

# Licensing Committee

Thursday, 14th June, 2012  
at 2.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Parnell  
Councillor Thomas  
Councillor Mrs Blatchford  
Councillor Cunio (Chair)  
Councillor B Harris  
Councillor Vassiliou  
Councillor Laming  
Councillor Lewzey  
Councillor Lloyd  
Councillor Spicer  
Councillor Tucker  
Councillor L Harris  
Councillor Fitzhenry

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## **PUBLIC INFORMATION**

### **Terms of Reference**

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

### **Southampton City Council's Seven Priorities**

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones** – Please turn off your mobile telephone whilst in the meeting.

**Fire Procedure** – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2012/13**

Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum**

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

#### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - (a) any employment or business carried on by such person;
  - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

### **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

### **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website at  
[www.southampton.gov.uk/council/meeting-papers](http://www.southampton.gov.uk/council/meeting-papers)

### 1 **APOLOGIES**

To receive any apologies.

### 2 **ELECTION OF VICE-CHAIR**

To elect a Vice Chair for the 2012/13 municipal year.

### 3 **DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Committee Administrator prior to the commencement of this meeting.

### 4 **STATEMENT FROM THE CHAIR**

### 5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 22<sup>nd</sup> March 2012 and to deal with any matters arising, attached.

### 6 **HACKNEY CARRIAGE LICENCES - UNMET DEMAND SURVEY**

Report of the Head of Legal, HR and Democratic Services detailing a report by the Halcrow Group Ltd concerning Hackney Carriage demand in relation to the City Council's current policy of numerical control of the number of Hackney Carriage Licences issued, attached.

Wednesday, 6 June 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 March 2012

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Present

Councillors Parnell (Chair), Osmond, Thomas, Willacy (Vice-Chair), Mrs Blatchford, Fuller, B Harris and Vassiliou

6. **APOLOGIES**

Apologies were received from Councillors McEwing, Rayment and Cunio.

7. **STATEMENT FROM THE CHAIR**

The Chair informed the Committee that Councillor Drake had retired due to ill health and members passed a vote of thanks for his co-operation and hard work as a valued member of the Licensing Committee.

8. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the meeting held on 14<sup>th</sup> July 2011 be approved and signed as a correct record. (Copy of minutes appended to the agenda and circulated with the signed minutes).

9. **TRADE REQUEST FOR VARIATION OF HACKNEY CARRIAGE FARES**

The Committee considered the report of the Head of Legal, HR and Democratic Services concerning a request for the variation of the table of fares for the hire of hackney carriages and to determine whether to proceed to public consultation. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hall and Mr Martin, Southampton Hackney Carriage Association, Mr Johnson and Mr May, Southampton Taxi Association, were present and with the consent of the Chair, addressed the meeting.

The following was noted:-

- that this was not a decision-making meeting, but a request to go to public consultation on the trade request for a variation of hackney carriage fares; and
- that under Additional Charges on Appendix 2, - More than 4 Passengers – it was clarified that if there were more than four passengers, the additional charge of £2.00 would be a one-off for hiring and not per additional person.

**RESOLVED**

- (i) that the request for the variation of the table of fares for the hire of hackney carriages in Southampton be approved in principle;

- (ii) that the Head of Legal, HR and Democratic Services be authorised to advertise the proposed table of fares, as set out in Appendix 2 to the report, subject to the following corrections and amendments proposed by the trade representatives:-
- Tariff 2 – for the first 110 metres (120.3 yards) or part thereof - £3.30.
  - Tariff 4 as proposed to be removed and Tariffs 4 and 5 as on the current table of fares to be substituted without alteration, as follows:
  - TARIFF 4 – Christmas - For any hiring begun after 11.00 p.m. on the 24th December and before 6.00 a.m. on the 27th December: One and a half times the rate of Tariff 1
  - TARIFF 5 – New Year’s Eve - For any hiring begun after 11.00 p.m. on the 31st December and before 6.00 a.m. on the 1st January Twice the rate of Tariff 1; and
- (iii) that subject to any objections to the advertisement, the variation shall come into effect on 27<sup>th</sup> April 2012.

10. **SEV'S CONSULTATION RESPONSE AND RECOMMENDATIONS TO COUNCIL**

The Committee considered the report of the Head of Legal, HR and Democratic Services, seeking consideration of the adoption of the provisions for the licensing of sexual entertainment venues and the preliminary public consultation. (Copy of the report circulated with the agenda and appended to the signed minutes).

It was noted that if it was determined that the new SEV provisions not be adopted, the legislation required that the Council carry out an extensive public consultation annually and there would be an ongoing unfunded resource implication for the consultation procedures.

**RESOLVED**

- (i) that the report be noted;
- (ii) that Council be recommended to formally adopt the legislation requiring sexual entertainment venues to be licensed;
- (iii) that if Council resolved to adopt the legislation, to set the date on which the licensing provisions would come into effect; and
- (iv) to delegate the following responsibilities as set out below:-
- the statutory function (to include the making of policy, standard conditions and the setting of fees) to the Licensing Committee;
  - the power to determine the applications made for sexual entertainment venue licences to the Licensing (General) Sub-Committee; and
  - the arrangements for publication of statutory notices and powers to approve applications for renewal where no valid objections have been received to the Head of Legal, HR and Democratic Services.



11. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS AND POLICY ON CAB CAMERAS**

The Committee considered the report of the Head of HR, Legal and Democratic Services requesting authorisation of a consultation exercise on the review of the policy and condition with a report back to Committee in order to assess whether amendment of either was necessary. (Copy of the report circulated with the agenda and appended to the signed minutes).

Mr Hall and Mr Martin, Southampton Hackney Carriage Association, Mr Johnson and Mr May, Southampton Taxi Association, were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- (i) that the issues be considered;
- (ii) that a consultation exercise on the review of the policy and condition with a report back to Committee in order to assess whether amendment of either was necessary, be authorised; and
- (iii) that in the interim the policy and conditions should continue to be applied and remained in force.

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# Agenda Item 6

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	HACKNEY CARRIAGE LICENCES – UNMET DEMAND SURVEY
<b>DATE OF DECISION:</b>	14 JUNE 2012
<b>REPORT OF:</b>	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
<b>STATEMENT OF CONFIDENTIALITY</b>	
None.	

