

NOTICE OF MEETING

Licensing Committee

Date: Thursday, 19 September 2013
Time: 17:30
Venue: Conference Room 1, Beech Hurst
Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 2AJ

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing Committee

MEMBER

Councillor A Hope
Councillor J Anderdon

Councillor I Andersen
Councillor A Beesley
Councillor A Brook
Councillor J Budzynski
Councillor M Cooper
Councillor B Few Brown
Councillor A Finlay

Councillor K Hamilton
Councillor A Johnston
Councillor P Lashbrook
Councillor N Long
Councillor I Richards
Councillor A Tupper

Chairman
Vice Chairman

WARD

Over Wallop
Chilworth, Nursling
& Rownhams
St.Mary's
Valley Park
Alamein
Winton
Tadburn
Amport
Chilworth, Nursling
& Rownhams
Harroway
Romsey Extra
Penton Bellinger
St.Mary's
Abbey
North Baddesley

Licensing Committee

Thursday, 19 September 2013

AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 18 July 2013
- 6 Minutes of the Licensing Sub-Committee held on: 29 July 2013
- 7 Hackney Carriage Licensing - Future Policy 5 - 24
A report recommending removal of the Council's existing policy restricting the number of hackney carriage licences.
- 8 Licensing Sub-Committee Arrangements 25 - 28
A report recommending minor revisions to the arrangements for holding Licensing Sub-Committees.

Item 7 Hackney Carriage Licensing – Future policy

Report of the Head of Administration (Portfolio: Corporate)

Recommended that:

- 1. With effect from 1 October 2013 the Head of Administration make available for grant five additional hackney carriage vehicle licences but only for vehicles which meet the conditions set out in Annex 2 attached to this report.**

- 2. That a further report on the matter is submitted to this Committee at such time as either all five licences have been issued or there is a change in legislation affecting the Council’s ability to restrict licence numbers, whichever is soonest.**

SUMMARY:

- The Borough Council continues to be in a minority of authorities that restricts the number of hackney carriage licences it issues.

- Following consideration of this matter at the meeting of this Committee held on 17 January 2013, a consultation exercise was undertaken. There was a poor response and the results were inconclusive.

- The Borough Council has been contacted by a number of persons wishing to apply for a hackney carriage licence. This makes the current policy of restricted numbers untenable. Officers recommend the issuing of a further five licences subject to previously agreed quality control measures.

1 Introduction

- 1.1 The Council currently restricts the number of hackney carriages (taxis) it licences. Such a restriction can only be imposed if the Council believes that there is no significant unmet demand for hackney carriages within the Borough. An independent survey undertaken in 2005 and reported to this Committee in 2006 indicated that there was unmet demand but rather than remove all restrictions, licence numbers should be increased and then reviewed after a period of time. This process is known as ‘managed growth’. Since then this Committee has received further reports on the matter.

- 1.2 In October 2010 this Committee received a report on this subject and decided to make available as from January 2011 five additional licences for wheelchair accessible vehicles less than a year old and meeting certain other criteria. As of April 2012, none of these five licences had been issued and so officers reported to this Committee on a recommendation to relax the criteria associated with the five licences in the hope of attracting potential applicants.

The Committee agreed to this approach in respect of three licences but, following a representation from the Corporate Portfolio Holder about the difficulty in obtaining a taxi in the Romsey area, decided that two of the licences should be made available to non-wheelchair accessible vehicles. Despite advertising the availability of these licences there was no significant interest by prospective proprietors. This lack of interest was considered by this Committee at its January meeting where a decision was made to issue no further licences subject to officers undertaking a consultation exercise on de-restriction.

- 1.3 At present the authority licences 36 taxis of which 2 operate in the Romsey area; none of these are wheelchair accessible vehicles. Of the remaining 34 that operate in the Andover area 12 are wheelchair accessible vehicles. It is the view of officers that provision of a greater number of wheelchair accessible vehicles remains the priority in terms of taxi provision within the Borough and an ideal situation would be if approximately 50% of the taxi fleet comprised wheelchair accessible vehicles.

