

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	21 August 2018
REPORT TITLE	Taxi Demand Survey
REPORT NUMBER	GOV/18/070 & 71
DIRECTOR	Fraser Bell
REPORT AUTHOR	Lynn May
TERMS OF REFERENCE	No 3

1. PURPOSE OF REPORT

- 1.1. To present to the Committee the 2018 Taxi Demand Survey attached as Appendix 1 to this report which also includes a Private Hire Overprovision Assessment and a Review of Taxi Rank provision in Aberdeen, (“the Survey”).

2. RECOMMENDATION(S)

That the Committee:

- 2.1. notes the results and recommendations of the Survey.
- 2.2. agrees that there is currently no evidence of significant unmet demand for the services of taxis in Aberdeen and therefore no need to increase the limit on the number of taxi licences.
- 2.3. agrees that there is no evidence of the overprovision of private hire cars in the locality of the City of Aberdeen and therefore no need to introduce a cap on private hire car licences.
- 2.4. instructs the Chief Officer-Governance to consult on an informal basis with the Chief Officer Operations, as representative of the Council as Roads authority, the Chief Constable, Police Scotland, and the Taxi and Private Hire Car Consultation Group regarding the suggestion for establishing new taxi ranks at Upperkirkgate and Guild Street and discuss the under use of the ranks at St Andrews Street and Dee Street.
- 2.5. instructs the Chief Officer-Governance, to discuss with the Taxi and Private Hire Car Consultation Group, measures which could encourage more of the licensed vehicle fleet to operate during unsocial hours and which would help to address limitations in provision during such hours.

3. BACKGROUND

- 3.1 As provided in the Civic Government (Scotland) Act 1982, the Licensing Committee is entitled to refuse applications for the grant of taxi licences for the purposes of limiting the number of taxis in Aberdeen. However, it can only do so if it is satisfied that there is no significant unmet demand for the services of taxis in the City of Aberdeen. In order to satisfy themselves whether there is a significant unmet demand for taxis or not, Licensing Authorities should conduct surveys from time to time. Aberdeen City Council as Licensing Authority have conducted regular surveys, for example in 2011, 2014 and the current survey in 2018. Department for Transport Guidance recommends that reviews on demand are conducted every 3 years. The Scottish Government Best Practice Guidance in 2012 states that “licensing authorities should carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court.”
- 3.2. In 2014 the Licensing Committee commissioned a taxi demand survey. The report to Committee in November 2014 concluded that there should be a controlled increase of the limit on taxis, which would involve an additional 30 licences being available, with regular monitoring to ascertain whether such an increase would be sufficient to meet demand. The Committee therefore agreed to increase the limit from 1049 to 1079 taxi licences for the City. There are currently 915 taxi licences operating in the City, 164 below the limit set in 2014.
- 3.3. The Air Weapons and Licensing (Scotland) Act 2015 introduced a similar ground of refusal in respect of the grant of Private Hire Licences. A licensing authority can refuse to grant a private hire car licence where they are satisfied that there already exists (or will exist if the licence is granted) an overprovision of private hire car facilities in the area or locality where the car is to operate. To establish if there is overprovision the authority must have regard to (a) the number of private hire cars operating there, and (b) the demand for private hire car services.
- 3.4. In April 2017 the Committee instructed officers to undertake a further taxi demand survey and a private hire car overprovision assessment, in conjunction with the taxi fare review, to establish the current position with regard to potential significant unmet demand and assess whether there had been any significant change since the report in November 2014.
- 3.5 In June 2017 the Committee also instructed officers to incorporate within the taxi demand survey, to be carried out in 2018, a review of the provision and location of taxi ranks in the City. Recommendation 2.4 asks for an informal consultation with the relevant departments to initially see whether any rank change may be feasible. If, following on from this, it is deemed that this is an option, then a more formal consultation will follow.
- 3.6. The 2018 Survey has now been completed, and the full Survey Report by LVSA is attached for your information (Appendix 1) A representative from LVSA will present the report and its findings to the meeting of the Committee. In summary, the Survey Report concludes :-

- 3.6.1 On the basis of the evidence gathered by the Survey, the key conclusion is that there is no evidence of unmet demand for the services of taxis either patent or latent which is significant at this point in time in the Aberdeen licensing area.
- 3.6.2 There is no overprovision of private hire cars in Aberdeen.
- 3.6.3 Measures which would encourage more of the licensed fleet to operate during unsocial hours would help to address limitations in provision of taxis at night.
- 3.6.4 There is no need to increase the limit to the number of taxi vehicle licences or to introduce a cap on private hire car numbers.
- 3.6.5 With regard to the evaluation of the existing taxi ranks in Aberdeen City and proposals for new ranks, two new ranks are suggested at Upperkirkgate and on Guild Street and two existing ranks were found to be unused either in part or entirely at Dee Street and St Andrew Street.

