

Wednesday 1 November 2006
at 6.00pm



General Licensing Committee

MEMBERS: Councillor Mrs MURRAY (Chairman) Councillor BOWKER (Deputy Chairman), Councillors Mrs GOODALL, HARRIS, HERBERT, LACEY OBE, MARSH, Mrs POOLEY, Mrs SIMS, STEVENS, TAYLOR, WALLIS and Miss WOODALL.

(Apologies for absence were reported from Councillors Mrs Angel and Tester).

4 Minutes

The minutes of the meeting held on 16 October 2006 were submitted and approved and the Chairman was authorised to sign them as a correct record.

5 Declaration of Interests.

None were received.

6 Outcome of Study of Demand for Hackney Carriages.

The Committee considered the report of the Licensing Manager regarding the results of a study into the provision and use of taxi services in the Borough.

The Council's current limit on the number of hackney carriage licences (plates) was 84, a number unchanged since 1976. The Transport Act 1985 requires a licensing authority to grant a hackney carriage licence to any valid applicant unless it was satisfied that there was no significant unmet demand.

The last independent survey conducted on unmet demand in 2000 had concluded that there was no significant unmet demand for taxis but there appeared to be a shortage of wheelchair accessible vehicles. The Planning and Licensing Committee at its meeting on 4 April 2000 resolved not to issue further hackney carriage licences at that time.

The Committee at its meeting on 9 March 2005 had considered a report on options for changes to the Council's current policy of restricting the number of hackney carriages in response to the Government's Action Plan for Taxis and Private Hire Vehicles. It was agreed that consultation be carried out with the hackney carriage and private hire trade and representatives of key businesses and organisations. The results of the consultation were reported to Committee on 2 August 2005 when it was agreed that the Council's current policy of restricting the number of hackney carriage licenses be maintained.

In accordance with the requirement to justify a restriction policy, a survey had been conducted by MCL Limited to assess the overall demand for hackney carriage services. This had included the suitability and location of ranks and the provision of services for disabled people. A copy of the results of the survey had been circulated and a presentation of the key findings was made by the consultants.

The results indicated that, assuming no significant unforeseen development in economic activity, a minimum of 6 new hackney carriage licences should be issued immediately. Subject to monitoring the position, this would allow the Council to justify a policy of quantity control over a period of several years and would require further surveys at a minimum of three year intervals.

The research and consultation had highlighted that although ample rank space was available, much of it was under utilised. A number of recommendations were made to encourage greater use of rank space, recognising the need for a strategy to plan for taxi ranks as part of the town centre redevelopment.

Reference was made to the fleet mix and services for people with mobility difficulties and the case for an increase in the number of accessible vehicles available for hire. Vehicle design standards for compliance with the Disability Discrimination Act were uncertain, although developments in design and choice of alternative accessible taxis in recent years could bridge the gap between saloon cars and "London" taxis in purchase and running costs. Disabled people generally benefited from a variety of vehicle designs within the fleet and this should be considered for any licences issued in the future.

Mr B Morris (Eastbourne and Country) had submitted a detailed response to the survey and raised a number of concerns. The survey had been undertaken in June and July, which was considered the busiest time of the summer for the trade. The survey had also coincided with the World Cup which would have affected waiting times for passengers owing to the peaks before and after key matches. Concerns were also raised regarding the allocation of time spent monitoring the individual ranks. The busiest rank at the Railway Station had been monitored for 37 hours, 27 of which were on a Friday and Saturday, and the rank at Gildredge Road, which was not used by the trade, had been monitored for 32 hours. Similar concerns were raised regarding the timings of the surveys for Ashford Road, Bolton Road and Old Town High Street ranks. Reference was also made to the late afternoon shortage of available taxis, which could be explained by the amount of school transport work undertaken by the trade.

The report had recognised the seasonal factors which could influence the pattern of demand for travel during the survey. The consultants reported that the month of June had been selected as it could not be viewed as untypical; being not during the main summer peak period and not when demand was likely to be at its lowest. The majority of the rank survey fieldwork was undertaken before the start of the 2006 World Cup, and they stated their confidence that this did not affect the results in any significant way.

One period of the survey which had coincided with the day of an England group match and strike action on the local buses had been repeated. Overall, it was considered that the circumstances at the time of the study were reasonably typical and representative. All ranks had been included in the survey at all times when demand could be expected. At the main ranks the schedule was designed so that all times of day were represented on weekdays and weekends.