2 Background

- 2.1 In 2004 the Department for Transport (DfT) wrote to all Councils in England and Wales which still restricted licences asking that restrictions be reviewed and the results reported back to the DfT. The clear implication from the DfT was that if Councils wished to retain a restriction then they could only do so if it was in the public interest not to de-restrict licence numbers. The government's policy on the subject remains the same namely that:

- In the Government Action Plan for Taxis (and Private Hire Vehicles) restrictions should only be retained where there is shown to be a clear benefit for the consumer.
- Councils should publicly justify their reasons for the retention of restrictions and how decisions on numbers have been reached.
- Unless a specific case can be made, it is not in the interests of consumers for market entry [to the taxi trade] to be refused to those who meet the application criteria.

- 2.2 The government recommends that a regular, ideally triennial, survey of unmet demand be undertaken. Officers had originally put forward a bid for sufficient budgetary provision for a survey to be undertaken in 2009-10 but due to the Council's financial situation, this bid was rejected and officers were asked to consider other means of reviewing the current policy.

3 Corporate Objectives and Priorities

- 3.1 None; the licensing of hackney carriages is a statutory function of the Borough Council. Licensing of hackney carriages reduces the potential for illegal plying for hire by unlicensed vehicles and also licensed private hire vehicles. It provides transport for the public who may not have any safe alternative means of transport available to them. The service provided by the hackney carriage trade plays a key role in the provision of an integrated public transport system.

Decisions taken by the Council should be approached in the interests of the travelling public.

4 Consultations/Communications

- 4.1 Following the recommendation agreed at the 17 January 2013 meeting of this Committee, officers conducted a consultation exercise by sending a questionnaire to hackney carriage proprietors, private hire vehicle operators, members, County Councillors, MPs, the Police, Parish and Town Councils and also Test Valley Transport Forum which includes transport providers and groups representing disabled persons.
- 4.2 Over 260 questionnaires were sent out but only 17 returned. The detailed results are shown in Annex 1 to this report. The poor level of response provides no real assistance in determining future policy on this subject. It is extremely unlikely that a repeat of the consultation exercise would produce a better response rate. In addition to the completed questionnaires a letter was received from the office of Sir George Young MP stating that as a member of the Government he would not support the actions which go against Government guidance and is in favour of competition and choice. Mr Newell, an existing hackney carriage proprietor and private hire vehicle operator, submitted a letter rather than a completed questionnaire and this is attached as Annex 3 to this report.
- 4.3 As of 2012, 86 (or 26%) of the 343 licensing authorities in England and Wales including Test Valley had a numerical restriction on the number of hackney carriage licences issued. Within Hampshire the position is as follows:

Council	Hackney carriages	Numbers restricted?	Ratio of hackney carriages to population**
Basingstoke & Deane	65	No	1:2593
East Hampshire	106	No	1:1094
Eastleigh	109	No	1:1154
Fareham	219	No	1:511
Gosport	78	No	1:1059
Hart	150	No	1:611
Havant	40	Yes	1:3019
New Forest	123	No	1:1437
Portsmouth	234	Yes	1:877
Rushmoor	164	No	1:575
Southampton	283	Yes	1:833
Test Valley	36	Yes	1:3241
Winchester	113	No	1:803

** Mid 2011 Population estimates based on the results of the 2011 Census (Source – Office for National Statistics)

It can be seen therefore that Test Valley residents are not well served by the number of hackney carriages available to them in comparison with the residents of neighbouring authorities. Whilst there is no guide figure as to the ideal number of hackney carriages per head of population, Kielder Newport West Limited who undertook the unmet demand survey for the Council in 2005 suggested that an average ratio was one hackney carriage for every thousand persons.