## **BRIEF SUMMARY**

To consider the report by the Halcrow Group Ltd. (Halcrow) in relation to demand for the services of additional licensed hackney carriages and consider the city council's current policy of numerical control of the number of hackney carriage licences.

Should the committee resolve to issue further licences it will need to give consideration to the additional vehicle conditions detailed below.

## **RECOMMENDATIONS:**

- (i) to consider the Halcrow unmet demand report; and
- (ii) to resolve to remove the current numerical limit on the numbers of licensed hackney carriages, subject to licence conditions indicated below in respect of any additional licences issued; or
- (iii) to resolve to issue additional hackney carriage licences, but to continue to restrict the maximum number of such licences issued, and to determine that maximum, subject to licence conditions indicated below; or
- (iv) to resolve to continue to restrict the number of licensed hackney carriages to 283.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The recommendations are made in accordance with the legal restrictions surrounding the grant of hackney carriage licences and the Department for Transport's best practice guidance (appendix 2).
2. The reasons for the recommendations are set out in the report by Halcrow.

## **DETAIL (Including consultation carried out)**

3. Halcrow has carried out an independent survey of unmet demand on behalf of the city council. The survey has involved extensive consultation with the taxi and private hire trade, the public and other special interest groups of taxi users.
4. The Department for Transport is clear that it is inappropriate for licensing authorities to continue to impose numerical restrictions on hackney carriage licences.
5. Although there is no current statutory prohibition on continued numerical restrictions, the council must show, if it does not follow the Government guidance, that it has robust reasons for so doing and has acted reasonably in making its determination.
6. The committee has a statutory responsibility to promote and protect public safety and that economic and business considerations in determining policy

cannot lawfully be considered.

7. It is therefore lawful and reasonable, in considering the unmet demand survey, for the committee to conclude that the current numerical limit on hackney carriages should either be removed entirely or increased.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

8. In December 2003 the Office of Fair Trading published a report entitled “The Regulation of Licensed Taxi and PHV services in the UK”; on behalf of the Government, the Trade and Industry Secretary’s response to that report was given to Parliament in March 2004 and is set out in appendix 2.
9. The statement indicates that local authorities limiting the numbers of hackney carriages should justify their policy by conducting a regular, possibly triennial, survey of unmet demand for the services of additional licensed hackney carriages
10. The city council’s current policy, last determined by the committee on 11<sup>th</sup> March 2009, was to issue an additional twenty hackney carriage licences (four on 1 December 2009, eight on 1 December 2010 and eight on 1 December 2011) in order to satisfy the significant unmet demand for the services of additional licensed hackney carriages identified by the survey conducted in the autumn of 2008. The total number of hackney carriage licences now issued is 283.
11. The Department of Transport’s guidance (appendix 1) requests councils to review their policies restricting hackney carriage licence numbers and to make that review public. Government policy on this issue has not altered in the interim.
12. The guidance includes the following salient points:
  - the Government Action Plan for taxis (and private hire vehicles) advises that restrictions should only be retained where there is shown to be a clear benefit for the consumer.
  - Councils should publicly justify their reasons for the retention of restrictions and how decisions on numbers have been reached.
  - that, unless a specific case can be made, it is not in the interests of consumers for market entry to be refused to those who meet the application criteria
13. Accordingly, the council is required to review its policy regularly in order to ensure that it would be robust in the face of any challenge. Halcrow was instructed to undertake a further independent survey in the autumn 2011. A copy of the report summary is attached at appendix 1 and the full report has been placed in the Members Rooms on the council’s web site.
14. The council’s options in relation to the review of its policy, together with the advantages and disadvantages are as follows:-
  - Option 1: To retain the current numerical restriction on hackney carriage licence if, and only if, the Department for Transport’s “clear benefit for the consumer” criterion is met;
  - Advantage: Retains the current status. Although elements of the existing taxi trade would prefer this, economic and business

considerations are irrelevant and a lawful defence for such a decision can only be sustained if a robust survey concludes that there is no significant unmet demand.

Disadvantage: A triennial survey will still be required, with consequent budgetary implications.

Option 2: If the committee considers that there is “unmet demand” in the council’s area, a limited number of hackney carriage licences should be issued immediately to satisfy that unmet demand.

Advantage: Satisfies any unmet demand identified by the survey immediately.

Disadvantage: A triennial survey will still be required, with consequent budgetary implications.

Option 3: To issue a limited number of hackney carriage licences, on a periodic basis.

Advantage: Has the added benefit of the increasing the availability of licensed hackney carriages to the community, albeit a gradual increase over a period of time. However, the numbers of licences issued annually should not be so limited as to be insignificant.

Disadvantage: A triennial survey will still be required, with consequent budgetary implications.

Option 4: To remove numerical restrictions on hackney carriage licences.

Advantage: Potentially a better service for consumers (e.g. decreased waiting times and more choice) and any perception or potential allegation that market forces are unnecessarily interfered with by restricting entry to the trade is removed. There will be no need for a triennial survey with associated costs, this option lets market forces immediately dictate the number of hackney carriages without council intervention and accords fully with Government guidance. Whether a better service would be provided overall would only be ascertained after a period of implementation.

Disadvantage: Potential dissatisfaction within the taxi trade due to perceived additional competition. However “public safety” is the primary licensing test and economic and business considerations are irrelevant.

15. Whichever option the committee wishes to pursue, any new hackney carriage licences should be subject to conditions as follows:

- Any vehicle to be licensed must be fully wheelchair accessible to the council’s satisfaction.
- Any such vehicle must be maintained in the specification in which it was originally supplied and subsequently licensed.
- Any vehicle to be licensed must, as a minimum standard, have a nearside loading capability for any wheelchair.

- Any vehicle to be licensed must conform to European whole vehicle type approval as a hackney carriage or VCA qualification for production of up to 500 vehicles.
- Any vehicle to be licensed must be less than one year old at the time of its being first licensed as a hackney carriage and shall not have been previously licensed by the council.
- Any vehicle to be licensed must be fitted with a taxi camera system approved by the city council.
- Any vehicle to be licensed will be subject, in addition, to all the council's current hackney carriage licence conditions.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

16. None, save that if any additional licences are granted they will result in additional income to offset the costs of providing the licensing service.

