carry out a review with a view to the introduction of new ranks.

(2) Instruct that the findings of the consultation be reported to the Committee at its meeting on 3rd July 2000 for final determination.