5 Options

- 5.1 The Council has a number of options in relation to the review of the current policy.
- (a) In theory it could maintain the existing policy of restricting licence numbers and agree not to release any further licences at this time.
 - (b) It could issue a number of licences either immediately or over a periodic basis to satisfy any unmet demand (managed growth).
 - (c) Alternatively it could remove numerical restrictions on hackney carriage licences completely and opt for total delimitation meaning that there are no restrictions as to how licences are granted.
 - (d) Finally, it could opt for total delimitation subject to a policy which supports quality control mechanisms.

6 Option Appraisal

- 6.1 By adopting option (a), the Committee are restricting the number of licences available and as such, an unmet demand survey would need to be undertaken to defend our position should a licence application be received. As has been mentioned, funding to undertake a survey is unavailable and so this option is not considered viable. By adopting a new policy of 'managed growth' (option (b)) the Council would be following the recommendations of the independent survey albeit that the survey was conducted over seven years ago and thus it is questionable if the survey results are still reliable and relevant. If this option was pursued, it would be necessary to review the policy at a future date and particularly once all additional licences have been issued.
- 6.2 Options (c) and (d) involve removing any current numerical restriction upon the number of licences. There is the potential for dissatisfaction within the existing taxi trade due to extra competition if additional licences are issued, particularly if option (c) is pursued. Also, there is the likelihood with this option that de-restriction may result in a sudden increase in the numbers of hackney carriages (possibly by 100% or more). Such an increase would be difficult to administer within existing resources and might make enforcement problematic with the result that there may be a reduction in the current high standards of vehicles and drivers. Members are reminded that public safety is the primary licensing test not that of employment or business related issues.
- 6.3 Such problems could be overcome if option (d) were pursued whereby de-restriction is accompanied by additional requirements e.g. only licensing wheelchair accessible vehicles, or vehicles of a certain age or type.

This is the preferred approach of officers but it is acknowledged that current proprietors and members of this Committee have previously expressed concerns over the impact of complete de-restriction (even if criteria are attached).

- 6.4 Consequently officers are minded to recommend that the Borough Council pursue option (b) provided the licences are subject to the conditions set out in Annex 2 attached to this report. Officers believe that this option is the most preferred in that it will provide an opportunity to those wanting to enter the trade without potentially flooding the trade with additional vehicles (thus allaying the fears of existing proprietors). Importantly it has the potential to increase provision for wheelchair users requiring a wheelchair accessible taxi. The main requirements of these conditions is that vehicles will only be licensed if they: are wheelchair accessible with side loading access; have European Whole Vehicle Type Approval, European Small Series Type Approval or National Small series Type Approval; and are no more than 12 months old since the date of first registration. Examples of such vehicles include the LTI TX4 (London style cab), Mercedes Vito, Patons TW200 and Peugeot E7. These conditions are as those adopted in April 2012 except for the provision relating to vehicle age which has been reduced to 12 months rather than three years. Officers had previously recommended a relaxation of the age requirement as no applications for new licences had been made. However, shortly after changing the criteria a new vehicle licence was issued for a vehicle less than 12 months old. This suggests that other prospective proprietors would be prepared to make the significant investment needed to purchase this type of vehicle and on balance officers believe this is a better policy.
- 6.5 It is important to state that these conditions will not apply to the existing original 35 hackney carriage licences already issued and these vehicles will continue to be replaced on a “like for like” basis. The commercial premium associated with hackney carriage proprietor licences is something that the Borough Council has no control over. This “like for like” approach may help to preserve some of the value of the licence plate thus appealing to the existing proprietors. Adoption of this approach will hopefully result in the creation of a mixed fleet of licensed vehicles including saloon cars, multi-purpose vehicles and purpose built wheelchair accessible vehicles thus giving the public a choice of vehicle.
- 6.6 The relevant extracts of the current Department for Transport Best Practice Guidance on this matter are reproduced in Annex 4 attached to this report. A recent development that has further influenced this matter is the Law Commission review of taxi licensing law. The Commission was asked by the Government to undertake a review and initial expectations were that the Commission would recommend removing the ability for Councils to restrict hackney carriage licence numbers. An interim statement issued by the Commission makes it clear that they have now revised their position on the subject and are minded to recommend that those Councils who wish to restrict numbers are allowed to continue to do so.