### **Property/Other**

17. None

## **LEGAL IMPLICATIONS**

### **Statutory Power to undertake the proposals in the report:**

18. Section 37 Town Police Clauses Act 1847, as modified by section 15 Transport Act 1985 provides for the regulation of hackney carriages.
19. There is a considerable body of case law arising from the higher courts' consideration of this provision.

### **Other Legal Implications:**

20. Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
21. Human Rights Act 1998 - any action undertaken by the council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

## **POLICY FRAMEWORK IMPLICATIONS**

22. None.

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## SUPPORTING DOCUMENTATION

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

### **Appendices**

1.	Summary of the report by the Halcrow Group Ltd. – May 2012
2.	Written response to Office of Fair Trading Report by Trade and Industry Secretary, Patricia Hewitt

### **Documents In Members' Rooms**

1.	Report by the Halcrow Group Ltd. – May 2012
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### **Integrated Impact Assessment**

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out?	No
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### **Other Background Documents**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	Office of Fair Trading Report – December 2003	
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**Integrated Impact Assessment and Other Background documents available for inspection at:**

<b>WARDS/COMMUNITIES AFFECTED:</b>	N/A
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## Southampton Hackney Carriage Unmet Demand Survey

Final Report

Southampton City Council

May 2012

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[halcrow.com](http://halcrow.com)



# 1 Summary and Conclusions

## 1.1 Introduction

Halcrow has conducted a study of the hackney carriage and private hire market on behalf of Southampton City Council. The present study has been conducted in pursuit of the following objectives. To determine;

- whether or not there is a significant unmet demand for Hackney Carriage services within Southampton as defined in Section 16 of the Transport Act 1985; and
- how many additional taxis are required to eliminate any significant unmet demand.

This section provides a brief description of the work undertaken and summarises the conclusions.

## 1.2 Significant Unmet Demand

The 2011 study has identified that there is NO evidence of significant unmet demand for hackney carriages in Southampton. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow's analysis.

Although the ISUD value is close to the cut off level of 80, each of the day time hours in which excess passenger demand was observed was at the cruise terminals. This indicates it is associated with short term spikes in demand as passengers disembark the cruise liners at the four terminals. This is particularly evident on days when more than one terminal is in use. The consultation responses indicate that stakeholders believe there are traffic management and congestion issues around the docks when liners are in berth.

We would suggest that it would be beneficial for additional dock permits to be issued and / or consider what might be done to improve traffic flow in the area to improve the ability of hackney carriages to access the ranks during periods of high passenger demand.

It should also be noted that since the survey was conducted eight additional hackney carriage licenses have been issued.

## 1.3 Public Perception

Public perception of the service was obtained through the undertaking of 470 surveys. Overall the public were generally satisfied with the service – key points included;

- Some 45% of respondents had used a taxi within the last three months;
- High levels of satisfaction with delay on last trip;

- The majority of respondents felt safe using hackney and private hire vehicles during the day (86.7%) and at night (73.2%) in Southampton;
- Some 92% of respondents agreed with the councils new safety policy;
- The majority of respondents had not given up waiting for a hackney carriage or private hire vehicle in the last three months. Some 5.8% stated that they had given up trying to obtain a vehicle by rank and/or flagdown in Southampton.

#### **1.4 Trade Perception**

Trade opinion of the market in Southampton was obtained through a survey issued to all those in the private hire and hackney carriage trades. The key findings included:

- Some 47% of hackney carriage respondents subscribed to a radio circuit;
- Only 38% of the hackney trade and 45% of the private hire trade felt safe at all times when working in Southampton;
- Some 84% of the hackney trade would like more and extended ranks;
- The majority of the private hire and hackney carriage trade agree with Southampton Councils training requirements but 84% of the hackney trade and 72% of the private hire trade would like to see further training introduced;
- If the current limit on hackney carriage licenses was removed, 46% of the hackney carriage trade report they would leave the trade, while 35% of the private hire trade would expect to switch to a hackney carriage license.

#### **1.5 Stakeholder Perception**

In line with DfT guidance stakeholders were consulted during the study by a combination of face to face meetings and written consultation. The image of the trade was generally considered to be positive by stakeholders although it was noted a few drivers could give the trade a bad name and that in general standards of dress should be greatly improved. Both the trade and stakeholders reported that additional training was required for drivers, notably disability awareness, driving skills and communication skills.

Sufficient vehicles are generally available but many stakeholders felt there was a need for further wheelchair accessible vehicles. It was also felt that these larger vehicles would be useful in servicing the ports as the saloon vehicles cannot carry much luggage.

The trade representatives felt further ranks were required though other stakeholders noted that some ranks are underused and could be utilised for other kerbside requirements.

It was felt further information on taxi services and the various operators should be made publically available, and that if cross stakeholder taxi forums were held, communication could be improved and reported issues could be resolved more quickly.

## 1.6 Recommendations

The 2011 study has identified that there is NO evidence of significant unmet demand for hackney carriages in Southampton. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow's analysis.

On this basis the authority has discretion in its hackney licensing policy and may either:

- Maintain the current limit of 275 + the 8 additional hackney carriages licensed in December 2011;
- issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- remove the numerical limit.

Furthermore it is clear that there are peaks in demand as cruise liners dock at the terminals. The consultation highlighted potential traffic management and congestion issues around the docks and we would advise that these issues be looked into.

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### Taxis/Private Hire Vehicles Report

**The Secretary of State for Trade and Industry (Ms Patricia Hewitt):** We welcomed the Office of Fair Trading (OFT) report which was published on 11 November. It provides a useful analysis of the market impact of taxi regulations. The OFT made a number of recommendations to Government, aimed at improving services for consumers. The Government is committed to delivering better transport services and has carefully considered OFT's contribution to the debate. Taxis and private hire vehicles (PHVs) have an important role to play in the provision of public transport, especially when buses or trains are not available. As well as providing the connecting first or last trips of a journey,

18 Mar 2004 : Column 33WS

making it easier to use public transport, they can provide people in the lowest income groups with access to vital services and enhanced quality of life.