Mr B Morris addressed the Committee and made reference to the lack of viable ranks in the town which was exacerbated by parking restrictions not being enforced in the town centre. It was suggested that a change to the design of the Pier Head rank to a queuing system would encourage use of this rank. He contended that the survey was not a fair reflection of the taxi trade for the reasons set out in his letter. The results had indicated that only 1% of all hiring's waited for more than 10 minutes. The release of a maximum of 6 plates was supported, possibly in groups of 3, six to twelve months apart.

Mr F Hafernik, Director of the National Taxi Association, addressed the Committee regarding a study on disabled transport issues due to published in February 2007. This would provide guidance on accessible vehicle designs and it would be premature at this stage to place a condition on any new licences released specifying that they should be for wheelchair accessible vehicles. Reference was also made to the Department of Transport best practice guidance which stated that surveys should not be paid for by the local taxi trade, except through general revenues from licence fees. The Licensing Manager advised that other local authorities would be contacted to determine the current practice, with an update being reported to the Taxi Forum. It was also reported that the trade would be consulted on the strategy for ranks in the town as part of the town centre redevelopment.

Mr P Smith (Hackney Carriage proprietor) addressed the Committee on the methodology used to assess passenger waiting times. As some ranks offered a free phone telephone service for private hire vehicles, how did the survey distinguish the passengers waiting for a taxi? He stated that passengers requiring a wheelchair accessible vehicle predominantly used the private hire trade. Reference was made to the problems created by traffic management in the town centre. Congestion in the town, particularly at rush hour and during school finishing times also delayed taxis returning to the ranks.

The Principal Lawyer advised the Committee of the legal requirements as to quantity restrictions which were set out in the Transport Act 1985. The law provided that the Committee should not limit the granting of licences unless it was satisfied that evidence existed to show that there was no significant unmet demand. Based on the findings of the survey, the consultants' recommendation had been that a minimum of 6 new licences should be issued given that they had found significant unmet demand. If the Committee were to impose a limitation, especially one that was other than that recommended by the consultants, then the Committee would need to provide public justification for the reasons for the restriction and the rationale for how the decision as to numbers was reached. The Committee's

attention was also drawn to Government guidance which required a licensing authority deciding whether or not to limit numbers to be guided by the interests of the travelling public. In making its decision, the Committee should address the customer detriment thought likely to arise from removing the limit on numbers as well as, conversely, how customers might benefit from maintaining the limit.

Some Members supported the release of 6 additional licences as a maximum figure. Some Members felt that the issue of 3 additional plates was sufficient, which could be justified given the current problems with the ranks and that the vehicle design standards to improve taxi provision for people with disabilities was still being assessed by the Department of Transport. The problem associated with ranks in the Town was of continued concern, and reference was made to the lack of effective police action in enforcing parking restrictions at night. It was essential that there was sufficient rank space for licensed vehicles to stand when not in use. A number of practical suggestions to improve rank usage had been suggested within the report and it appeared that some issues could be solved relatively easily, such as a redesign of the Pier Head rank. Councillor Lacey proposed that the Scrutiny Committee be requested to look at the issue of taxi ranking in the Town.

RESOLVED: (1) (By 9 votes to 3) That six hackney carriage plates be released, to be phased over 6 months.

(2) (By 12 votes to 1) That the following conditions be attached to the issue of the licences:

- (i) A licence shall only be released and approved for use at all times by wheelchair accessible vehicles only, of a type which meets European Union Whole Vehicle approval.
- (ii) That the licence is not issued to a person who is currently licensed as a hackney carriage proprietor in the Borough.
- (iii) The vehicle shall only be used by a driver who is currently licensed by Eastbourne Borough Council.
- (iv) The vehicle shall not be sold, transferred or otherwise disposed of within a period of 1 year.
- (v) To ensure that licences are obtained in a timely fashion, successful applicants must complete the licensing procedure within 3 months of the date of being allocated a licence. The issue offer will be withdrawn if the licensing procedure is not completed within that period.

(3) That a further report be submitted to Committee at the earliest opportunity to consider how the licences should be allocated.

(4) That Scrutiny Committee is requested to set up a task group to look at taxi ranking in the Town and make recommendations to East Sussex County Council accordingly.

The meeting closed at 8.13 p.m.

**Mrs A Murray
Chairman**