It remains to be seen whether the Government will agree with this approach and a draft Bill is expected in November 2013. Adopting option (b) addresses the potential demand from licence applicants without committing the Borough Council to a policy which could not subsequently be reviewed and revised.

7 Resource Implications

- 7.1 Adopting option (a) would still require an unmet demand survey to be undertaken as mentioned above there is no funding available for such. Adopting option (c) as mentioned may produce a sudden increase in the numbers of licensed vehicles and place a sudden demand upon existing resource levels which potentially could not be met. By adopting option (b), any increase in the number of vehicles is limited and as such will have little if any impact upon existing resource levels.

8 Legal Implications

- 8.1 As has been stated previously, the Council can only maintain its current policy of restricting licence numbers on the basis of an up to date unmet demand survey. The last survey did indicate unmet demand although, increasingly, the survey results cannot be relied upon as justification for our current policy as they become more and more out of date. Members should be aware that the Council could at any time receive an application for a hackney carriage licence which would be refused based upon current policy. Should a disappointed applicant seek to mount a legal challenge to such a refusal, then it will become more difficult, as time goes by, for the Council to defend its current position.
- 8.2 Prior to this report being produced officers have been contacted by up to four prospective hackney carriage proprietors who have enquired about the availability of hackney carriage licences. If the Council were to deny these persons the opportunity of applying for a licence it is possible that one or more of them may launch a legal challenge and as previously mentioned the Council would be unable to defend such a challenge. A letter from one applicant, Mr Dunn, appears as Annex 5 attached to this report.
- 8.3 The proposed policy recommended in this report, namely that of managed growth linked to a policy of quality control has not been challenged where other local authorities have taken such a course of action. Therefore the approach recommended in this report is considered to be lawful.

9 Equality Issues

- 9.1 Adoption of the recommendations constitutes a change in Council policy. Consequently an Equalities Impact Assessment screening has been undertaken. This has shown that there is no intentional or unintentional discrimination as a result of adopting this revised policy. The screening indicates that adoption of the new policy would produce a benefit in that potentially it increases the provision of wheelchair accessible vehicles in the Borough thus benefiting wheelchair users.

10 Other Issues

- 10.1 Community Safety – none apart from that mentioned in 3.1 above.
- 10.2 Environmental Health/Sustainability Issues – the provision of hackney carriages may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 10.3 Property Issues – none.
- 10.4 Wards/Communities Affected – none directly but indirectly the whole Borough particularly Andover town and the surrounding environs.

11 Conclusion

- 11.1 The Council's current policy of restricting hackney carriage licences is becoming increasingly untenable. It is difficult to justify the current policy without the results of a recent survey and this is not possible because of the significant costs of undertaking such a survey. The Council must now consider whether continued restriction of licence numbers is viable. The consultation exercise undertaken earlier this year has proved inconclusive in providing information which would help formulate future policy. Whilst de-restriction is perfectly reasonable and lawful, concerns have been raised by existing proprietors and some members. However, there are potential applicants waiting who if denied an opportunity of applying for a licence may launch legal action. Consequently officers recommend issuing a limited number of additional licences, subject to them being combined with a policy of quality control, as the best way forward.