4. FINANCIAL IMPLICATIONS

- 4.1 The approval of the recommendations will require:
 - 4.1.2 Staff costs of implementing the recommendations 2.4 and 2.5 will be contained within existing approved licensing budgets. If there is to be a full consultation following discussions after 2.4, then there may be some additional cost implications, however these would be identified prior to consultation.

5. LEGAL IMPLICATIONS

- 5.1 The 2018 Taxi Demand Survey consists of three distinct elements, firstly a taxi demand survey, secondly a private hire car overprovision assessment and lastly as instructed by the Committee a review of our current ranks and an assessment of any further provision required in the City. The following paragraphs explain the legal basis and implications for these elements of the Survey.

5.2 Taxi Demand Survey

In terms of Section 10(3) of the Civic Government (Scotland) Act 1982 the Council, as the licensing authority for taxis may instruct a Survey to report on the demand for taxis within their area. A licensing authority may refuse the grant of a taxi licence in order to limit the number of taxis, however in order to refuse on this ground they must be satisfied that there is no significant unmet demand for taxis in their area. this is done by way of a survey. Aberdeen City Council as Licensing Authority have conducted regular surveys, for example in 2011, 2014 and the current survey in 2018. Department for Transport Guidance recommends that reviews on demand are conducted every 3 years. The Scottish Government Best Practice Guidance in 2012 states that “licensing authorities should carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court.” Therefore, the Committee would be due to consider another Demand Survey report in 2021.

5.3 **Private Car Hire Overprovision Assessment**

The Air Weapons and Licensing (Scotland) Act 2015 introduced new sections 10(3A),(3B) and (3C) to Section 10 of the Civic Government (Scotland) Act 1982, allowing a licensing authority to refuse the grant of a private hire car licence if they are satisfied that there is (or, as a result of granting the licence, could be) overprovision of private hire car services in the area in which the private hire car is to operate. In order to use this ground of refusal the authority must be satisfied there is overprovision. To determine whether there is overprovision the authority must have regard to the number of private hire cars operating in the locality and the demand for private hire car services in the locality. The Scottish Government have not yet issued guidance on these new provisions. The Survey report therefore includes for the first time a Private Hire overprovision assessment for the City of Aberdeen.

5.4 **Review of Current Ranks**

Section 19 of the Civic Government (Scotland) Act 1982 authorises a licensing authority to appoint, after consultation, stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him. A licensing authority may also from time to time, after consultation, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof. The Survey therefore provides a review of our current ranks and an assessment of any further provision required in the City.

6 **MANAGEMENT OF RISK**

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	The costs of implementing the recommendations exceed the budget provision available.	L	Close monitoring of the costs committed to the work and the budget available.
Legal	As per paragraph 5 above	L	Compliance with the statutory requirements
Employee	There is no risk to employees arising from the recommendations of this report	L	N/A
Customer	The Demand Survey and Overprovision Assessment will consider the provision of taxi and private hire services and	L	The Survey will be of interest to the citizens of Aberdeen to help improve the provision of

	ranks for the customer/citizen of Aberdeen		taxi and private hire car services in the City.
Environment	There is no risk to the environment arising from the recommendations of this report	L	It is recommended that there is no increase in the limit of taxi licences granted in the City.
Technology	There is no risk to technology arising from the recommendations of this report	L	N/A
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal duty and not carry out a further Demand Survey and Private Hire Overprovision Assessment.	M	As this report is presenting the Demand Survey and Overprovision Assessment for consideration in accordance with the legislation any risk is mitigated.

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The Demand Survey recommendations will not significantly impact on the people of Aberdeen as they have concluded that there is no significant unmet demand for taxis in the City and that there is no overprovision of private hire cars and therefore there is no need to increase the limit on the number of taxi licences or cap the number of private hire cars operating. There are limitations in provision of licensed vehicles at certain times in Aberdeen e.g. weekend nights and it is recommended that measures to address this be discussed with the local taxi trade representatives. The existing taxi ranks have been found to be good but two new ranks are suggested for consideration to help cater for customer need.
Partnerships and Alliances	Currently there will be no impact on the number of taxi licences arising from the survey as it is

	<p>recommended that the limit is not increased. However, given the conclusions of the survey it is recommended that the Committee further discuss with the taxi and private hire consultation group, to encourage more of the licensed vehicle fleet to operate during unsocial hours to help address limitations in provision at night in the City. In addition, it is recommended the committee consult informally with the local taxi trade representatives, its Roads Department and Police Scotland on the suggestions for two new ranks in the City centre and consider two existing ranks which were found to be unused either in part or entirely.</p>
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8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed and not required
Privacy Impact Assessment	Not required
<u>Children's Rights Impact Assessment/Duty of Due Regard</u>	Not applicable

9. BACKGROUND PAPERS

9.1. None

10. APPENDICES

10.1. Appendix 1- The 2018 Taxi Demand Survey

11. REPORT AUTHOR CONTACT DETAILS

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