

Report of **Head of Elections, Licensing and Registration**

Report to **Licensing Committee**

Date: **20 May 2016**

Subject: **Unmet Demand Survey: Provision of Hackney Carriage Proprietor Licences**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Town Police Clauses Act, 1847, as amended by the Transport Act 1985, allows a Local Authority to limit the number of Hackney carriage proprietor licences but only if it is satisfied there is no significant demand for the service of Hackney carriages within its area. The results of the last unmet demand survey to be carried out in Leeds were presented to the Licensing & Regulatory Panel in March 2010 and indicated that there was no significant unmet demand.
2. Best practice guidance requires any limit to be regularly considered by carrying out an unmet demand survey. The Taxi and Private Hire Licensing Section must now proceed to a tendering exercise to select a consultant to conduct the survey in accordance with the Council's specification and within set time scales.

Recommendations

3. That Members approve the proposed tender specification document, enabling Officers to progress to identifying a consultant in line with the Council's procurement policy.

1 Purpose of this report

- 1.1 To inform Members of the proposed tender specification document considered appropriate to progress the procurement of an independent consultant.

2 Background information

- 2.1 Hackney carriage proprietor licences are granted by the Local Authority under Section 37 of the Town Police Clauses Act, 1847.
- 2.2 The Town Police Clauses Act, 1847, as amended by the Transport Act 1985, allows a Local Authority to limit the number of Hackney carriage proprietor licences but only if it is satisfied there is no significant demand for the service of Hackney carriages within its area. The Council currently remains satisfied that there is no significant unmet demand.
- 2.3 Best practice guidance requires any limit to be regularly considered and that by carrying out an unmet demand survey; such a survey can be used as evidence to respond to any legal challenge. In order to respond to any challenge it is best practice to commission an independent report.
- 2.4 In the event of there being an unmet demand identified, an assessment needs to be conducted about whether the right balance between saloons and wheelchair accessible vehicles exists across the licensed fleet and advise the Council on the most appropriate type of vehicle to which new proprietor licences should be issued.
- 2.5 There are frequent complaints from disability groups regarding no access to wheelchair accessible vehicles outside of the city centre, or unnecessarily long waiting times. The survey should give a more informed summary of the situation, what improvement proposals could be considered and identify any best practice which could improve the service within the suburbs, tourist destination points and all areas where taxi ranks are not immediately available.

3 Main issues

- 3.1 Members are advised that before a decision can be made on whether or not to continue with or change its existing policy to restrict the number of Hackney carriage proprietor licences it issues, it is essential that the most appropriate information is gained through an unmet demand survey.
- 3.2 To enable this, a tender specification document sets out, amongst other things, key stakeholders to engage & consult with, time frames, outputs and performance accountability.
- 3.3 There may be a variety of issues which could be included but Members are advised that the requirement for this survey is to measure 'unmet demand'. Including other issues may lengthen the process, incur additional expense and confuse the purpose of the report.

- 3.4 The selection process to identify the successful consultant will be conducted within the Council's procurement policy. Verbal updates will be given to Members at regular intervals throughout the procurement process.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The information contained within this report has not been the subject of consultation.

- 4.1.2 Extensive consultation will take place throughout the duration of the Unmet Demand survey itself with the extent of consultation being identified within the proposed tender specification.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no issues affecting this report. Equality and Diversity/ Cohesion and Integration will be fully considered throughout the duration of the Unmet Demand survey itself.

4.3 Council policies and Best Council Plan

- 5.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 The process for identifying a consultant will be carried out in line with the Council's procurement policy, offering best value for money.

4.4.2 The cost of the survey will be paid for by the Taxi & Private Hire Licensing Section but the cost will not be known precisely until the tenders have been submitted.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The results of the last unmet demand survey were presented in March 2010. As such the Council must repeat the survey, even to justify maintaining the existing limits.

4.5.2 If the Council does not carry out another survey then any decision to refuse an application for a new licence is subject to challenge on the grounds that the Council cannot be satisfied that there is no significant unmet demand with the licensing district.

4.5.3 Once the survey has been completed, the Council must decide whether to remove the restriction, maintain the existing restriction or to increase the number of licences on a managed basis until there is no significant unmet demand.

4.6 Risk Management

4.6.1 Best practice guidance requires any limit to be regularly considered and that by carrying out an unmet demand survey; such a survey can be used as evidence to respond to any legal challenge. In order to respond to any challenge it is best practice to commission an independent report.

5 Conclusions

- 5.1 The proposals set out in the proposed tender specification document are in the format approved within the procurement policy.
- 5.2 The timetable for the survey enables a whole year overview. Verbal updates will be given to Members at regular intervals throughout the procurement process as it progresses.
- 5.3 The proposed tender specification document is aimed specifically at identifying those key areas of information required to influence and guide the decision making process.

6 Recommendations

- 6.1 That Members approve the scope of the proposed tender specification, enabling Officers to progress to identifying a consultant in line with the Council's procurement policy.

7 Background documents¹

- 7.1

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.