Background Papers (Local Government Act 1972 Section 100D)

European Conference of Ministers of Transport – Improving Access to Taxis 2007

Department for Transport Consultation on Improving Access to Taxis February 2009

Reports to Licensing Committee 17 October 2006, 15 July 2009, 19 October 2010, 12 April 2012 and January 2013

Letter from Department for Transport dated 16 June 2004

Department for Transport Best Practice Guidance for local authorities: Taxi and Private Hire Vehicle Licensing October 2009

Hackney Carriage Unmet Demand and De-restriction Survey report dated 20 June 2005

Results of consultation exercise undertaken 2013

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	Five		
Author:	Michael White	Ext:	8013
File Ref:	MW/D.8/1		
Report to:	Licensing Committee	Date:	19 September 2013

ANNEX 1

**Test Valley Borough Council
Consultation on Hackney Carriage (taxi) Licensing – Consultation
Questionnaire - results**

Numbers returned Hackney Carriage proprietor/driver 3, Private Hire Vehicle driver/operator 3, Parish/Town Council 2, Borough Councillor 4, Other 5.

1. Do you believe there are currently a sufficient number of licensed hackney carriages available in Test Valley?

Yes 7 No 9 Don't know 1

2. Do you believe there are currently a sufficient number of licensed wheelchair accessible hackney carriages available in Test Valley?

Yes 7 No 7 Don't know 3

3. Please read the following options and indicate with a tick the one with which you agree most:

a) The Borough Council should maintain the current policy of restricting hackney carriage numbers 4

b) The Borough Council should issue a set number of licences either immediately or over a period of time 5

If so, please indicate how many more licences you think the Council should issue:

One – 1

Two – 1

Three – 0

Four – 1

Five – 0

Don't know – 2

c) The Borough Council should remove the current restriction and move to a policy of complete de-restriction with no forms of control (other than existing licence conditions/ requirements) 0

d) The Borough Council should remove the current restriction and move to a policy of complete de-restriction but with some form of control. 8

If so, which of the following controls should be in place?

Vehicles must be of a certain age - 5

Vehicles must be of a certain colour – 1 (+ 1 possibly)

Vehicles should be identifiable in some other way - 6

Plate showing expiry date

TVBC signage

Roof sign

Door or boot/bonnet signage

Signage as to whether they are wheelchair accessible.

Vehicles must be capable of carrying a wheelchair user - 1

4. Are there any comments you wish to add regarding your preferred option or any other comments you wish to make?

Current needs in Romsey are met by the current provider except at very busy times. Wheelchair accessible vehicles are the only market not catered for at present.

This Parish Council is of the view that a few licences should be issued at a time and that this should continue as required.

The Borough [Council] may wish to ensure that sufficient wheelchair accessible vehicles are available amongst the licensed fleet.

I will admit that there are certain times i.e. end of the month weekends when taxis are difficult for the public to obtain.

Option [3] d) should be used but ensure there is a correct percentage of wheelchair accessible vehicles available.

I believe by restricting numbers we will ensure that drivers will not have to work excessive hours chasing business therefore passenger safety will be improved.

Most people who use our service only do so at certain times of the day; most taxis have school runs so when they are not on the rank the private hire get the business.

Our taxis and drivers are of a high standard in my opinion. It is important to maintain a limit to ensure this quality of service remains high.

Proposed terms and conditions linked to hackney carriage proprietor licences issued after 1 October 2013

All new hackney carriage proprietor licences issued after 1 October 2013 will only be released subject to the following terms and conditions. These terms and conditions must be read in conjunction with Test Valley Borough Council's standard hackney carriage vehicle licence conditions and complied with prior to a hackney carriage proprietor licence being issued.

1. The vehicle shall display Council approved accessible vehicle signage.
2. Vehicles must hold either, European Whole Vehicle Type Approval, European Small Series Type Approval or National Small Series Type Approval and appropriate documentation indicating this must be made available for inspection by the Council prior to the vehicle being licensed and at any time thereafter.
3. Vehicles first presented for licensing must not be more than 12 months old from the first date of registration.
4. Vehicles presented for licensing must be fully wheelchair accessible, side loading and capable of being licensed to carry 5, 6, 7 or 8 passengers.
5. A vehicle will only be licensed where it has met the criteria set out in the above conditions. Any vehicle replacing one issued under these conditions must meet the same criteria.