We strongly support the OFT's role in conducting analyses of this kind. They are useful in considering the economic effects of Government regulations.

That is why we have empowered the OFT and other economic regulators under the Enterprise Act 2002 to advise where laws and regulations may create barriers to entry and competition or channel markets in a particular direction, thereby holding back innovation and progress. The Government broadly accepted the conclusions of similar OFT and Competition Commission investigations into the markets for pharmacies, private dentistry and prescription-only veterinary medicines.

In considering OFT's recommendations on taxis, the Government have consulted stakeholders and taken into account the many representations received. The Government has also taken into account the reports of the Transport Select Committee.

I attach below the Government's action plan responding to OFT's recommendations. This action plan relates to England and Wales. Legislation regarding the taxi market is devolved in Scotland and Northern Ireland and they have responded separately.

*Restrictions on the numbers of taxis*

In England and Wales outside London, local authorities (district/borough councils or unitary authorities) have been able to restrict the number of taxi licences that they issue since at least 1847. In practice, some 45 per cent. of authorities do so at present, but the legislation allows them to control numbers only if they are satisfied that there is no significant unmet demand.

Local authorities with quantity restrictions must be able to justify their policy in the event of an appeal by a taxi licence applicant who has had his application refused on the grounds of quantity controls. The usual method of ascertaining the level of demand is by means of a survey. The legislation does not stipulate any specific frequency for the surveys, but any licensing authority which controlled taxi numbers would want to ensure that its policy was based on up-to-date and sound information.

The OFT recommended that local authorities should not retain this power because they considered that such restrictions can:

- reduce the availability of taxis

- increase waiting times for consumers

- reduce choice and safety for consumers

- restrict those wanting to set up a taxi business.

The Government agree that consumers should enjoy the benefits of competition in the taxi market and considers that it is detrimental to those seeking entry to a market if it is restricted. The Government are therefore strongly encouraging all those local authorities who still maintain quantity restrictions to remove restrictions as soon as possible. Restrictions should only be retained if there is a strong justification that removal of the restrictions would lead to significant consumer detriment as a result of local conditions.

18 Mar 2004 : Column 34WS

However, the Government received a significant number of representations expressing the view that ultimately local authorities remain best placed to determine local transport needs and to make the decisions about them in the light of local circumstances. The Government believe that local authorities



should be given the opportunity to assess their own needs, in the light of the OFT findings, rather than moving to a legislative solution.

Nevertheless the Government believe that local authorities should publish and justify their reasons for restricting the number of taxi licences issued. The Government will therefore write shortly to each district/borough council or unitary authority maintaining quantity restrictions and ask them to review by 31 March 2005 the local case for such restrictions, and at least every three years thereafter, and make their conclusions available to the public.

The Government intend that the letter will include guidelines on quantity restrictions, including a review of the level of service available to consumers and consumer choice. The guidelines will cover:

effective surveys to measure demand, including latent demand, for taxi services;

consultation with:

- all those working in the market;

- consumer and passenger (including disabled) groups;

- groups which represent those passengers with special needs;

- the police;

- a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers.

publication of conclusions. This will include an explanation of the particular local circumstances which justify restrictions, what benefits they deliver to consumers and how decisions on numbers have been reached. Authorities will be encouraged to make all the evidence gathered to support the decision-making process available for public scrutiny.

This is to ensure that decisions to impose restrictions are based upon strong up-to-date evidence of benefits to consumers locally for their retention, and that the decision-making process is transparent and consultative. The Government consider that this would help local authorities with quantity restrictions to justify their policy if they were challenged about refusing to issue a taxi licence in the courts. If restrictions are not shown to be delivering

clear benefits to consumers, it is the view of Government that local authorities should remove them.

The Government itself will review in association with the OFT the extent of quantity controls in three years' time to monitor progress towards the lifting of controls. If necessary, the Government will then explore further options through the RRO or legislative process if insufficient progress has been made. The Local Transport Plan process requires local transport authorities to look holistically at how the transport provision for their area contributes to wider objectives such as economic growth, accessibility and the environment. Taxis and private hire vehicles are an integral part of local transport provision and should be properly taken into account in this process. The Government intends that the next five-year Local

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Transport Plans, due to be submitted by authorities in 2005, will include justification of any quantity restrictions in the wider local transport context<sup>1</sup>.

The Government will also include guidelines on quantity restrictions in its best practice guidance on taxi licensing.

*Maintaining quality in service provision*

The OFT states that there is a strong case for regulating quality and safety both for taxis and PHVs as:

consumers cannot judge certain standards when getting into a taxi or PHV; and

taxi services can have a role to play in broader social welfare policy.

The OFT concludes that quality and safety standards should be maintained and supported by effective enforcement. The Government agree.

The OFT recognizes that local authorities should be able to apply quality and safety regulations to suit their needs. In doing this, local authorities should ensure that any quality and safety specifications set do not go beyond what is required to achieve their policy aim. To help them, OFT recommended that the Department for Transport promote and disseminate local best practice in applying quality and safety regulations.

The Government agree with OFT that quality standards have an important role to play in securing the safety of the travelling public and ensuring that

they are provided with a high level of service. The Government also agree that these decisions should continue to be made by local authorities, but considers that there is scope for more sharing of best practice, particularly in ensuring proportionality.

The Government will therefore consult local authorities and other stakeholders in order to develop and publish best practice guidance as OFT recommend.

The Government intend that this will comprehensively cover licensing issues, including suitable criteria for licensed vehicles, drivers and PHV operators; driver training; safety; security and other topical issues. The draft guidance will also include sections on quantity controls; fares (see below); enforcement; taxi zones; flexible transport services; and a model taxi/PHV policy for the Local Transport Plan process.

The aim would be to consult on draft guidance later this year, with a view to publication by the end of the year.

#### Fares

The OFT recommends that local authorities should not set fixed or minimum fares. They should only set taxi fare tariffs which represent the maximum that can be charged:

- to protect vulnerable consumers;

- to address a lack of price competition; and

- to allow consumers to negotiate lower fares in certain situations.

The Government agree that where taxi fares are set by local authorities they should be a maximum. As the <sup>1</sup> Those few authorities that will not be required to produce a Local Transport Plan will still be expected to justify their quantity restriction policy if any of the districts in their area have such restrictions.

