

**EXETER CITY COUNCIL
LICENSING COMMITTEE**

29 MARCH 2011

REVIEW OF DEMAND FOR HACKNEY CARRIAGE SERVICES IN EXETER 2011

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the Licensing Committee on the outcome of the top-up survey into unmet demand (survey) carried out by Mouchel Ltd on behalf of Exeter City Council, in order to determine whether it remains the case that there is no significant unmet demand in relation to Hackney Carriages in Exeter.
- 1.2 Representatives of Mouchel will be in attendance to present the findings and to answer any questions that may arise from the report.

2. BACKGROUND

- 2.1 Following applications by prospective hackney carriage proprietors to the Licensing Committee on 15 February 2011, the Committee found it could no longer solely rely upon the survey of demand received in September 2010, due to recent changes in the dynamics of taxi provision in the evening.
- 2.2 These changes in dynamics arose following the cessation of the arrangements between private hire operators and Club Rococo and the Arena night clubs that serviced a night-time demand. Mouchel had stated in the survey report of September 2010 that:

“...if club agreements were ended, the level of hackney carriages on early Sunday mornings would clearly become insufficient, and the issue of more licences may be necessary...”

Consequently, the Committee felt that further information about the effects of these changes on demand was needed, and requested a new top-up survey to establish what, if any, demand existed that was unmet.

- 2.3 The top-up survey was carried out at a time when there were no major events or activities taking place and when the schools, colleges etc. were functioning normally, so as to reduce the likelihood that the top-up survey would be unduly influenced by extraneous factors.

3. LEGAL POWER TO ISSUE HACKNEY CARRIAGE LICENCES

- 3.1 In England and Wales (but excluding London), local authorities (district/borough councils or unitary authorities) are obliged to issue licences for hackney carriages while there is significant unmet demand. Once significant demand is met, there is a discretion to issue further hackney carriage licences. Exeter City Council adopts a policy not to exercise this discretion and thereby restricts the number of hackney carriage licenses issued, by virtue of Section 37 of the Town Police Clauses Act 1847, as amended by Section 16 of the Transport Act 1985.
- 3.2 In effect this quantity control means the Council must grant a hackney carriage licence to any applicant meeting our applications criteria to such numbers as the Council considers necessary to meet significant unmet demand. Thereafter the Council adopts a policy of

refusing to grant additional hackney carriage licences whilst it remains satisfied that there is no significant unmet demand unless there are exceptional circumstances that justify a departure from the policy.

- 3.3 Local authorities are obliged to grant hackney carriage licences to meet the level of significant unmet demand. Where a local authority maintains a policy of quantity control above the level of significant unmet demand, it is important that the level of significant unmet demand is reviewed periodically in accordance with current best practice methods to protect the authority from appeals against refusals where significant unmet demand may exist.

4. CURRENT POSITION REGARDING UNMET DEMAND AND OTHER CONSIDERATIONS

- 4.1 Because of the very tight time constraints involved, it has not been practicable to circulate Mouchel's findings from the survey to Members prior to this meeting.
- 4.2 There are currently 10 valid applications for hackney carriage licences submitted and awaiting a decision. Valid is used in this sense to mean that the applications meet the requirements of a strict interpretation of section 40 Town Police Clauses Act 1847.

5. CONSULTATION

- 5.1 Consultation with a range of stakeholders had been undertaken as a part of the original survey in 2010, to ensure that views on the above issues were considered when reviewing the policy, so further consultation was felt less necessary and impracticable within the time constraints being operated.

6. OPTIONS

- 6.1 Because the outcome of the top-up survey was unknown at the time this report was completed, the available options open to the Licensing Committee are not available in this report, but will be verbally reported at the meeting of 29 March 2011.

7. RECOMMENDATION

- 7.1 That the Licensing Committee considers the information before them and determines:
- (a) whether it remains the case that there is no significant unmet demand in relation to Hackney Carriages;
 - (b) in the case that significant unmet demand is shown, to quantify the number of licences needed to meet that demand.

HEAD OF ENVIRONMENTAL HEALTH SERVICES COMMUNITY AND ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended).
Background papers used in compiling this report:
Validated Mouchel report.