Mr Andrew Newell

(NVQ 2 Qualified In Passenger Transport)

29/04/2013

To the licensing committee T.V.B.C.

I am writing this letter regarding the possible deregulation of hackney plates in the test valley.

I have been operating in this area for 20 years as a partner in A & B Cars private hire. (The second largest private hire company in Andover) I am also a hackney carriage proprietor plate 3.

I feel that with this experience I can give a fair and truthful general feeling of the taxi trade on the matter of deregulation.

Work in the trade is generally slow at the moment with taxis easily available on the town ranks and also at the station.

Sometimes you can be waiting hours for a £3.60 fare and it is very demoralising to see the large queues of taxis waiting on the ranks for a job.

The hackney proprietors in Andover have all invested large sums of money (typically) £25,000 to be able to operate in the test valley which shows the commitment we have to the trade.

The government are in consultation at the moment on new rules and regulations regarding taxi / private hire licensing and I

believe we should wait until these new rules are agreed on by the government before any new rules are made by the T.V.B.C.

At present there are 36 hackney plates operating in the test valley 1 purpose built taxi as agreed at the licensing committee meeting on 19/ 10/2010 and 35 existing hackney plates which do not have to comply with any new criteria.

My suggestions are:-

wait until the government have agreed on their new rules for taxi / private hire vehicles before making any decisions on deregulation in the test valley.

If this is not possible my next suggestion would be to leave things the way they are at the moment but to allow new hackney plates to be issued to any proprietor that is willing to meet the strict criteria as set out at the licensing committee meeting on 19/10/2010.

This would stop any legal challenge for the refusal of a hackney carriage plate

The criteria as set out on this date: - (annex 2)

1, THE VEHICLE SHALL DISPLAY COUNCIL APPROVED ACCESSIBLE VEHICLE SIGNAGE.

2, VEHICLES MUST HOLD EUROPEAN WHOLE VEHICLE TYPE APPROVAL AND APPROPRIATE DOCUMENTATION INDICATING THIS MUST BE MADE AVAILABLE FOR INSPECTION BY THE COUNCIL PRIOR TO THE VEHICLE BEING LICENSED AND AT ANY TIME THEREAFTER.

3, VEHICLES FIRST PRESENTED FOR LICENSING MUST NOT BE MORE THAN 12 MONTHS OLD FROM THE DATE OF REGISTRATION.

4, VEHICLES PRESENTED FOR LICENSING MUST BE FULLY WHEELCHAIR ACCESSIBLE, SIDE LOADING AND CAPABLE OF BEING LICENSED TO CARRY 5, 6, 7 OR 8 PASSENGERS.

5, A VEHICLE WILL ONLY BE LICENCED WHERE IT HAS MET THE CRITRIA SET OUT IN THE ABOVE CONDITIONS. ANY VEHICLE REPLACING ONE ISSUED UNDER THESE CONDITIONS MUST MEET THE SAME CRITERIA.

By setting and maintaining this strict criteria any new hackney carriage proprietors would have to inject a similar amount of money as the existing 35 proprietors and would prove their commitment to the trade to maintain the very high standards we have in the test valley.

As stated in item 7 of the same meeting the requirements contained in recommendation 2 do not apply to the existing 35 hackney carriage proprietor licences.

I believe that this would over a period of time leave the test valley with one of the best taxi services in the country offering vehicles for every possible need.

I hope you have found these comments helpful in making your decision.

Yours

Mr Andrew Newell (driver licence 009)

Quantity Restrictions of Taxi Licences outside London

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] 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'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

Information Paper for Licensing Committee on September 19 2013

From: Ian Dunn – Prospective Hackney Carriage License Plate owner

Re: Purchasing of New Hackney Carriage License

This paper is to provide further information to assist with your deliberations.

I wrote to Councillor Hope (the then chair of the committee), in February 2013 following an enquiry to the Licensing team at Test Valley about purchasing a new hackney carriage license plate.