18 Mar 2004 : Column 36WS

OFT notes, this is already the case in England and Wales outside London.

The Government agree that the situation in London should be clarified and is therefore grateful that the licensing authority for London has agreed to make clear through secondary measures that fares set in London are a maximum rather than mandatory as soon as it is feasible to do so.

The Government also note OFT's advice that consumers should be encouraged to negotiate for lower fares, particularly when booking taxi services over the telephone. In promoting more competition in the market, the Government will ask the OFT to advise on guidance as part of the Government's best practice guidance for local authorities (which will also encompass best practice on quality and quantity controls including unmet demand surveys as outlined above). The guidance will make clear that initiatives to promote greater competition should not jeopardise the safety of consumers or drivers, or create enforcement issues. There is scope to encourage some firms to differentiate their services thereby providing a greater range of choice for consumers (for example by providing a "happy hour" of lower cost journeys for, say, pensioners).

Further issues

The OFT also commented on several further issues that concern taxi and PHV licensing but which are outside the remit of the report:

Regulatory Reform Action Plan

The Government's Regulatory Reform Action Plan published in 2002 contained a number of proposals to use the streamlined order-making procedure in the Regulatory Reform Act 2001 to amend burdensome primary legislation. The plan included four proposals for taxi and PHV legislation in England and Wales outside London, which were subject to Ministerial decision. These were:

removing the requirement for Secretary of State approval of local authority resolutions to amalgamate taxi zones;

standardising driver and operator licence duration;

removing local authority powers to restrict taxi licence numbers in their area; and

clarifying/simplifying the position on PHV cross border hirings across the borders of different licensing authorities.

The OFT considered that these proposals represented areas of concern and recommended that they should be addressed. The issue of restrictions of taxi licences is covered earlier in this action plan. The Government are taking forward the repeal of the need for the Secretary of State to approve taxi zone

amalgamation resolutions in the regulatory reform order that will repeal various local authority consent regimes. The Government will include the issues of driver and operator licence duration and cross border hirings of PHVs (and taxis) for consultation in the draft best practice guidance.

Department for  
**Transport**

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Out Ref: PT2 10/9/030



16 June 2004

Dear Sir/Madam,

**Government request to all councils restricting the number of taxi licences in England and Wales outside London to review Quantity Control policies**

1. I am writing to ask you, following the announcement of a Government Action Plan for taxis (and private hire vehicles), to review your local policy to restrict the number of taxi licences that you grant and to publish the outcome by 31<sup>st</sup> March 2005.

Background to this letter

2. As you will know, the Office of Fair Trading published a market study into the regulation of taxis and private hire vehicles in the UK in November 2003. The Government responded in respect of England and Wales on 18<sup>th</sup> March by means of a Written Statement in the House of Commons.
3. The Written Statement included an Action Plan for Taxis and Private Hire Vehicles that I attach as annex A to this letter. Paragraphs 1 to 11 of the Action Plan, in particular paragraphs 4 to 8, cover restrictions on the number of taxi licences issued by licensing authorities.
4. As a result, this letter is for the attention of those taxi licensing authorities in England and Wales outside London that restrict the number of taxi licences that they issue. I am addressing this letter to the Chief Executives of the councils listed at Annex B<sup>1</sup>. For ease, I enclose a further copy for the appropriate taxi licensing officer. I am also copying this letter for information to the Chief Executives of County Councils and

<sup>1</sup> Please note this list has been compiled from the latest information that we hold centrally, but some councils may have subsequently changed their local policy with regard to quantity restrictions. In such cases, we should be grateful if you would let us know of the policy change.

Southampton

Passenger Transport Executives who will need to include justification of local policies to restrict taxi licences in their Local Transport Plans<sup>2</sup>.

#### The power to issue taxi licences

5. Section 37 of the Town Police Clauses Act 1847, as amended by section 16 of the Transport Act 1985, enables district/borough councils or unitary authorities to license taxis within their area and to restrict the number of taxi licences issued only if they are satisfied that there is no significant unmet demand for taxi services in their area.
6. In effect, this means that a council can:
  - issue a taxi licence to any applicant meeting the local application criteria
  - grant at least such number of taxi licences as it considers necessary to ensure that no significant unmet demand remains
  - refuse to grant additional taxi licences provided that it is satisfied that there is no significant unmet demand.

However

- if a council is unsure of the presence or absence of significant unmet demand it is not in a position to refuse to grant a taxi licence provided the application criteria are met.

#### The Government's position

7. The Action Plan makes clear that the Government believes restrictions should only be retained where there is shown to be a clear benefit for the consumer, and that councils should publicly justify their reasons for the retention of restrictions and how decisions on numbers have been reached. Thus, the Government considers that, unless a specific case can be made, it is not in the interests of consumers for market entry to be refused to those who meet the application criteria.
8. However, the Government also makes clear in the Action Plan that local authorities remain best placed to determine local transport needs and to make the decisions about them in the light of local circumstances. So it is not proposing at this time to take away the power to restrict taxi licences from local authorities.

#### What we are asking you to do

9. Accordingly, **we ask you to review the case for restricting taxi licences for your area and to make that review public.**
10. Though this is a new request, we do not consider that this should be burdensome in the light of what you should already be doing for your licensing area in respect of issuing taxi licences.

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<sup>2</sup> Those few authorities that will not be required to produce a Local Transport Plan will still be expected to justify their quantity restriction policy if any of the districts in their area have such restrictions.

