

PROCUREMENT AND IMPLEMENTATION OF A HACKNEY CARRIAGE DEMAND SURVEY

To:

Licensing Committee 31/01/2022

Report by:

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Wards affected:

All

1. Introduction / Executive Summary

- 1.1. In January 2018, Licensing Committee resolved to continue to limit the amount of Hackney Carriage Vehicles (HCV). This was following the 2017 taxi demand survey results, that concluded there was no significant unmet demand in the city.
- 1.2. Members also agreed that the existing limit of 321 would remain.
- 1.3. Government guidance recommends the maximum reasonable period between taxi demand surveys is three years.
- 1.4. Following the 2017 survey, the next survey was due to be completed in 2020. This did not take place, due to the Covid-19 pandemic and the various lockdowns put in place by the UK Government. It was concluded that a demand survey at that time would not be a true representation of the demand.

- 1.5. Restrictions were eased on 19th July 2021, and as the country moves into a new normal, we now require the commissioning of a new demand survey, to determine whether a significant unmet demand continues to exist in the city.
- 1.6. In March 2018, Licensing committee agreed to reduce the number of Wheelchair Accessible vehicles within the Hackney Carriage Fleet from 65% to 50%, and those 50 plates to be replaced by zero emission vehicles.
- 1.7. Members also resolved that above required that availability of WAV should be reviewed every three years.
- 1.8. The Law Commissions final report on Taxi and Private Hire Services (published May 2014) recommends that the accessibility review should be conducted every 3 years.

2. Recommendations

- 2.1. Members are asked to instruct officers to procure and implement a new Hackney Carriage Demand Survey to determine whether there is a significant unmet demand in the City, and to bring the results and recommendations to Licensing Committee in January 2023.
- 2.2. Members are asked to instruct officers as part of the demand survey, to review the accessibility policy in relation to the Hackney Carriage Vehicles and to bring the results and recommendations to Licensing Committee in January 2023.

3. Background

- 3.1. Section 16 of the Transport Act 1985 (which amends Section 37 of the Town Police Clauses Act 1847) allows Licensing Authorities to limit the number of HCV licences issued, “only if, the local 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”.
- 3.2. In January 2018 Licensing Committee was presented with a committee report outlining the results of the taxi demand survey completed by LVSA in 2017. The final 2017 report concluded that there was no significant unmet taxi demand in Cambridge.

- 3.3. Informed by the report and Committee meeting debate the Licensing Committee was satisfied that there was no significant demand for hackney carriages in the city which is unmet.
- 3.4. Members also resolved to keep the limit at the existing level of 321 HCVs.
- 3.5. Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 3.6. There are no powers for licensing authorities to limit the number of Private Hire Vehicles. As of January 2022 there were 99 Private Hire Vehicles licensed with Cambridge City Council.
- 3.7. Due to the limit in Hackney Carriage numbers an 'Expression of Interest' list has been set up in the past following the committee decision where by persons could be added to a waiting list, and so offered an available plate should the number of Hackney Carriage Vehicles fall below 321.
- 3.8. At the time of writing this report, there are no people on the waiting list. 8 individuals have been offered and accepted a plate, however are yet to licence a vehicle. 5 licences are currently vacant with, no one to offer due to empty waiting list.

Survey intervals

- 3.9. Paragraph 49 of The Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) states:

"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"

- 3.10. In addition, the Law Commission's final report on 'Taxi and Private Hire Services' (published May 2014) recommends that limits should be reviewed every three years and be subject to local consultation. The report also advised that an accessibility review should be conducted at three-yearly intervals.
- 3.11. Based on the recommended 3 year intervals between survey, Cambridge City Council were due to complete a survey in 2020. This however did not take place due to the Covid-19 pandemic and reduced need for public transport. This was addressed to members, during Licensing Committee meeting on January 2021 and again in March 2021. Licensing officers did not feel that a survey completed in 2020, would be a true representation of demand within the city.
- 3.12. As we come out of the pandemic into a new normal, it would therefore appear in the interests of the Council to commission a taxi demand survey as to prevent any further interval in time.

Procurement

- 3.13. The procurement of a contractor to conduct the survey will be subject to the standard corporate procurement process. The survey will be financed by the Hackney Carriage trade with a maximum budget estimated at £18,000.

The contract will be awarded on the basis of the most advantageous bid, in accordance with the following criteria:

- Price
- Method Statement for carrying out the work & quality of the proposal (e.g. quality of example questionnaires)
- Availability to commence the survey

- 3.14. When commissioning a demand survey the Council will need to agree with the contractor what methodology will be used and the parameters to be investigated.
- 3.15. As a guide, the Department for Transport has set out a list of 'Useful questions when assessing quantity controls of taxi licences' in Annex A of its March 2010 Best Practice Guidance document. These questions fall into three categories:
- Questions relating to the policy of controlling numbers

- Questions relating to setting the number of taxi licences
- Questions relating to consultation and other public transport service provision

3.16. The 2017 demand survey used several investigation techniques, including; rank surveys; stakeholder consultations; and Trade stakeholder / General public views

Wheel Chair Accessible vehicles

3.17. The commissioning of a taxi demand survey presents the opportunity to explore particular elements of the demand for HCVs. An example of this could be to review the quantity of Wheelchair Accessible Vehicles (WAVs) following the Law Commission's recommendations relating to a three-yearly accessibility review. Furthermore, following the council decision to reduce WAV from 65% to 50% in the view of increasing the number of electric vehicles within the fleet to support the Councils Air Quality Action Plan, a review of demand is required.