The current situation in Test Valley is that Hackney Licenses are currently restricted to 40 with 36 in current circulation. The remaining 4 have been held in abeyance pending a consultation on the current management of license provision.

While the Transport Act 2010, incorporating the provisions of the Transport Act 1985, provides local authorities with the responsibility for management of Hackney Carriage and Private Hire licensing within their local areas, the guidance of the Department of Transport is quite clear about the way in which this should be applied.

While the guidance acknowledges the need to ensure that supply will meet demand, and requires that authorities should consult regularly to make sure that there is no unmet need, there is also guidance about the impact that tight regulation can have on the Hackney Carriage trade.

“In most cases where quantity restrictions are imposed, vehicle license plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.”

Para 48: ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’
Department of Transport 2010

I accept that there is a requirement, as identified above, for Test Valley to provide regulation to the provision of Hackney Carriages. However, the impact as described above, is definitely an issue in Test Valley. From a business point of view I would ask you to consider the following:

- The cost of a new license from Test Valley and acceptance testing combined with the purchase of a vehicle that meets the Test Valley requirements costs in the region of £32,000.
- The cost of an existing license and vehicle (which is unlikely to meet the Test Valley current requirements, and those of the Local Transport Act 2008) starts in the region of £16,000 for the license plate and then the price of the vehicle (this will vary based on the age of the vehicle), before adding the price of the new vehicle – leading to a base price of around £48,000.

From this, you can clearly see why this could be viewed as the application of restrictive practices and anti-competition, and why buying a new license plate is the preferred route.

As part of my conversations with the Licensing team, I offered to provide a written undertaking to purchase a vehicle that more than meets the current access requirements of Test Valley. I would be planning to purchase a side loading wheelchair accessible vehicle, that would offer 6 seats without a wheelchair or 5 seats (max) with a wheelchair. I can confirm that the Peugeot E7 purpose built Hackney Carriage meets all these requirements, having side-loading and wheelchair security as standard

By adding this type of vehicle to the Test Valley Hackney Carriage fleet, there will definitely be better provision for the local population – anecdotal evidence from living in Andover suggests that there is a need for easy access vehicles for people with a wide variety of needs.

There will be clear benefits to the local economy by releasing additional Hackney Carriage licenses.

- New drivers will either be drawn from other industry, setting up their own business, and releasing positions for those currently without work; or by existing companies taking on new drivers directly.
- In both cases this will involve the purchase of additional new vehicles with the need to have identification on the vehicles– signwriting can be provided locally as can any advertising for new companies. Thereby injecting valuable income into the local economy.

I hope that this paper gives you a view from a requestor's position.

Item 8 Licensing Sub-Committee Arrangements

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

- 1) That the membership of the Licensing Sub-Committee be comprised of three members of the Licensing Committee determined in accordance with minute 466 of Licensing Committee 27/01/05, minute 583 of Licensing Committee 20/04/06 and minute 109 of Licensing Committee 26/06/07.**
- 2) As an alternative arrangement those members where possible being selected on the basis of one Liberal Democrat and two other members.**
- 3) That the Sub-Committee meets during the day and meetings be held in either: Beech Hurst, Andover; the Guildhall, Andover; Crosfield Hall, Romsey; or any other suitable accommodation.**

SUMMARY:

- Various matters relating to the Licensing Act 2003 and Gambling Act 2005 are determined by Licensing Sub-Committees established back in 2005 and re-established annually
- It is recommended that Andover hearings be held at Beech Hurst rather than the Guildhall and that political proportionality continue to be applied where possible but if it cannot be achieved that this not prevent a meeting from proceeding.

1 Introduction

1.1 The Licensing Act 2003 and Gambling Act 2005 require contested applications and certain other matters to be determined before hearings heard by Sub-Committees comprising three members. Sub-Committees were first established in 2005 to deal with a potentially significant number of hearings associated with the introduction of the Licensing Act 2003. These Sub-Committees were re-established in 2007 to take on the responsibilities associated with the introduction of the Gambling Act 2005.