11. It is of course for you to make the case for your area in the light of your local knowledge of local needs and circumstances. Inevitably, this will mean that you will need to know whether or not there is any unmet demand for taxi services in your area. For example, if your understanding of (unofficial) taxi plate values in your district is that they are high, this would seem to indicate that there is significant unmet demand for taxis in your area.
12. Unless you are confident of the situation in this regard in your area, your consideration may therefore necessitate an unmet demand survey. However, such a survey may not be necessary if a recent survey can be demonstrated to have addressed the issues adequately.
13. In those areas that need to undertake a new unmet demand survey, the Action Plan makes clear that for the survey to be effective, latent demand should be taken into account.
14. To help you formulate and carry out a comprehensive review and reach a satisfactory conclusion, we thought it might be useful to provide some questions that highlight the issues that you will almost certainly need to take into consideration. The checklist of questions is at Annex C. Please note that the checklist is not exhaustive, but is offered in the spirit of aiding local consideration.
15. In reaching your decision, we would also ask you to take into account the advice we issued to all councils about local accessibility policies in September 2002. In particular, if you are lifting restrictions or issuing new taxi licences because you have found unmet demand in your area, we would urge you to consider whether the new licences should be for accessible vehicles. For ease, that advice is attached at Annex D.
16. We would encourage you to make all the evidence gathered to support the decision-making process available for public scrutiny.
17. Those councils who have not undertaken an unmet demand survey for some time and now decide to do so, might find it helpful to consult neighbouring, local councils who have recent experience of such surveys.
18. **We would ask you to make your conclusions public by 31<sup>st</sup> March 2005 and would appreciate a copy of them no later than 30<sup>th</sup> April 2005.**
19. **It seems to us that the outcome of your review will be either (i) to deregulate and thereby grant a taxi licence to anyone meeting the application criteria, or (ii) to continue restricting the number of taxi licences issued. In that instance, three scenarios would appear to be possible outcomes:**
  - **maintaining the current limit of taxi licences;**
  - **granting a number of new licences to meet the unmet demand that you have identified by means of a new survey;**

Southampton



- **granting a specific number of new taxi licences each year.**

Future requirements

20. The justification by 31<sup>st</sup> March 2005 is a one-off requirement for local councils. The Action Plan sets out the following on-going arrangements for councils continuing to restrict taxi licences:

- a three yearly review, with published conclusions
- justification of the local policy for quantity restrictions in the 5 yearly Local Transport Plan process.

21. The Action Plan commits the Government to review the situation regarding quantity controls in three years' time, with a view to further action if necessary.

22. We look forward to hearing from you.

Yours faithfully,



R F Cope

Southampton

## **The Government's Action Plan for Taxis and Private Hire Vehicles in England and Wales**

### **Restrictions on the numbers of taxis**

- 1 In England and Wales outside London, local authorities (district/borough councils or unitary authorities) have been able to restrict the number of taxi licences that they issue since at least 1847. In practice, some 45% of authorities do so at present, but the legislation allows them to control numbers only if they are satisfied that there is no significant unmet demand.
- 2 Local authorities with quantity restrictions must be able to justify their policy in the event of an appeal by a taxi licence applicant who has had his application refused on the grounds of quantity controls. The usual method of ascertaining the level of demand is by means of a survey. The legislation does not stipulate any specific frequency for the surveys, but any licensing authority which controlled taxi numbers would want to ensure that its policy was based on up to date and sound information.
- 3 The OFT recommended that local authorities should not retain this power because they considered that such restrictions can:
  - a) reduce the availability of taxis
  - b) increase waiting times for consumers
  - c) reduce choice and safety for consumers
  - d) restrict those wanting to set up a taxi business.
- 4 The Government agrees that consumers should enjoy the benefits of competition in the taxi market and considers that it is detrimental to those seeking entry to a market if it is restricted. The Government is therefore strongly encouraging all those local authorities who still maintain quantity restrictions to remove restrictions as soon as possible. Restrictions should only be retained if there is a strong justification that removal of the restrictions would lead to significant consumer detriment as a result of local conditions.
- 5 However, the Government received a significant number of representations expressing the view that ultimately local authorities remain best placed to determine local transport needs and to make the decisions about them in the light of local circumstances. The Government believes that local authorities should be given the opportunity to assess their own needs, in the light of the OFT findings, rather than moving to a legislative solution.
- 6 Nevertheless the Government believes that local authorities should publish and justify their reasons for restricting the number of taxi licences issued. The Government will therefore write shortly to each district/borough council or unitary authority maintaining quantity restrictions and ask them to review by 31<sup>st</sup> March 2005 the local case for such restrictions, and at least every three years thereafter, and make their conclusions available to the public.

- 7 The Government intends that the letter will include guidelines on quantity restrictions, including a review of the level of service available to consumers and consumer choice. The guidelines will cover:
- a) **effective surveys** to measure demand, including latent demand, for taxi services;
  - b) **consultation with:**
    - i) all those working in the market;
    - ii) consumer and passenger (including disabled) groups;
    - iii) groups which represent those passengers with special needs;
    - iv) the police
    - v) a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers.
  - c) **publication** of conclusions. This will include an explanation of the particular local circumstances which justify restrictions, what benefits they deliver to consumers and how decisions on numbers have been reached. Authorities will be encouraged to make all the evidence gathered to support the decision-making process available for public scrutiny.
- 8 This is to ensure that decisions to impose restrictions are based upon strong up-to-date evidence of benefits to consumers locally for their retention, and that the decision-making process is transparent and consultative. The Government considers that this would help local authorities with quantity restrictions to justify their policy if they were challenged about refusing to issue a taxi licence in the courts. If restrictions are not shown to be delivering clear benefits to consumers, it is the view of Government that local authorities should remove them.
- 9 The Government itself will review in association with the OFT the extent of quantity controls in three years' time to monitor progress towards the lifting of controls. If necessary, the Government will then explore further options through the RRO or legislative process if insufficient progress has been made.
- 10 The Local Transport Plan process requires local transport authorities to look holistically at how the transport provision for their area contributes to wider objectives such as economic growth, accessibility and the environment. Taxis and private hire vehicles are an integral part of local transport provision and should be properly taken into account in this process. The Government intends that the next 5-year Local Transport Plans, due to be submitted by authorities in 2005, will include justification of any quantity restrictions in the wider local transport context<sup>3</sup>.
- 11 The Government will also include guidelines on quantity restrictions in its best practice guidance on taxi licensing.

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<sup>3</sup> Those few authorities that will not be required to produce a Local Transport Plan will still be expected to justify their quantity restriction policy if any of the districts in their area have such restrictions.

