

**LICENSING AND SAFETY COMMITTEE  
23 APRIL 2009**

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**UNMET DEMAND SURVEY  
(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 The Council was approached by the Bracknell Licensed Taxi Forum to commission an unmet demand survey with a view to the Council introducing a limiting policy on the issue of hackney carriage licences.
- 1.2 At the Committee meeting on 5 February 2009 members agreed that officers would bring a report to this meeting on the result of a tender process for conducting an unmet demand survey, the result of consultation with hackney carriage licence holders, and proposals for the financing of the survey.
- 1.3 This report addresses those points and makes recommendations for the commissioning of a survey and proposals for financing the costs through an increase in the hackney carriage licence fee.

**2 RECOMMENDATIONS**

- 2.1 **That TPI be invited to conduct an unmet demand survey with a view to reporting back their findings to the Licensing and Safety Committee at its meeting on 1 October 2009;**
- 2.2 **That the cost of a hackney carriage vehicle licence be advertised to increase from £220 to £270;**
- 2.3 **That, if no objections are received, the new cost be implemented from 1 July 2009; and,**
- 2.4 **That, if objections are received, they be reported to the Chair and Vice Chair of the Committee who shall be delegated authority by the Committee to consider the objections and determine the fee and implementation date.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 The increase in hackney carriage licence fees will be sufficient to meet present known costs incurred by the Council in commissioning an unmet demand survey. Recovery of those costs should be achieved within a 3-year period up to 30 June 2012 based upon 264 licences being issued within that timeframe.

### Equalities Impact Assessment

- 3.3 The introduction of a limiting policy may have an impact for those persons seeking entry into the hackney carriage trade, in that they may have to pay an existing holder to transfer a licence to them.

### Strategic Risk Management Issues

- 3.4 A person who is refused a hackney carriage licence due to a limiting policy has a right of appeal to the courts to challenge that decision and policy.

## **4 SUPPORTING INFORMATION**

- 4.1 The Council may introduce a policy to limit the number of hackney carriage (taxi) licences it issues, but it must satisfy itself that there is no significant unmet demand for taxis within its area. Since this provision was introduced by the Transport Act 1985, a number of appeals to the Courts and guidance issued by Central Government have given definition as to what is required to be addressed within such a survey. A number of companies who specialise in transport issues have for a number of years conducted unmet demand surveys on behalf of Local Authorities and have defended their data and conclusions within the courts where appropriate.
- 4.2 Following the Committee meeting on 5 February 2009, officers wrote to Halcrow, TPI & Mouchel inviting them to tender for an unmet demand survey. See Annex A.
- 4.3 Officers have examined the tender documents and are satisfied that each of the companies has sufficient expertise and knowledge to conduct a survey. Additionally each company provided details of how they would adequately deliver those aspects identified within the letter attached as Annex A. There were differences within the proposals as to how each company would deliver those aspects and the costs involved. Taking all matters into account, officers are satisfied that all of the tender companies could provide an unmet demand survey within the specifications requested by the Council.
- 4.4 The Council consulted with the Bracknell Licensed Taxi Forum to check if they had any comments or concerns with the proposed tenders. They confirmed that they did not. In view of this and the officers being satisfied that each company can deliver a satisfactory survey, officers recommend commissioning the survey with TPI who provided the lowest priced tender.
- 4.5 The Committee required officers to consult with all hackney carriage licence holders on whether they felt that there was a need to limit the number of hackney carriage licences, and whether they were willing to pay for an unmet demand survey through an increase in their licence fees. Attached to the report as Annex B is a copy of the letter that was sent to all the 88 licence holders. 55 responses were received by the Council which equates to a 63% return rate. Of those that made a return 53 stated that they agreed that there was a need to limit the number of hackney carriage licences within Bracknell Forest. I said "No" and I made no response. The licence holders were also asked whether they would prefer to pay a one-off fee or spread the cost over 3 years on an increase in their licence fee. The result is as follows:
- Q2 As a Hackney carriage licence holder, do you want an unmet demand survey to take place if the increase to your Hackney carriage licence fee is:

(a)	one-off increase?	Yes	1
		No	11
(b)	increase spread over 3 years?	Yes	51
		No	3

Where returns do not total 55, no answer was given to the question.

It will be noted that 33 forms were not returned. The letter (Annex B) made it very clear to the recipients that a nil return would be assumed by the Committee as the licence holder having no objection to the conducting of an unmet demand survey and a rise in licence fees to pay for that survey.

- 4.6 If the Committee agrees to commission the survey, officers will meet with officers from TPI to discuss the final details and the timetabling for the survey to be completed. From the tender details it would be anticipated that the results of the survey can be reported to this Committee at its meeting on 1 October.
- 4.7 Fees charged for the licensing of hackney carriages are required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised in a local paper with comments or objections received and considered by the Committee before any increase can be implemented. Should objections be received, arrangements will need to be made for members to consider those at its next meeting on 2 July 2009. If objections are received and they have to wait until the July meeting, this will impact upon and delay the implementation of the unmet demand survey taking the report beyond the October committee meeting. To assist the process, it is recommended by officers that the committee delegate authority to the Chair and Vice Chair to consider any objections received within 14 days of the closure of the consultation period.

#### Background Papers

- 1 The Regulation of Licensed Taxi and PHN Services in the UK – Office of Fair Trading, November 2003
- 2 Government response to Office of Fair Trading Response – Department of Transport, June 2004
- 3 Taxi and Private Vehicle Licensing – Best Practice Guidance – Department of Transport, October 2006
- 4 Evaluating the Impact of the Taxis Market Study – OFT, October 2007
- 5 Request from Bracknell Licensed Taxi Forum for Bracknell Forest to introduce a limiting policy on hackney carriage licences – Licensing and Safety Committee, 5 February 2009

#### Contact for further information

Robert Sexton, Head of Trading Standards & Licensing - 01344 352580  
 robert.sexton@bracknell-forest.gov.uk

#### Doc Ref

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