3.18. In the January 2018 Licensing Committee meeting members were advised that the Commercial and Licensing Team had, prior to meeting received two comments from members of the public within the last three months, stating that they found the number of WAVs excessive. Their circumstances related to the difficulty of getting into a WAV, which require a step up into the vehicle, and their preference for saloon, estate and hatchback vehicles, which do not.

3.19. However, this year the Licensing officers have received 3 queries in regards to the inability for passengers to get a WAV. This has however been related to customers making contact with Private Hire Operators (PHO) and being unable to get a WAV, when required.

3.20. Although availability of WAV has been linked to PHO ability to supply a WAV, many HCVs are also registered with PHO and make up a portion of those WAV available to customers.

3.21. Since 2018 when the policy was introduced to reduce the number of WAV HCV by 15% with the aim of increasing the number of Zero emission, the number of WAV has reduced from 65% to 51% (based on current number of HCV licences; 308 vehicles and 157 WAV).

3.22. Currently there are 8 plates which have been offered and accepted to those previously on the 'Expression of Interest' List, the council are

waiting vehicles to be added to these plates. Only one of these prospective proprietors have stated they will put a zero emission vehicle on the plate. This would take the total amount of WAV to 52% based on 316 licences, when offered plates have been licenced.

- 3.23. 5 plates are vacant and yet to be allocated, as there are no more prospective proprietors on the Expression of interest list.
- 3.24. A total of 35 WAV have been swapped to zero emission.
- 3.25. Members may therefore wish to instruct officers for the demand survey to review the provision of WAVs in the city.
- 3.26. Members may also wish to have regard to the Council's Air Quality Management Plan (AQMP). In respect to Taxi Trade the Council has agreed a 10 year plan (2018-2028) with the aim of creating an Hackney Carriage and Private Hire vehicle fleet that is electric or Ultra-low emission.
- 3.27. Members may therefore wish to consider the aims and objectives of the AQMP and how this could shape the methodology to be employed when conducting a demand survey and the provisions of WAV in the City.
- 3.28. Members should also be advised that there is no requirement to undertake a demand survey in order to delimit the number of HCV licences, however it is strongly recommended and a consultation must be conducted. However, any increase or decrease in the set limit of HCV licences should be supported by evidence.

4. Options

- 4.1 The Committee may resolve to:
 - a) Instruct officers to procure a contractor to conduct a Hackney Carriage Demand Survey in 2021 and also include a review of the accessibility policy; or
 - b) Instruct officers to procure a contract to conduct a Hackney Carriage Demand Survey in 2021 only and not a review of the accessibility policy

c) Instruct officers not to procure a contractor and thus not commission a Hackney Carriage Demand Survey or a review of the accessibility policy

4.2 If members pick option a) or b) then the results of the survey will be due to be presented at the January 2023 meeting of the Licensing Committee, to ascertain whether there exists a significant unmet demand for taxis in Cambridge

4.3 If members pick option c) then they must be satisfied that the decision to not allow commissioning of a demand survey to ascertain whether there exists a significant unmet demand for taxis in Cambridge could withstand challenge.

5. Implications

a) Financial Implications

The procurement of a contractor to conduct the survey will be subject to the standard corporate procurement process. The survey will be financed by the Hackney Carriage trade with a maximum budget estimated at £18,000.

b) Staffing Implications

If members resolve for the survey to go ahead then the work involved would be absorbed by existing staff resources.

c) Equality and Poverty Implications

The results of the demand survey and accessibility review will be subject to an equalities impact assessment and will form part of the committee report presented to Licensing Committee in January 2023

d) Net Zero Carbon, Climate Change and Environmental Implications

The results of the accessibility review will have an impact as to whether the air quality action plan is achievable

e) Procurement Implications

The corporate procurement rules will be following in discussion with the procurement team

f) Community Safety Implications

Nil.

6. Background papers

1. [Hackney Carriage and Private Hire Licensing Policy - Cambridge City Council](#)
2. [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)
3. [Agenda for Licensing Committee on Monday, 19th March, 2018, 10.00 am - Cambridge Council](#)
4. [Agenda for Licensing Committee on Monday, 29th January, 2018, 10.00 am - Cambridge Council](#)
5. [Executive summary \(cambridge.gov.uk\)](#) – Air Quality Action Plan
6. [Taxi and Private Hire Services | Law Commission](#)
7. [Agenda for Licensing Committee on Monday, 22nd March, 2021, 10.30 am - Cambridge Council](#)
8. [Agenda for Licensing Committee on Monday, 25th January, 2021, 10.30 am - Cambridge Council](#)

7. Appendices

Nil.

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Wangari Njiiri , Environmental Health and Licensing Support Team Leader, tel: 01223 - 458533, email: wangari.njiiri@cambridge.gov.uk.