### **Maintaining quality in service provision**

- 12 The OFT states that there is a strong case for regulating quality and safety both for taxis and PHVs as:
- a) consumers cannot judge certain standards when getting into a taxi or PHV; and
  - b) taxi services can have a role to play in broader social welfare policy.
- 13 The OFT concludes that quality and safety standards should be maintained and supported by effective enforcement. The Government agrees.
- 14 The OFT recognises that local authorities should be able to apply quality and safety regulations to suit their needs. In doing this, local authorities should ensure that any quality and safety specifications set do not go beyond what is required to achieve their policy aim. To help them, OFT recommended that the Department for Transport promote and disseminate local best practice in applying quality and safety regulations.
- 15 The Government agrees with OFT that quality standards have an important role to play in securing the safety of the travelling public and ensuring that they are provided with a high level of service. The Government also agrees that these decisions should continue to be made by local authorities, but considers that there is scope for more sharing of best practice, particularly in ensuring proportionality.
- 16 The Government will therefore consult local authorities and other stakeholders in order to develop and publish best practice guidance as OFT recommend. The Government intends that this will comprehensively cover licensing issues, including suitable criteria for licensed vehicles, drivers and PHV operators; driver training; safety; security and other topical issues. The draft guidance will also include sections on quantity controls; fares (see below); enforcement; taxi zones; flexible transport services; and a model taxi/PHV policy for the Local Transport Plan process.
- 17 The aim would be to consult on draft guidance later this year, with a view to publication by the end of the year.

### **Fares**

- 18 The OFT recommends that local authorities should not set fixed or minimum fares. They should only set taxi fare tariffs which represent the maximum that can be charged:
- a) to protect vulnerable consumers;
  - b) to address a lack of price competition; and
  - c) to allow consumers to negotiate lower fares in certain situations.
- 19 The Government agrees that where taxi fares are set by local authorities they should be a maximum. As the OFT notes, this is already the case in England and Wales outside London. The Government agrees that the situation in London should be clarified and is therefore grateful that the licensing authority for London has agreed to make clear through secondary measures that fares set in London are a maximum

rather than mandatory as soon as it is feasible to do so.

- 20 The Government also notes OFT's advice that consumers should be encouraged to negotiate for lower fares, particularly when booking taxi services over the telephone. In promoting more competition in the market, the Government will ask the OFT to advise on guidance as part of the Government's best practice guidance for local authorities (which will also encompass best practice on quality and quantity controls including unmet demand surveys as outlined above). The guidance will make clear that initiatives to promote greater competition should not jeopardise the safety of consumers or drivers, or create enforcement issues. There is scope to encourage some firms to differentiate their services thereby providing a greater range of choice for consumers (for example by providing a "happy hour" of lower cost journeys for, say, pensioners).

#### **Further issues**

- 21 The OFT also commented on several further issues that concern taxi and PHV licensing but which are outside the remit of the report:

#### **Regulatory Reform Action Plan**

- 22 The Government's Regulatory Reform Action Plan published in 2002 contained a number of proposals to use the streamlined order-making procedure in the Regulatory Reform Act 2001 to amend burdensome primary legislation. The plan included four proposals for taxi and PHV legislation in England and Wales outside London, which were subject to Ministerial decision. These were:
- a) removing the requirement for Secretary of State approval of local authority resolutions to amalgamate taxi zones
  - b) standardising driver and operator licence duration
  - c) removing local authority powers to restrict taxi licence numbers in their area
  - d) clarifying/simplifying the position on PHV cross border hirings across the borders of different licensing authorities.
- 23 The OFT considered that these proposals represented areas of concern and recommended that they should be addressed. The issue of restrictions of taxi licences is covered earlier in this action plan. The Government is taking forward the repeal of the need for the Secretary of State to approve taxi zone amalgamation resolutions in the regulatory reform order that will repeal various local authority consent regimes. The Government will include the issues of driver and operator licence duration and cross border hirings of PHVs (and taxis) for consultation in the draft best practice guidance.

### Taxi Licensing Zones

24 The OFT considers that where taxi licensing areas are divided into more than one zone, greater clarity would be brought to the market if local authorities removed the zones and established a single licensing area. The Government agrees and will include a statement to this effect in the draft best practice guidance.

**ANNEX B**

## Local Licensing Authorities Operating Quantity Control Policies

Adur	Dover
Amber Valley	Durham
Ashford	Easington
Aylesbury Vale	East Lindsey
Babergh	East Northants
Barnsley	East Riding UA
Barrow-in-Furness	Eastbourne
Basildon	Eastleigh
Basingstoke	Ellesmere Port
Bassetlaw	Exeter
Bath & NE Somerset UA	Fylde
Bedford	Gosport
Blackburn Darwen UA	Great Yarmouth
Blackpool UA	Guildford
Blyth Valley	Gwynedd
Bournemouth UA	Halton UA
Bradford	Harlow
Braintree	Harrogate
Brighton and Hove UA	Hastings
Burnley	Havant
Calderdale	High Peak
Cardiff	Huntingdonshire
Carrick	Hyndburn
Castle Point	Ipswich
Chelmsford	Kerrier
Cherwell	Kettering
Chester	Kings Lynn
Chester-le-Street	Kingston-upon-Hull
Chorley	Kirklees
Colchester	Knowsley
Congleton	Lancaster
Conwy	Leeds
Copeland	Leicester UA
Corby	Lincoln
Crawley	Liverpool
Denbighshire	Luton UA

Maidstone	Southend-on-Sea UA
Manchester	St Edmundsbury
Merthyr Tydfil	St Helens
Middlesbrough UA	Stevenage
Mole Valley	Stockport
New Forest	Stoke-on-Trent UA
Newcastle on Tyne	Stratford-upon-Avon
Newcastle-under-Lyme	Sunderland
North East Lincolnshire UA	Swindon UA
Nottingham UA	Tameside
Oldham	Teignbridge
Oxford	Test Valley
Pendle	Thanet
Penwith	Thurrock UA
Plymouth UA	Torbay UA
Poole UA	Torfaen
Portsmouth UA	Torridge
Preston	Trafford
Reading UA	Tunbridge Wells
Reigate and Banstead	Wakefield
Restormel	Walsall
Ribble Valley	Wansbeck
Richmondshire	Warrington UA
Rochdale	Watford
Rotherham	West Somerset
Rugby	Weymouth
Salford	Wigan
Scarborough	Windsor and Maidenhead UA
Sefton	Woking
Selby	Wolverhampton
Slough UA	Worthing
Solihull	Wrexham
South Bedfordshire	Wycombe
South Ribble	Wyre
South Tyneside	Wyre Forest
Southampton UA	York UA