1.2 The arrangements relating to the establishment and operation of Sub-Committees are now in need of revision. When first established it was proposed that meetings would be held in the Guildhall, Andover and the Council Chamber, Duttons Road. With the closure of the Romsey offices it is necessary to amend the procedures to state that Romsey hearings will take place at the Crosfield Hall. It was originally anticipated that a significant number of applications would be received requiring hearings to be held on a regular basis. Accordingly, Andover hearings would be held in the Guildhall so as not to use up the meeting accommodation at Beech Hurst.

Now that the number of hearings has reduced significantly this is no longer appropriate. It is therefore suggested that Andover hearings be held at Beech Hurst where possible although the Guildhall will be retained as a hearings venue should Beech Hurst be unavailable. The recommendation includes the phrase “any other suitable accommodation” to take account of any occasions where the usual meeting venues are unavailable and thus officers may need to make use of other accessible meeting venues.

- 1.3 The legislation regarding political proportionality at Council meetings does not apply to Licensing Sub-Committees. However, from the outset it was agreed that proportionality would apply to Sub-Committees. To date, it has been possible to achieve this although on occasions it has proved difficult to do so. The present requirement for Sub-Committee membership to comprise one Liberal Democrat and two other members is on most occasions easy to achieve with the current political composition of the authority. However, if this were to change then that may no longer continue to be the case. Accordingly, it is recommended that in future political proportionality be applied, where possible, but that if it is not possible to do so then this should not prevent a meeting from taking place.

2 Background

- 2.1 At its January 2005 meeting (Minute 466 of 27 January refers) this Committee agreed to establish Licensing Sub-Committees comprising three members. It was also agreed that those members would be selected on the basis of one Liberal Democrat and two other members. It was further agreed that Sub-Committee meetings would be held in the Guildhall, Andover or the Council Chamber, Romsey.

3 Corporate Objectives and Priorities

- 3.1 The establishment of Licensing Sub-Committees is a statutory requirement and does not directly relate to any of the Council’s corporate priorities.

4 Consultations/Communications

- 4.1 As this is an entirely internal matter no consultation has taken place. The recommendation to move Andover meetings to Beech Hurst was first suggested by a member.

5 Options and Option Appraisal

- 5.1 The options are either to accept the recommended changes to arrangements or maintain them as they are at present. For the reasons outlined in section 1 above officers consider that the recommended changes will better facilitate the organisation of Sub-Committee meetings.

6 Resource Implications

- 6.1 Moving Andover hearings to Beech Hurst will produce a small saving as the Guildhall will no longer have to be opened especially to hold meetings thus saving staff time and associated building costs. It has not been possible to quantify this saving.

7 Legal Implications

- 7.1 There are no specific issues arising from the recommendations. As previously mentioned, the establishment of Licensing Sub-Committees is a specific requirement of both the Licensing and Gambling Acts.

8 Equality Issues

- 8.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendations do not represent a significant policy change. Moving Andover hearings may be beneficial in that Beech Hurst has better physical access than the Guildhall.

9 Other Issues

- 9.1 Community Safety – none.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – see paragraph 6.1.
- 9.4 Wards/Communities Affected – none directly.

10 Conclusion

- 10.1 The arrangements relating to the establishment and operation of Sub-Committees are now in need of revision. It is recommended that Andover hearings be held at Beech Hurst rather than the Guildhall and that political proportionality continue to be applied where possible but if it cannot be achieved that this not prevent a meeting from proceeding. Officers consider that the recommended changes will better facilitate the organisation of Sub-Committee meetings.

Background Papers (Local Government Act 1972 Section 100D)

Minute 466 of Licensing Committee 27/01/05, minute 583 of Licensing Committee 20/04/06 and minute 109 of Licensing Committee 26/06/07.

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	Nil		
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Report to:	Licensing Committee	Date:	19 th September 2013