

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr Tim Ball, Cabinet Member for Planning &amp; Licensing</b>	
MEETING/ DECISION DATE:	<b>On or after 2nd March 2024</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3522</b>
TITLE:	<b>Review of Hackney Carriage Unmet Demand Survey Report 2023</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> <b>APPENDIX 1: Hackney Carriage Unmet Demand Survey Report 2023</b>		

### 1 THE ISSUE

1.1 The Council currently regulates the number of Hackney Carriage Proprietor (vehicle) Licences the Council issues for the city of Bath. Because of this the Council is under a duty to carry out a review of any significant unmet demand for Hackney Carriage services every three years. This report requests Members to consider the outcome of the Hackney Carriage Unmet Demand Survey (the Survey) carried out by independent consultants in 2023 and, if necessary, make recommendations on the findings to the Cabinet Member. The main recommendation from this report suggests that there is no significant unmet demand and that the number of licenses should remain the same.

### 2 RECOMMENDATION

1.1 The Cabinet Member for Neighborhood Services is asked to consider the outcome of the survey carried out by independent consultants, the recommendations of the Licensing Committee and agree:

- a) that the number of vehicle licences in Zone 1 remains at 125
- b) that the limitation policy remains in place.

### **3 THE REPORT**

- 3.1 Currently Hackney Carriages are restricted by zone and numbers within the authority. There are two zones which were set up at the time of local government reorganisation in 1996. Zone 1 has the same boundaries as the former Bath City Council and Zone 2 has the same boundaries as the former Wansdyke District Council (now referred to as North East Somerset).
- 3.2 There is no restriction on the number of Hackney Carriages in Zone 2 (North East Somerset).
- 3.3 Following the previous survey of unmet demand in 2020 the approved number of licences in Zone 1 (Bath) remained at 125.
- 3.4 In 2023 a further Survey was undertaken to see if there was any significant demand that was unmet within Bath and a copy of the consultant's report with appendices is provided in Appendix 1. The Survey was initiated in March 2023 and included 178 hours of rank observation, pedestrian surveys and consultation with licensed vehicle drivers and stakeholders.
- 3.5 The main conclusion from the Survey is that there is no unmet demand at this time in Bath City (Zone 1) which is significant and therefore a limit on vehicle numbers can be retained at the present level.
- 3.6 At a meeting on the 24<sup>th</sup> January 2024 the Council's full Licensing Committee considered the independent survey attached at Annex 1 and resolved to recommend that i) the number of vehicle licences in Zone 1 remains at 125 and ii) the limitation policy remains in place. The minutes and resolution of that meeting can be found here  
<https://democracy.bathnes.gov.uk/mgAi.aspx?ID=32748>

### **4 STATUTORY CONSIDERATIONS**

- 4.1 The Council is the licensing authority for Hackney Carriages. Under the Town Police Clauses Act 1847, a licensing authority had an unfettered discretion to limit the number of Hackney Carriage licences by being able to licence only such numbers as it thought fit. It was a power, which was widely used by many authorities to restrict the numbers of Hackney Carriages for the purposes of exercising control and supervision over them. Under the Transport Act 1985, the position in law changed and the 1847 Act, as now amended by Section 16 of the Transport Act, provides as follows:

*“that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”.*

### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The Council sets the fee rates for both Hackney Carriages and Private Hire vehicles. Total income received in 2022/2023 from fees was approximately £63,559.00, including fees for the transfer of vehicles.

- 5.2 The cost of future unmet demand surveys required to help review the continuation or otherwise of a limitation policy, will be in the region of £10,500. The cost of carrying out the survey is covered by the annual licence fee for Hackney Carriages licenses in Zone 1
- 5.3 If the decision is taken to continue with a limitation policy, then there is the possibility of legal challenge to the decision in court, albeit this risk is mitigated by the carrying out of the survey every 3 years to identify whether there is any significant unmet demand or not. The cost of any challenge could be significant financially and such costs would create a budget pressure elsewhere in the Public Protection service area. However, the regular three-year surveys have enabled Council's that have been challenged to put up a robust defence of their regulatory policies which has been accepted by the Courts.
- 5.4 If the decision is taken to de-limit the number of taxis, then subsequent monitoring of taxi ranks may reveal a need to expand their size or number, which the Council would be responsible for funding. Any further monitoring would be covered by the licensing fee income. At this stage it is unlikely that there would be a need to increase the number of ranks. Any decision to do so would be subject to the normal budgetary process.
- 5.5 Administration and compliance will be met from within existing resources funded by the licence fee.

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **7 EQUALITIES**

- 7.1 The Equalities Impact Assessment identified that there were no relevant impacts on any of the protected characteristics as the recommendation is not intended to make any change to the current limitation policy.

## **8 CLIMATE CHANGE**

- 8.1 The outcome of the Unmet Demand Survey does not have a direct link to the Climate Change agenda; however, the maintenance of a limitation policy has an indirect outcome to reduce congestion at taxi ranks by licensed vehicles.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 To partially delimit: Case law demonstrates that it would be feasible to issue batches of licences at a time which would allow a Council to assess the impact of each tranche and decide whether there is significant unmet demand. This option has been rejected as such assessments would require further budget and may result in periods of uncertainty within the trade and elsewhere.
- 9.2 To delimit altogether: This option has been rejected as the removal of the current limitation policy could result in a legal challenge from the existing vehicle licence holders considering the findings of the most recent survey.

## **10 CONSULTATION**

10.1 Consultation took place with various stakeholders including the taxi trade and customers as part of the Survey.

10.2 The Council's Monitoring Officer (Head of Legal & Democratic Services) and section 151 Officer (Director of Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	<i>John Dowding - Lead Officer, Licensing</i>
<b>Background papers</b>	<i>Independent Consultants' Report</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	