**Useful questions when assessing quantity controls of taxi licences**

- Have you taken into account the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

**Questions relating to the policy of controlling numbers**

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

**Questions relating to setting the number of taxi licences**

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you taken into account latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

**Questions relating to consultation and other public transport service provision**

- When consulting, have you included etc
  - all those working in the market;
  - consumer and passenger (including disabled) groups;
  - groups which represent those passengers with special needs;
  - local interest groups, eg hospitals or visitor attractions;
  - the police;
  - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

**Extract from DfT advice letter of September 2002**

**Local accessibility policies for taxis prior to taxi regulations being made under the Disability Discrimination Act 1995**

1. As you know, we planned to make taxi accessibility regulations under the Disability Discrimination Act 1995 (DDA) effective between 2002 and 2012. When we realised that this could not be achieved in a way that would be acceptable to both disabled people and the taxi trade, the Minister announced in 2000 that regulations would not be introduced in 2002. Since that time we have been exploring a range of options to help to increase the number of accessible taxis available to disabled people throughout the country. We hope to issue further information on our future plans shortly.
2. In the meantime, local licensing authorities may of course make their own policy with regard to accessible taxis for their area, and many do so.
3. As we suggested in our letter to Chief Executives of 31 January 2000, local licensing authorities wishing to set local accessibility standards are advised to look at the various accessible vehicles on offer and judge their suitability against local circumstances and operating conditions. One effective way of making comparisons is to invite several manufacturers to present vehicles on the same day and to invite local disability organisations to try out the options and to offer comments. There are a number of vehicles currently available, which offer good accessibility, and from discussions with industry the Department expects that several vehicles are likely to be suitable.
4. We would stress that the adoption of a policy for accessible taxis is entirely a matter for local consideration and decision. There are several options for such policies which could result in the taxi fleet being wholly or partly accessible. Some authorities require the whole taxi fleet to be accessible whilst others require all new taxi licences issued to be for accessible vehicles only. Moreover, some authorities in areas where the number of taxi licences is controlled have issued additional licences specifically for accessible vehicles in order to improve the number of accessible taxis in their area.
5. In assessing the accessibility of particular vehicles, licensing authorities will want to ensure that they meet the needs of the widest range of disabled people, not only those who are wheelchair users. They will also wish to assure themselves that the equipment provided for wheelchair access and securing is appropriate. For example, the design should allow for wheelchair users to travel facing forward or rearward – never sideways.
6. The choice of vehicle is clearly important. However, unless the drivers know how to use the equipment which is provided for disabled people, for example, the ramps for wheelchair access, and have an understanding of the needs of disabled people, then many of the benefits of accessible transport will be lost. Licensing

authorities will therefore want to consider what training is necessary for drivers, both would-be and existing, to help them better meet the needs of their disabled passengers.

7. We know that some authorities have been holding back on any local initiative in this area in anticipation of national regulations. We would urge them not to do so. As and when any national requirements are introduced there will be a sufficient lead-time for any necessary changes to be made. In the meantime licensing authorities may be able to make significant improvements in the availability of taxis to disabled people in their area.
8. Some points to consider and questions which we consider might be useful for licensing authorities when making an accessibility policy for their area are attached as an annex to this letter. Please note that neither list is meant to be exhaustive.

**Annex to September 2002 letter:**

**POINTS TO CONSIDER WHEN ASSESSING VEHICLES**

- Other authorities may already have experience of introducing accessible vehicles, or are in the process of doing so. Sharing experience and resources may be useful.
- The vehicles should be available for viewing, but it might also be useful to invite the companies involved to provide data on the basic specification of their vehicles, and information on any optional extras. This information can then be made available to those attending the viewing or to others with an interest who are unable to attend in person. The companies should also make clear what specification of their vehicle is on display.
- It will be important to involve local disabled people and their organisations in the assessment process. In doing so authorities will want to consider the accommodation provided – which should preferably be somewhere with weather protection and access to facilities such as toilets and refreshments. They will also need to ensure disabled people can get to the venue and may wish to provide transport support.
- Authorities will want to ensure that the vehicles meet the needs of the widest range of disabled people, not only those who are wheelchair users.
- The wheelchair users who participate should ideally represent a cross-section of wheelchair users, eg users of both manual and powered wheelchairs. They should be invited to look at wheelchair entry, exit and the restraint equipment provided for wheelchairs and occupants.
- This exercise should help authorities to establish their minimum standard for accessible taxis which ideally should provide for a range of vehicles, catering for the needs of the widest range of disabled people. A list of the vehicles, including the specifications, which are accepted for licensing should be publicly available.

- It is important, however, that new designs of vehicle are not excluded because they do not feature on the published list. The minimum standard set by the authority could, therefore, be used as the benchmark against which to assess any new vehicle presented to the authority for licensing as a taxi.

### **USEFUL QUESTIONS WHEN ASSESSING VEHICLES**

#### ***Entry for Ambulant and Semi-ambulant Passengers***

How easy do people find it to enter and exit the vehicle?

How easy is it to open and close the door from both inside and outside the vehicle?

Are grab handles provided in appropriate places; are they highly visible and are they helpful?

Would the doors be sufficiently illuminated at night?

#### ***Assisted Entry***

On vehicles with a high floor height, is a step provided and how easy is it to use?

Is a swivel seat provided and how helpful is it?

#### ***Entry for wheelchair users***

How easy is it for wheelchair occupants to enter, exit and manoeuvre within the vehicle?

Are the wheelchair and occupant restraint systems suitable for a range of wheelchairs?

#### ***Internal Features***

How easy is it for people with different disabilities to locate and operate passenger controls within the passenger area?

#### ***Safety Considerations***

Is there a slip-resistant surface to the ramp, step (where fitted) and vehicle floor?

What is the Safe Working Load of the ramp?

Do the wheelchair and occupant restraint systems secure the wheelchair and occupant safely? Have they been tested in the vehicle?

Are the wheelchair and occupant restraint systems easy to use?

To which one of the following has the vehicle been tested in the converted state:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Approval?